

Medical and psychological support to strategic litigation of torture cases



International Rehabilitation Council for Torture Victims

Why do we support torture litigation?

Impunity and insufficient evidence in cases against alleged perpetrators are still among the most serious impediments to the prevention of torture. The International Rehabilitation Council for Torture Victims is therefore seeking to support more strategic litigation cases that could benefit from additional medical and psychological expertise and have the potential of increasing courts' awareness

and use of medical and psychological documentation in torture allegations. Too often perpetrators of torture can continue their crimes without risking arrest, prosecution or punishment. 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.

Which cases do we support?

The aim of the IRCT is to support strategic cases of torture litigation and increase victims' access to the justice system. In particular, we wish to support those cases where medical documentation and analysis of the physical and psychological lesions of torture can increase the likelihood of success and provide the victim and their lawyers, as well as prosecutors and judges, with expert opinions that can be used as evidence.

While we seek to encourage the wider

use of medical and psychological documentation in torture litigation cases, our resources are, naturally, limited and we therefore have to restrict ourselves to

The IRCT is open to receiving and discussing possible litigation cases on an ongoing basis. All communication will be handled confidentially.

supporting cases selected on a strategic basis. While we aim at supporting cases in all regions of the world, there is currently a need for more cases in Africa. In particular, we prioritise those cases concerning vulnerable torture survivors, such as women and children, and cases concerning torture related to counter-

terrorism measures and secret detention. Our possibilities for support are, by and large, restricted to medical and psychological expertise. While we aim to liaise with litigating organisations in order to identify further legal support possibilities, we will mainly restrict ourselves to support cases that already have legal

support and are likely to be found admissible by the courts. Those cases that would appear to gain substantial benefit from additional evidence and where there is a high likelihood that the court will take into consideration the medical and psychological documentation and expertise will be given priority.

What medical and psychological support can we offer?

We can facilitate direct medical and psychological expert support to strategic litigation cases:

- » medical examinations, psychological evaluations and development of medico-legal reports according to the standards in the Istanbul Protocol;
- » expert opinions on existing medical files and reports;
- » general statements on torture practices, common sequelae and international standards for the examination and documentation of torture cases;

- » technical advice on issues related to physical and psychological evidence of torture.

Where possible, interventions are carried out in close collaboration with a team of local health professionals. Pro-bono support may be granted in a select number of cases following individual assessment. This may also include modest financial assistance to rehabilitation and psychological support to the torture survivor bringing forward a legal claim.

What other support can we offer?

We help highlight selected cases through a variety of channels, such as mainstream media, social media and our own website and newsletters, where we often highlight victim's testimonies. When examination missions occur we can promote the case through local and international media and meetings with government officials, national human rights institutions and other stakeholders as appropriate.

Careful assessment is made of particu-

lar needs and concerns in every case, including the protection of survivors, relatives and professionals involved. Should acute security concerns occur, we assist with urgent procedures such as letter writing to state authorities and relevant international actors.

The IRCT can also offer training to legal and health professionals working with litigation of torture cases and the prevention of torture.

Independent Forensic Expert Group

To support cases around the world, the IRCT, along with the Forensic Department of the University of Copenhagen, has set up an *international focal point for forensic expertise*. We are fortunate and proud that more than thirty eminent forensic experts from sixteen countries have joined this effort.

The group serves as a reference point,

providing technical advice on specific issues as well as participating in missions to examine alleged torture survivors and draw up impartial medico-legal reports. Furthermore, the experts will advocate for the increased use of medical evidence and continue to build a body of knowledge on the subject of forensic documentation.

List of the group members:

Alempijevic, Djordje

Associate professor, Institute of Forensic Medicine, University of Belgrade; Serbia

Beriashvili, Rusudan

Associate Professor of Forensic Medicine, Tbilisi State Medical University; Georgia

Beynon, Joe

Medical doctor, Independent expert on visits to places of detention and the documentation of torture. Formerly Co-ordinator for Health in Detention, International Committee of the Red Cross, Geneva, Switzerland

Deutsch, Ana

Co-founder and Clinical Director, Program for Torture Victims, Los Angeles; USA

Duque, Maximo Alberto Piedrahita

Forensic Pathologist, former head of national forensic services in Colombia; Colombia

Duterte, Pierre

Medical doctor and psychotherapist, private practice therapist/family counselor, Founder of Parours d'Exil

van Es, Adriaan

Coordinator, International Federation of Health and Human Rights Organizations; Netherlands

