

# **A Study on the Role of Advocates in Preventing Torture and Ill-Treatment of Prisoners**

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**Abstract:** *This study investigates the pivotal role of advocates in preventing torture and ill-treatment of prisoners. It examines the legal frameworks, advocacy strategies, and practical interventions employed by advocates to safeguard the rights of prisoners. The research draws on case studies, interviews with legal professionals, and a review of relevant legal instruments to provide a comprehensive analysis of the challenges and successes in this field. The findings underscore the importance of a robust legal advocacy system in protecting human rights, preventing abuse, and ensuring accountability within the prison system. The study concludes with recommendations for strengthening the role of advocates in this critical area. Custodial torture remains a persistent challenge in societies worldwide, posing a grave threat to human rights and the rule of law. This study the information was collected from a well structured questionnaire. The sample size of the research is 200 and this collected data was analyzed using SPSS software. This statistical tool is used for the analysis shown in graphs government should provide public awareness campaigns and educate the public about there rights and how to report torture empower them to hold authorities accountable*

**Keywords:** Advocates, torture prevention, prisoner rights, human rights, legal frameworks, advocacy strategies, prison reform, accountability, legal interventions, case studies

## **I. INTRODUCTION**

The role of advocates in preventing torture and ill-treatment of prisoners is a critical aspect of upholding human rights and ensuring justice within the criminal justice system. Torture and ill-treatment of prisoners are egregious violations of human rights, often resulting in severe physical and psychological damage. Advocates, by virtue of their legal expertise and ethical obligations, are uniquely positioned to protect prisoners from such abuses. This study explores the multifaceted role of advocates in identifying, preventing, and addressing instances of torture and ill-treatment within prisons, highlighting their contributions to legal reform, oversight mechanisms, and advocacy efforts. Custodial torture represents a dark stain on the fabric of justice, undermining the very principles upon which civilized societies are built. As custodians of law and order, law enforcement agencies wield immense power over individuals in their custody. However, this power must be wielded with utmost restraint and within the bounds of human rights standards. Unfortunately, custodial torture continues to persist in various parts of the world, highlighting the urgent need for robust legal oversight mechanisms to prevent abuse and ensure accountability. At the heart of combating custodial torture lies a strong legal framework that unequivocally prohibits such heinous practices. International human rights instruments, such as the Universal Declaration of Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, provide clear guidelines for states to adhere to. Domestic laws and regulations must align with these international standards, explicitly outlawing custodial torture and establishing legal avenues for redress. Independent Oversight Bodies: Central to effective accountability is the establishment of independent oversight bodies tasked with investigating allegations of custodial abuse. These bodies, be they human rights commissions, ombudsman offices, or specialized task forces, must operate autonomously from law enforcement agencies to ensure impartiality. By conducting thorough investigations and holding perpetrators accountable, these oversight bodies serve as guardians of justice and integrity within the criminal justice system. Monitoring and



Reporting: Regular monitoring of detention facilities is essential to unearth instances of custodial torture and prevent impunity. Independent inspectors and civil society organizations play a crucial role in this regard, conducting unannounced visits to assess conditions and document any signs of abuse. It lacks a comprehensive law regulating police interrogation practices. While constitutional provisions and Supreme Court judgments exist, implementation remains weak. This creates ambiguity and allows for arbitrary interpretations by police. Physical and Psychological Abuse: Reports of physical and psychological abuse are widespread, including beatings, sleep deprivation, threats, and intimidation. These practices violate Article 21 of the Indian Constitution, guaranteeing the right to life and personal liberty. This undermines the principle of equality before the law enshrined in Article 14. False Confessions; Torture and duress can lead to false confessions, jeopardizing the fairness of trials and potentially convicting innocent individuals. Timely and transparent reporting of findings not only sheds light on the prevalence of custodial torture but also compels authorities to take corrective action. Training and Education: Effective prevention of custodial torture necessitates a proactive approach to training and education within law enforcement agencies. Officers must be equipped with the knowledge and skills to uphold human rights standards, employ lawful interrogation techniques, and recognize the signs of abuse. By fostering a culture of respect for human dignity, training programs serve as a bulwark against the normalization of torture within law enforcement. **Aim** of the study exploring the strategies for preventing custodial torture focusing on legal frame oversight mechanism for accitmg mesures on law enforcing

#### **OBJECTIVES :**

- To analyze the legal frameworks governing the prevention of torture and ill-treatment of prisoners.
- To identify and evaluate the advocacy strategies employed by advocates to safeguard the rights of prisoners.
- To find out the reasons for custodial torture and the ways to prevent it.
- To find out legal means to restrain custodial torture

