

Shedding light on a dark practice

Using the Istanbul Protocol to document torture

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Independent forensic medical services in Georgia

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Until 2001, the forensic medical service in Georgia was represented by two official state organisations, the Department of Forensic Medicine of Tbilisi State Medical University (TSMU) and the Bureau of Forensic Medical Investigations of the Ministry of Health. In 2001, following changes to the Criminal Code of Georgia, the first independent forensic medical services began to appear and soon all institutional forensic services were abolished.

In 2004 the government formed the National Forensics Bureau (www.forensics.ge) under the Ministry of Justice. This meant that the state forensic medical service was almost completely separated from the health system.

During the last 4-5 years a few independent forensic medical institutions have appeared to growing popularity. The majority have a psychiatric profile; two are specifically focused on forensic medicine. Both have limited capacity due to lack of funding, laboratory access and practical equipment. They mostly focus on clinical forensic medical investigations, evaluation of forensic evidence and participation in the joint commissions for secondary forensic medical investigations.

There are two state institutions with a forensic medical profile in Georgia today: the Department of Forensic Medicine of TSMU is an academic institution with a leading teaching, scientific, methodological and theoretical profile. It is considered a non-specialized institution for forensic medical investigations, whose responsibilities, obligations and possibilities are not clearly determined by domestic legislation, which significantly restricts its practical work and opportunities to perform independent forensic investigations.

The Department of Forensic Medical Investigations of the National Forensics Bureau is the only “specialized” state institution and thus authorised to perform primary forensic medical investigations. It is a well equipped and well financed organisation with a strong legislative background. However, despite continuous efforts by the institution’s medical staff to defend their professional independence, the medical professional regulations and safeguards are less prevalent.

In spite of the abovementioned restrictions and limitations the independent forensic medical service has gained the respect and trust of the Georgian population. Factors contributing to this increased popularity include the following:

The monopolisation of forensic medical examinations • in one specialised body under the Ministry of Justice has created a need for alternative independent forensic examinations.

The expert conclusions of state forensic doctors contain • less medical and more legislative information, caused by an increasing focus on legislative regulations, pushing medical professional considerations into the background.

State forensic doctors are obliged to issue only absolute • and strict conclusions in the form of answers to questions posed by legal bodies – judges, prosecutors, legal investigators. These conclusions are rarely based on modern forensic investigation standards such as the Istanbul Protocol and cannot give a comprehensive picture of the situation under investigation.

The official methods of forensic medical documentation • are required to be approved by the Ministry of Health; the flexibility of the approval procedure varies by case. This makes it difficult for state forensic doctors to adopt internationally approved standardised documentation methods.

As opposed to these shortcomings, independent forensic medical services:

are free to use any internationally approved modern • form of documentation, such as the Istanbul Protocol, as well as other professional guidelines and textbooks without limitation and can issue conclusions based on modern international standards and science.

can have regular and reciprocal connections and free • professional collaboration with doctors specialised in other fields, international colleagues and organisations to further improve the expert opinions submitted to the courts.

can have external financial support through grants and • special programmes which enable them to provide subsidised forensic examinations for those unable to pay.

These and many other political, financial and professional factors contribute to the positive attitude to independent forensic services in Georgia, even where these services are scarce and have extremely limited technical and financial possibilities.

The establishment of a strong independent forensic medical institution in the non-governmental sector, or unification and strengthening of existing independent services with adequate strong financial, legislative and technical support, has the potential to fundamentally change the forensic medical field in Georgia. This would create a positive competitive environment between governmental and non-governmental forensic medicine sectors and provide for highly qualified forensic medical investigations with clinical and laboratory examinations independent from the state system. In this system there would be room for utilising the internationally approved methods of medical documentation and thus fulfil the obligation of every doctor to provide effective forensic examinations.