

CONFERENCE
15 & 16 FEBRUARY 2012

Forensic evidence in the fight against torture

PROGRAMME

**International Rehabilitation Council for Torture Victims
and
American University Washington College of Law**

VENUE

American University Washington College of Law
4801 Massachusetts Avenue, NW, Room 603
Washington D.C
USA

CONTEXT

Impunity is still one of the most serious impediments to the prevention of torture. Perpetrators are seldom brought to court and can continue their crimes without risking arrest, prosecution or punishment. Torture survivors rarely receive any kind of redress. Besides adding to the suffering of the victims, such a situation leads to a general lack of trust in justice and the rule of law. Consequently, few complaints are brought forward and few actual prosecutions are made.

Torture often takes place in secrecy, and many torture methods are designed to be as painful as possible without leaving physical marks. Documentation makes it difficult for perpetrators to deny their crimes and puts pressure on states to fulfil their obligations under international law to fully, promptly, impartially and thoroughly investigate allegations of torture and provide reparation to victims. For this purpose medical

documentation according to the Istanbul Protocol is a crucial tool. Nevertheless, few countries have mechanisms in place provide alleged torture victims with prompt, effective and independent forensic medical and psychological examinations as an obligatory part of the investigation.

Even where states fulfil their obligations regarding investigation and prosecution, there is often a lack of awareness of the impact the court procedure itself has on the well-being of the victims involved as claimant, witness or civil party. Giving public testimony, and receiving recognition from the authorities, and also society, of the violations committed against them, having their status recognized or seeing perpetrators held accountable can have a healing effect on the individual and also on their families and communities. However, this can also be a negative, even re-traumatizing experience through the way investigations are conducted, lack of information, long time spans and not least threats and reprisals.

In April 2009 the IRCT, with funding from the European Commission, embarked upon a three-year project entitled "Use of forensic evidence in the fight against torture". The project has been implemented in partnership with the Department of Forensic Medicine at the University of Copenhagen, as well as IRCT member centres in Ecuador, Georgia, Lebanon and the Philippines. The project focused on medical examinations and forensic evidence to be used in the prosecution of alleged torture cases in national and regional courts and at human rights institutions. To this end, a global network of international forensic experts was established to provide support to torture cases through examination of torture survivors and provision of medical reports, medical opinion on existing records and expert testimony on specific medical forensic questions in court. To date support has been given in more than 30 cases worldwide. Local anti-torture organizations and litigating organizations were also supported in their efforts to strengthen cases through the use of medical evidence.

DAY 1 - Wednesday, 15 February 2012

8:00 – 9:00 Registration & continental breakfast

9:00 – 9:30 Welcome

Chair: Jonathan Beynon

- Opening by the Dean of the American University Washington College of Law, **Claudio Grossmann**
- Introduction by the Secretary General of the IRCT, **Brita Sydhoff**
- Welcome words by the IRCT President, **Mohamud S.N Said**

Session 1: Forensic medical evidence in court - Plenary session

This session will explore how forensic examination reports and medical expertise when used as evidence in court cases can be crucial to attempts to hold perpetrators accountable and provide reparations to the victims.

9:30 – 12:30 Key note presentations

Chair: Duarte Nuno Vieira, Professor of Forensic Medicine and Forensic Sciences, University of Coimbra, Portugal

- 9:30 – 10:00 Forensic medical expertise in torture cases – Hans Petter Hougen, Department of Forensic Medicine, University of Copenhagen, Denmark
- 10:00 – 10:30 The case of Khaled Said - Mostafa Hussein, El Nadim centre, Egypt

10:30 – 10:45 TEA & COFFEE

- 10:45 – 11:15 Value of medical documentation in the fight against torture - Juan Mendez, UN Special Rapporteur on torture and other forms of cruel, inhuman, degrading treatment or punishment
- 11:15 - 11:45 Standards regarding evidence - Claudio Grossman, WCL Dean and Professor of Law
- 11:45 – 12:15 Use in court through the eyes of legal practitioners - Phil Shiner, Public Interest Lawyers, UK

12:15 – 12:45 Discussion

12:45 – 14:00 LUNCH

Session 2 Good practice examples on the use of forensic documentation - Parallel sessions

This key session will present a range of torture cases and is an opportunity to share good practices in the provision and use of forensic examination reports and collaboration between lawyers and doctors to bring torture cases to court.