#### **II. REVIEW OF LITERATURE**

**Amnesty International. (2019)** provides a comprehensive overview of custodial torture worldwide, highlighting its prevalence, underlying causes, and the urgent need for global action to eradicate this human rights violation. It includes case studies and testimonies of victims to illustrate the impact of custodial torture on individuals and communities. **Basu, S., & Chakrabarti, P. (2018).** article analyzes the phenomenon of custodial torture from a human rights perspective, examining the legal frameworks and international instruments that prohibit such practices. It discusses the challenges in effectively addressing custodial torture and proposes strategies for enhancing human rights protections within the criminal justice system. **Bhatti, F. (2017)**Article explores the role of legal oversight mechanisms in preventing custodial torture. It examines various oversight mechanisms implemented in different jurisdictions and evaluates their effectiveness in holding law enforcement accountable and safeguarding the rights of detainees. The article also discusses challenges and best practices in enhancing legal oversight. **Chatterjee, S., & Sen, R. (2020).**This research paper delves into the systemic failures of legal oversight that contribute to the perpetuation of custodial torture. It critically analyzes the role of legal institutions, law enforcement agencies, and judicial systems in addressing custodial abuse. The paper also proposes reforms to strengthen legal oversight mechanisms and improve accountability. **Gani, M. A., & Karim, A. (2019)** Article provides an overview of custodial torture from both legal and human rights perspectives. It examines the international legal framework prohibiting torture and explores the ethical dimensions of custodial abuse. The article also discusses challenges in enforcing legal protections and advocates for stronger human rights safeguards. **Ghosh, S., & Mukherjee, D. (2018).** examines legal frameworks and challenges in combating custodial torture across different countries. It compares legislative measures, judicial responses, and institutional mechanisms aimed at preventing custodial abuse. The article identifies common challenges and disparities in legal protections and proposes recommendations for improving anti-torture efforts globally. **Human Rights Watch. (2020)** focuses on effective legal oversight mechanisms to prevent custodial abuse. It documents case studies and examples of successful oversight initiatives implemented in various countries. The report also highlights gaps and shortcomings in existing oversight mechanisms and calls for stronger measures to hold perpetrators accountable and ensure justice for



victims. **Kumar, A., & Sharma, R. (2017)** examines legal safeguards against custodial torture within the Indian context. It analyzes relevant laws, judicial decisions, and institutional mechanisms aimed at preventing custodial abuse. The article evaluates the effectiveness of existing legal safeguards and proposes reforms to strengthen human rights protections and accountability in India. **Mistry, A. (2019)** Article focuses on the legal framework and challenges related to custodial torture in India. It examines constitutional provisions, statutory laws, and judicial precedents governing custodial abuse. The article also discusses socio-political factors contributing to impunity and proposes recommendations for legal reforms and improved enforcement mechanisms. **Nanda, P. (2018)** Article explores the role of international legal instruments in combating custodial torture. It examines the impact of international treaties, conventions, and jurisprudence on state obligations to prevent and prosecute torture. The article also discusses challenges in implementing international legal standards and calls for greater cooperation and accountability at the global level. **Office of the United Nations High Commissioner for Human Rights. (2016).** examines best practices and challenges related to legal oversight mechanisms aimed at preventing custodial torture. It draws on examples from different regions to identify effective strategies for enhancing accountability and protecting detainees' rights. **Ramanathan, R., & Das, S. (2019).** Article discusses legal remedies available to victims of custodial torture and the challenges they face in seeking justice. It examines the role of criminal and civil law in holding perpetrators accountable and proposes measures to address barriers to access to justice. **Roy, S., & Chakraborty, D. (2017)** Article explores custodial torture as a violation of human rights and legal protections. It analyzes relevant international and domestic laws, court decisions, and institutional mechanisms aimed at preventing and redressing custodial abuse. **Sarkar, S., & Banerjee, A. (2018)** examines legal frameworks related to custodial torture in South Asian countries. It compares legislative provisions, judicial responses, and institutional mechanisms aimed at combating custodial abuse and protecting detainees' rights. **Sen, A., & Gupta, S. (2020).** Analysis explores instances of custodial torture and legal accountability in specific contexts. It examines factors contributing to custodial abuse, responses by law enforcement agencies and judicial systems, and outcomes in terms of accountability and justice for victims. **Sharma, M., & Singh, A. (2019).** Article discusses the role of legal aid and access to justice in preventing custodial torture. It examines the importance of providing legal representation to detainees, promoting awareness of rights, and ensuring effective remedies for victims of custodial abuse. **Singh, H., & Verma, R. (2018)** examines custodial torture within the broader social and legal context. It explores the underlying factors contributing to custodial abuse, including power dynamics, institutional culture, and societal attitudes, and proposes multidisciplinary approaches to address the root causes of torture.

**United Nations Office on Drugs and Crime. (2017).** Analysis legal oversight mechanisms to prevent custodial torture. It offers practical recommendations based on international standards and best practices, aiming to assist governments in strengthening accountability and promoting respect for human rights within the criminal justice system. **Vasudevan, S., & Menon, R. (2019).** Article discusses legal challenges related to custodial torture and proposes remedial measures to address systemic issues. It examines the role of legislative reforms, judicial interventions, and institutional reforms in promoting accountability and preventing custodial abuse. **World Organization Against Torture. (2018)** Examines regional trends, challenges, and innovations in preventing and redressing custodial abuse, with a focus on promoting international cooperation and solidarity in the fight against torture.

### III. METHODOLOGY

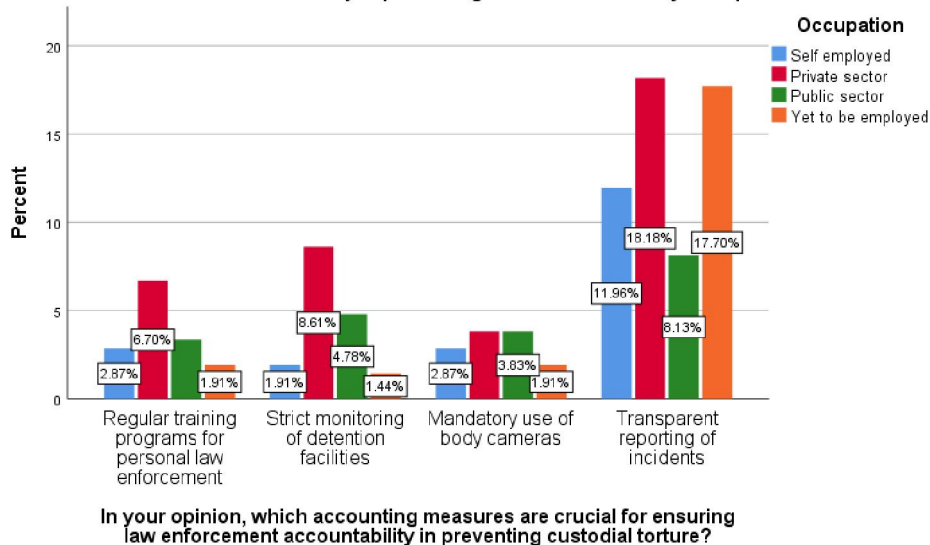
The exploration strategy followed is empirical research. The information is gathered through a survey and the sample size is 210 . Convenience sampling method is embraced in the review to gather the information. The samples were gathered from the overall population with extraordinary reference to the Chennai locals. The independent variables are gender, age, education qualification, occupation, monthly income, marital status of the respondents. The dependent variables are legal framework aimed to prevent custodial torture , Implementing rigorous legal oversight mechanisms is crucial for effectively preventing custodial torture , International cooperation play a role in improving legal oversight to prevent custodial torture Graphs were used to analyse the data collected.



#### IV. ANALYSIS

(Figure 1)

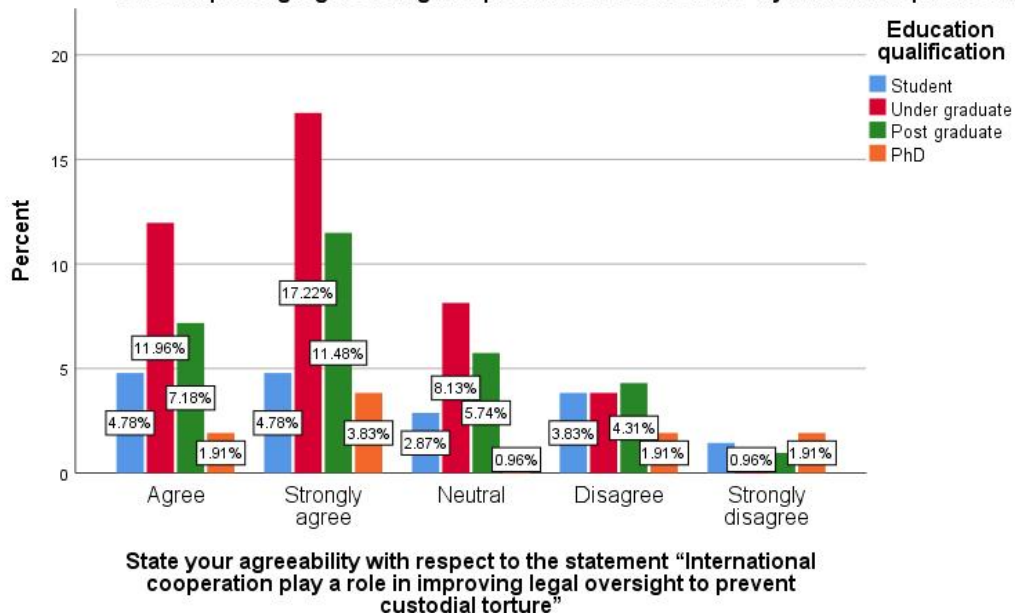
Clustered Bar Percent of In your opinion, which accounting measures are crucial for ensuring law enforcement accountability in preventing custodial torture? by Occupation



**Legend :** The above figure 1 shows us the graph of the respondents on the basis on occupation

(Figure 2)

Clustered Bar Percent of State your agreeability with respect to the statement "International cooperation play a role in improving legal oversight to prevent custodial torture" by Education qualification