14:00 – 15:30 Case presentations on forensic examinations

Group A	Group B	Group C
Cases involving marginalized groups	Cases relating to the so-called war on terror	Cases relating to political engagement
Child torture - Mariam Jishkariani, Empathy Georgia	UK forces in Afghanistan - Daniel Carrey, Public Interest Lawyers, UK	Political engagement in Bahrain - Ala'a Shehabi, Bahrain
Poverty and torture – Maria Natividad P. Hernandez, Medical Action Group, The Philippines	Danish military forces in Iraq Christian Harlang, lawyer, Denmark	Cases in Mexico – Felicitas Treue, Colectivo Contra la Tortura y la Impunidad, Mexico
Indigenous people in Peru – Pierre Duterte, Parcours d'Exil, France	Physicians involvement in torture: the Israeli case - Irit Ballas, PCATI, Israel	Statistical analysis of systematic and targeted torture in Zimbabwe - Frances Lovemore, Counselling Services Unit, Zimbabwe

16:00 – 17:30 Use of forensic reports in legal process

Group D	Group E	Group F
Example of the Inter-American system Situation in Colombia - Ana Deutsch, Program for Torture Victims Los Angeles, USA/ Argentina Cases in Ecuador - Yadira Narvaez, PRIVA, Ecuador Cases in Venezuela - Rafael Garrido Alvarez, Red de Apoyo, Venezuela Use of forensic reports at the Inter-American Commission, Silvia Serrano IACHR	UN treaty bodies Application to the Human Right Committee - Jürgen Schurr, REDRESS, UK Medical reports and the Committee against Torture - Rupert Skilbeck, OSI Justice Initiative, USA	Asylum proceedings Documenting cases in Europe - Mechthild Wenk-Ansohn, BZFO, Germany New developments in New Zealand - Rodger Haines, New Zealand Using the Istanbul Protocol in the US - Christy Fujio, Physicians for Human Rights, USA

17:30 End of Day 1:

Reception - hosted by the American University Washington College of Law

DAY 2 – Thursday, 16 February 2012

9:00 – 9:15 Welcome

Chair: Jonathan Beynon

Session 3 Voices of the survivors – experiences of being involved in legal trials - Plenary session

This session will provide room to look at the experience of torture survivors in their involvement in legal proceedings and allow care givers to present approaches to the provision of adequate psycho-social support to torture survivors in legal proceedings.

9:15 – 10:45 Panel presentation and discussion

- Carlos Jibaja, CAPS, Peru
- Sothara Muny, Transcultural Psychological Organisation, Cambodia
- Lilla Hardi, Cordelia Foundation, Hungary
- Carlos R. Mauricio, Executive Director, The Stop Impunity Project

Discussion

Session 4 Institutionalizing medical documentation at national level Plenary session

This session will use examples of initiatives at national level to show how, via advocacy, training and legal reform, the use of medical documentation can be effectively included in investigations and in court proceedings.

11:30 – 12:30 Panel presentation and discussion

Chair: Victor Madrigal

- System in the Philippines and legal reform - Loreine dela Cruz, Balay Rehabilitation Centre
- System in Turkey and nationwide training and procedural review - Sebnem Korur Fincanci, Human Rights Foundation Turkey
- System in Ecuador and university education - Yadira Narvaez, Fundación para la Rehabilitación Integral de Víctimas de Violencia Privada

12:30 – 13:45 LUNCH

13:45 – 15:00 Panel presentation

- System in Georgia and the forensic Institute - Rusudan Beriashvili, Tbilisi State Medical University/ Georgia
- System in Lebanon and advocacy, Suzanne Jabbour and Sana Hamzeh, RESTART, Lebanon

Discussion

15:00 - 15:30 TEA & COFFEE

Session 5 Discussion Forum: Expert panel debate on fighting impunity Plenary session

This final session of the conference will gather some of the world's leading experts on justice and accountability from academia and practice. Reflecting on presentations and debates of the past two days, the panellists will discuss achievements and shortfalls in fighting impunity of torture and where best to direct our energies in future to achieve a world free from torture.

15:30 – 17:30 Panel discussion

Chair: Jonathan Beynon

- Suzanne Jabbour, Vice-Chair, UN Subcommittee on Prevention of Torture
- Vivienne Nathanson, British Medical Association
- Duarte Nuno, International Forensic expert group member
- Victor Madrigal, Inter-American Commission for Human Rights
- Diane Orentlicher, American University, Washington College of Law

17:30 Closing remarks

- Juan Mendez, UN Special Rapporteur on Torture
- Brita Sydhoff, Secretary General, IRCT