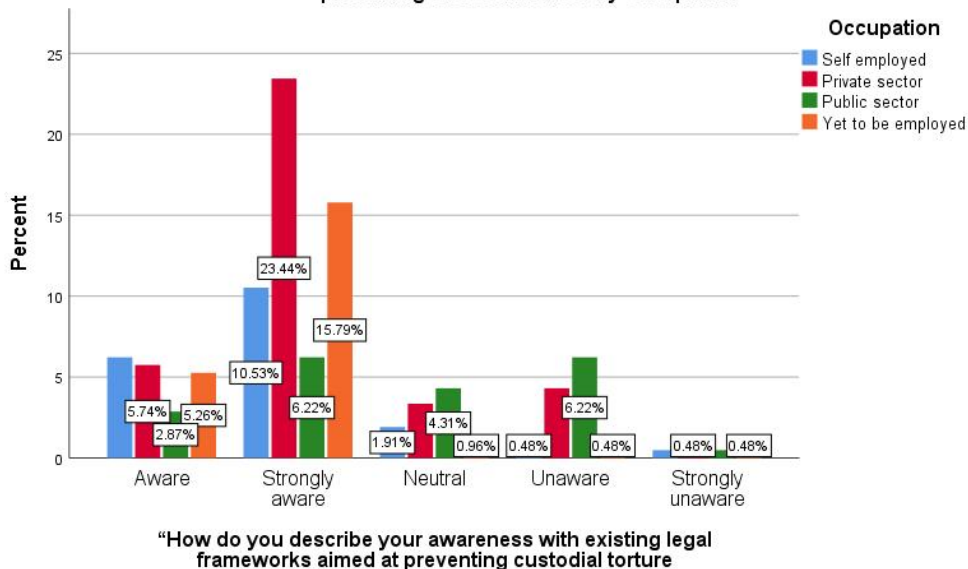


**Legend :** The above figure 2 shows us the graph of the respondents on the basis on educational qualification



(Figure 3)

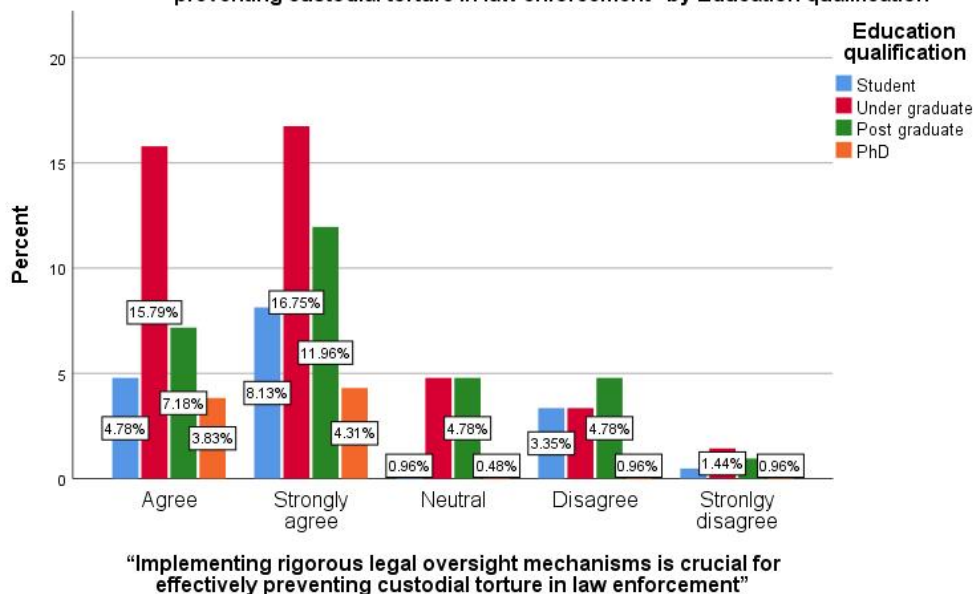
Clustered Bar Percent of "How do you describe your awareness with existing legal frameworks aimed at preventing custodial torture by Occupation



**Legend :** The above figure 3 shows us the graph of the respondents for the asked question existing legal framework aimed to prevent custodial torture

(Figure 4)

Clustered Bar Percent of "Implementing rigorous legal oversight mechanisms is crucial for effectively preventing custodial torture in law enforcement" by Education qualification

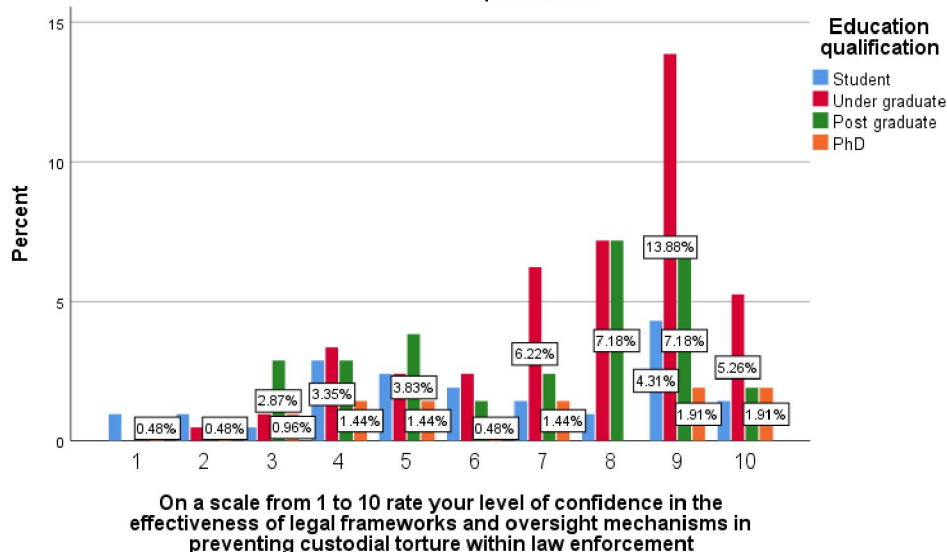


**Legend :** The above figure 4 shows us the graph of the respondents for the asked question Implementing rigorous legal oversight mechanisms is crucial for effectively preventing custodial torture



(Figure 5)

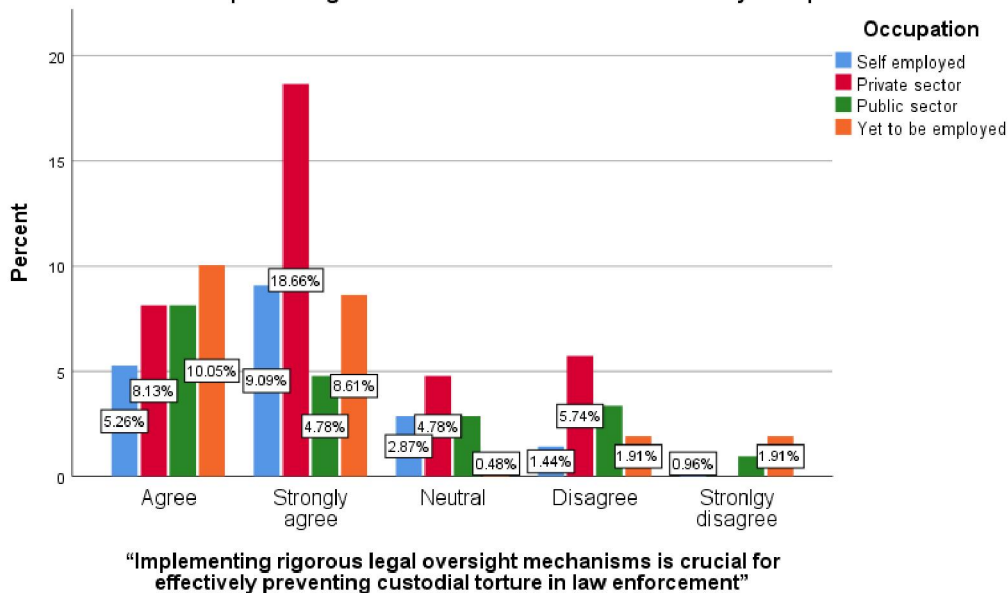
Clustered Bar Percent of On a scale from 1 to 10 rate your level of confidence in the effectiveness of legal frameworks and oversight mechanisms in preventing custodial torture within law enforcement by Education qualification



**Legend:** The above figure 5 shows us the graph of the respondents for the asked question rate your level of confidence in the effectiveness of legal frameworks and oversight mechanisms in preventing custodial torture within law enforcement

(Figure 6)

Clustered Bar Percent of "Implementing rigorous legal oversight mechanisms is crucial for effectively preventing custodial torture in law enforcement" by Occupation

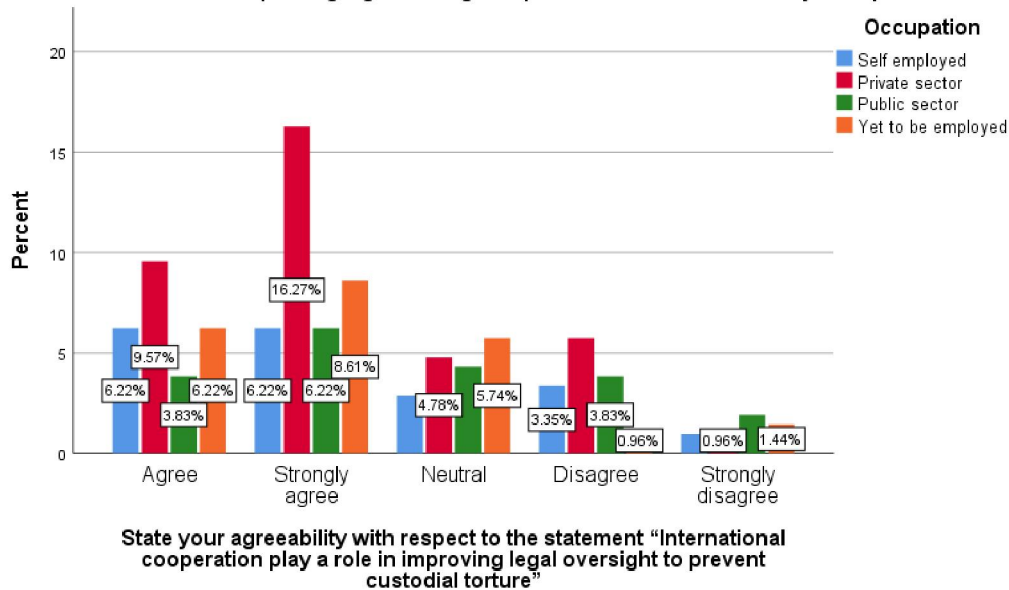


**Legend :** The above figure 6 shows us the graph of the respondents for the asked question Implementing rigorous legal oversight mechanisms is crucial for effectively preventing custodial torture in law enforcement" based on occupation



(Figure 7)

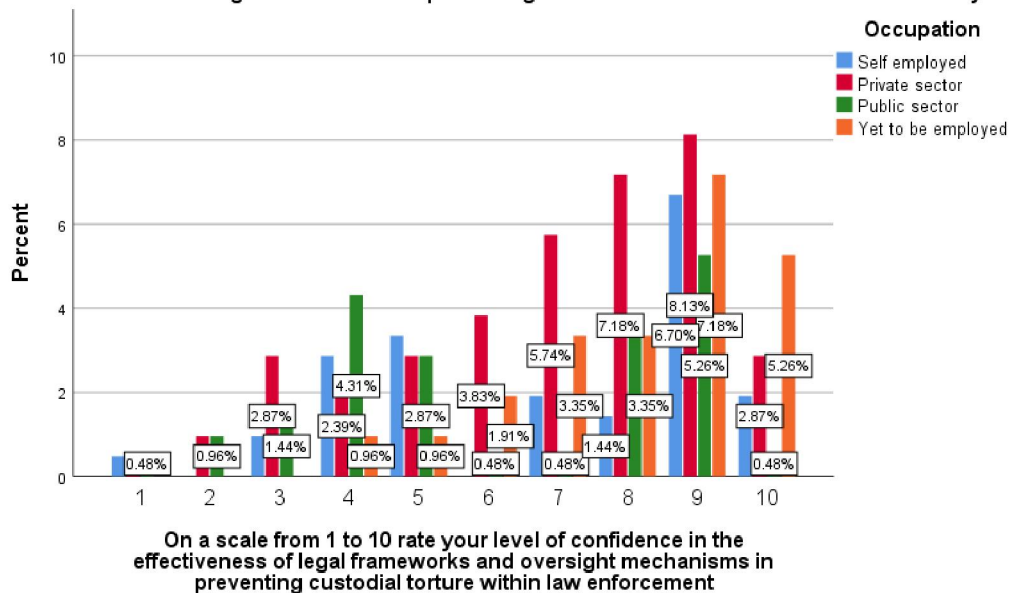
Clustered Bar Percent of State your agreeability with respect to the statement "International cooperation play a role in improving legal oversight to prevent custodial torture" by Occupation



**Legend :** The above figure 7 shows us the graph of the respondents on the question International cooperation play a role in improving legal oversight to prevent custodial torture based on occupation

(Figure 8)

Clustered Bar Percent of On a scale from 1 to 10 rate your level of confidence in the effectiveness of legal frameworks and oversight mechanisms in preventing custodial torture within law enforcement by Occupation

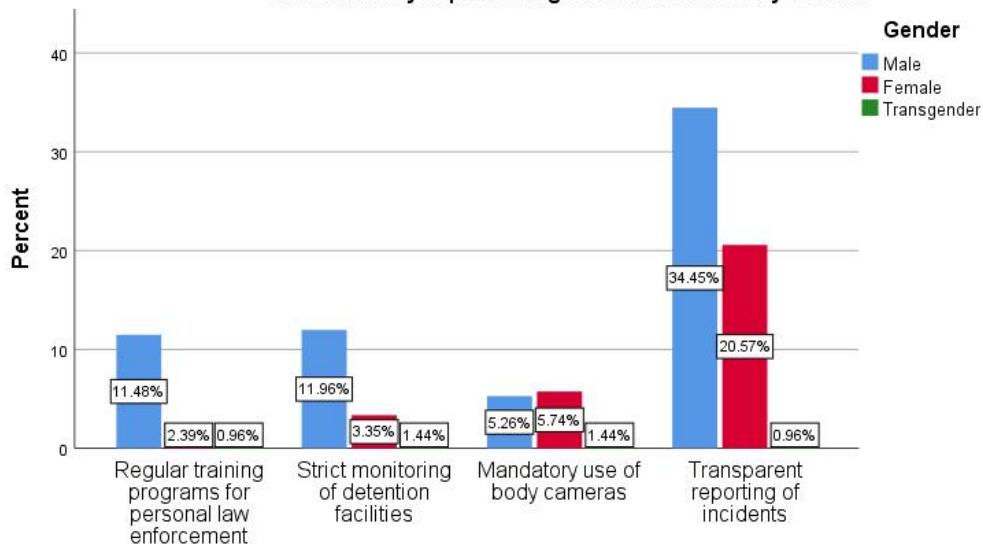


**Legend :** The above figure 8 shows us the graph of the respondents on the question legal frameworks and oversight mechanisms in preventing custodial torture



(Figure 9)

Clustered Bar Percent of In your opinion, which accounting measures are crucial for ensuring law enforcement accountability in preventing custodial torture? by Gender

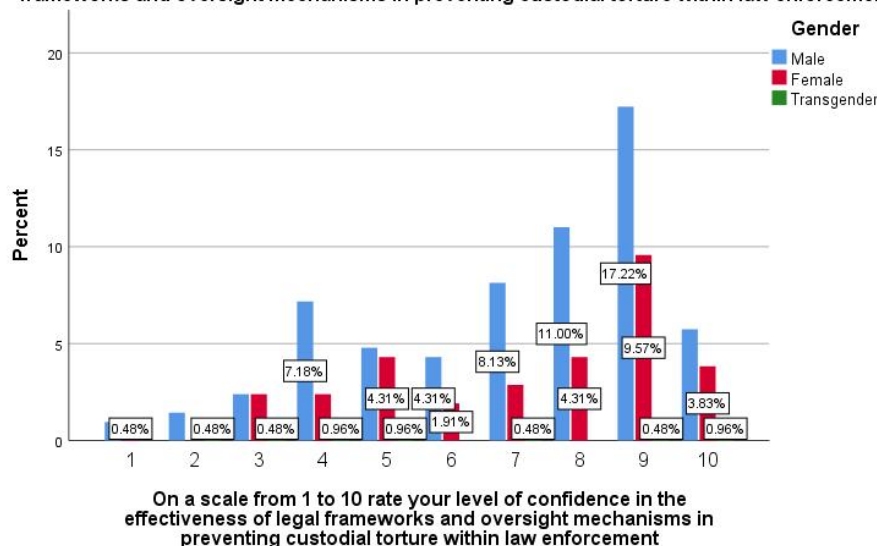


In your opinion, which accounting measures are crucial for ensuring law enforcement accountability in preventing custodial torture?

**Legend :** The above figure 9 shows us the graph of the respondents on the question which accounting measures are crucial for ensuring law enforcement accountability in preventing custodial torture

(Figure 10)

Clustered Bar Percent of On a scale from 1 to 10 rate your level of confidence in the effectiveness of legal frameworks and oversight mechanisms in preventing custodial torture within law enforcement by Gender



**Legend** The above figure 10 shows us the graph of the respondents on the question rate your level of confidence in the effectiveness of legal frameworks and oversight mechanisms in preventing custodial torture based on gender



## V. RESULT

(**Figure 1**) Private sector have the highest number of respondents in their opinion, transparent reporting of incidents, a crucial for enforcing law enforcement and accountability in preventing custodial torture (**Figure 2**) undergraduate have the highest number of respondents and the strongly agree that international cooperation player role in improving legal oversight to prevent custodial torture, (**Figure 3**) private sector have the highest number of respondents and they are strongly aware that existing legal framework aimed at preventing custodial torture. (**Figure 4**) undergraduate have the highest number of respondents and the strongly agree that implementing rigorous legal oversight mechanism is crucial for effectively preventing custodial torture. In law enforcement. (**Figure 5**) undergraduate have the highest number of respondents and their rate it in the scale of 1 to 10 that is affectedness of legal framework and overnight mechanism provide custodial torture with law enforcement. (**Figure 6**) private sector of the highest number of respondents and the strongly agree that implementing rigorous legal oversight mechanism is crucial for effectively preventing custodial torture in law enforcement. (**Figure 7**) private sector of the highest number respondent and the strongly agree that international corporation play a major road, improving the legal oversight, proven custodial torture. (**Figure 8**) Private sector rated nine in the scale of 1 to 10 that legal framework and oversight mechanisms and preventing custodial torture within the law enforcement. (**Figure 9**), male have the highest number respondent and according to their opinion transparent reporting of incidence which accounting measures are crucial for ensuring law enforcement account, preventing custodial torture, (**Figure 10**) male have the highest number respondent in the scale of 1 to 10, the rated nine that affectedness of legal and oversight me, preventing historical torture in the law enforcement.

## VI. DISCUSSION

(**Figure 1**) the respondent have shown more percentage for transparent reporting for incident when it comes to ensuring law enforcement accountability in preventing custodial torture, some important accounting measures include proper documentation of incidents, transparent reporting, and independent audits. These measures help hold authorities accountable and promote a culture of transparency and justice. (**Figure 2**) most of the respondent are strongly aware that there are existing legal frameworks aimed at preventing custodial torture. These frameworks include both international and domestic laws that protect individuals from such abuses. It's important to continue raising awareness and ensuring that these laws are effectively implemented to safeguard human rights and hold accountable those who engage in custodial torture. (**Figure 3**) Most of the respondent strongly agree for Implementing rigorous legal oversight mechanisms is crucial for effectively preventing custodial torture in law enforcement. These mechanisms help ensure that law enforcement agencies are held accountable for their actions and that incidents of torture are thoroughly investigated and addressed. It's an important step towards promoting human rights and upholding justice. (**Figure 4**) Most of the respondent strongly agree that International cooperation in the context of preventing custodial torture involves countries working together to establish and enforce laws that protect individuals from such abuses. It includes sharing information, resources, and best practices to ensure that legal oversight is effective in preventing and addressing custodial torture. This collaboration helps create a global framework that promotes human rights and holds perpetrators accountable. In Chennai, as in any other place, international cooperation can contribute to strengthening legal protections and ensuring justice for all. (**Figure 5**) Most of the respondent rated 9 for the Legal frameworks and oversight mechanisms are essential tools in preventing custodial torture within law enforcement. While they are not perfect and there is always room for improvement, they provide a foundation for accountability and help deter misconduct. It's important to continuously evaluate and strengthen these frameworks to ensure their effectiveness in protecting human rights and preventing torture. (**Figure 6**) the majority of respondent strongly agree that having strong laws and legislations which openly oppose custodial torture would benefit lot of the people and shall be very effective in stopping custodial torture (**Figure 7**) respondent strongly agree that international cooperation play a major role in preventing custodial torture and having a safer environment, international standards always play a major role in human rights cases and custodial torture is a pure violation of human right (**Figure 8**) majority of respondent believe that legal framework legislation laws play a major role in abolishing custodial torture. to prevent custodial torture, the major change should be brought in the legislation, stronger laws play a major role in abolishing custodial torture (**Figure 9**) majority of respondents feel that reporting of incidence is play a major role in preventing custodial torture. In most of



the cases, the custodial torture affected people, never openly admit, they have been into custody, torture because of fear. **(Figure 10)** Majority of respondents feel that having proper legal laws legislations plays a major role in preventing custodial torture.

## **VII. LIMITATIONS**

Certainly, custodial torture is explicitly prohibited by various international treaties and conventions, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. These instruments establish that torture is a violation of fundamental human rights and dignity. Additionally, many countries have enacted domestic laws to criminalize torture and provide safeguards against its use, including the establishment of independent oversight mechanisms and the right to legal recourse for victims. Furthermore, courts and judicial bodies around the world have consistently affirmed the absolute prohibition of torture and have interpreted this prohibition broadly to encompass not only physical torture but also psychological and other forms of cruel, inhuman, or degrading treatment.

## **VIII. SUGGESTIONS**

Incorporate human rights principles, interrogation techniques that don't rely on coercion, and sensitivity training towards vulnerable groups. Build trust and understanding between police and communities through dialogue and outreach programs. Public awareness campaigns Educate the public about their rights and how to report torture, empower them to hold authorities accountable.

## **IX. CONCLUSION**

The role of advocates in preventing torture and ill-treatment of prisoners is a critical aspect of upholding human rights and ensuring justice within the criminal justice system. Torture and ill-treatment of prisoners are egregious violations of human rights, often resulting in severe physical and psychological damage. Advocates, by virtue of their legal expertise and ethical obligations, are uniquely positioned to protect prisoners from such abuses. This study explores the multifaceted role of advocates in identifying, preventing, and addressing instances of torture and ill-treatment within prisons, highlighting their contributions to legal reform, oversight mechanisms, and advocacy efforts. Advocates play an indispensable role in preventing torture and ill-treatment of prisoners, acting as a crucial safeguard against human rights abuses within the prison system. Through their legal expertise, ethical commitment, and persistent advocacy, they help to expose and address instances of torture, support victims, and drive legal and policy reforms aimed at preventing future abuses. This study highlights the significant impact of advocates in promoting justice and human dignity for prisoners. To further enhance their effectiveness, it is essential to provide ongoing support, training, and resources to advocates, alongside strengthening legal frameworks and oversight mechanisms. Ultimately, a collaborative effort between legal professionals, policymakers, and human rights organizations is vital to ensure the humane treatment of all prisoners. The literature reviewed underscores the pressing need to address custodial torture through robust legal oversight mechanisms. Custodial torture represents a grave violation of human rights and undermines the integrity of the criminal justice system. Must enact and enforce strong anti-torture legislation, ensuring independent investigations and holding perpetrators accountable. Law Enforcement Agencies Need comprehensive human rights training, internal oversight mechanisms, and swift disciplinary actions for misconduct. Judiciary Plays a vital role in ensuring fair and impartial investigations, holding authorities accountable, and providing reparations to victims. Civil Society Organizations Continue their invaluable role in advocacy, awareness campaigns, and supporting victims. Public Can be a powerful force for change by demanding transparency, holding authorities accountable, and supporting reform initiatives. Achieving zero tolerance for custodial torture requires a sustained and multi-pronged approach. It demands dismantling the systems that enable abuse, fostering a culture of human rights within law enforcement, and empowering communities to demand justice.



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