Fernando, Ravindra

Senior Professor of Forensic Medicine and Toxicology, University of Colombo; Sri Lanka

Fincanci, Sebnem Korur

Professor in forensic medicine, Istanbul University, member of IRCT council: Turkey

Hansen, Steen Holger

Deputy Chief Pathologist; Denmark

Hardi, Lilla

Psychiatrist, head of section on torture issues at WPA, director of Cordelia Foundation; Hungary

Hougen, Hans Petter

Professor; Chief Forensic Pathologist; Denmark

Iacopino, Vincent

Senior Medical Advisor, Physicians for Human Rights; Adjunct Professor of Medicine, University of Minnesota Medical School; USA

Leth, Peter Mygind

Deputy Chief Forensic Pathologist, Institute of Forensic Medicine; Denmark

Louahlia, Said

Quebec, Canada, Former Professor of Department of forensic Pathology, Morocco, Founding member and past President of MAFS; Morocco

Mendonça, Maria Cristina

Consultant Forensic Pathologist, Portuguese National Institute of Forensic Medicine. Professor of Forensic Medicine, University of Coimbra; Portugal

Modvig, Jens

Health Programme Manager, Clinical Associate Professor, Rehabilitation and Research Centre for Torture Victims, Former Secretary-General of IRCT; Denmark

Morcillo Mendez, Maria-Dolores

Forensic Medical Doctor, National Institute of Legal Medicine and Forensic Sciences; Colombia

Noring, Ulla

Psychiatrist, Ministry of Justice; Denmark

Özkalipci, Önder

Senior Forensic Advisor, IRCT ; Turkey/
Denmark

Payne-James, Jason

Consultant Forensic Physician, Director Forensic Healthcare Services Ltd, Honorary Senior Lecturer; Cameron Forensic Medical Sciences. Barts & the London School of Medicine & Dentistry, London, President of WPMO; UK

Peel, Michael

General Practitioner - Clinical Lead for Central London Community Healthcare; Former senior medical examiner at Medical Foundation; UK

Pounder, Derrick

Forensic Pathology professor, University of Dundee; UK

Pross, Christian

Center Survive, Center for the Treatment of Torture Victims, Berlin/
Germany; Professor of psychotraumatology at Charité University Medical Center, Berlin; Germany

Quiroga, Jose

Medical Director of the Program for Torture Survivors, Los Angeles;
Former assistant professor in the UCLA School of Public Health; Chile

Rasmussen, Ole Vedel

Former member of CAT and CPT; Denmark

Reyes, Hernàn

ICRC doctor working on detention issues since 1982; currently based in Beijing; Chile/Switzerland

Rich, Bente

Child-and adolescent psychiatrist;
Former chief psychiatrist at the Danish member Rehabilitation and Research Centre for Torture Victims (RCT); Denmark

Rogde, Sidsel

Forensic Pathology Professor; Norway

Sajantila, Antti

Professor, Specialist in forensic medicine; Head of the Department of Forensic Medicine, Hjelt Institute, University of Helsinki; Finland

Somasundaram, Daya

Clinical Associate Professor, Discipline of Psychiatry, University of Adelaide; Sri Lanka

Thomsen, Jørgen Lange

Professor, Institute of Forensic Medicine, Odense, Denmark

Tidball-Binz, Morris

Forensic coordinator, Assistance Division; International Committee of the Red Cross; Argentina/ Switzerland

Treue, Felicitas

Psychologist and psychotherapist; General Coordinator, Colectivo Contra la Tortura y la Impunidad, Mexico; Germany

Vanezis, Peter

Forensic pathologist; Professor; UK

Vieira, Duarte Nuno

Former President of IAFS, IALM, WPMO and ECLM; Professor of Forensic Medicine and Forensic Sciences, University of Coimbra; Head of the National Institute of Forensic Medicine of Portugal; Portugal

About the Istanbul Protocol

The Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (known as the “Istanbul Protocol”) is an official United Nations document that provides a set of guidelines for the assessment of persons who allege torture and ill treatment, for investigating cases of alleged torture, and for reporting such findings to the judiciary and any other investigative body.

About the IRCT

The International Rehabilitation Council for Torture Victims is an independent non-profit global organisation with a membership of more than 140 rehabilitation centres in over 70 countries and with over 25 years’ experience.

The work of the IRCT is threefold:

- » Rehabilitation of torture victims and their families
- » Ensuring victims’ access to justice
- » Eradication of torture

For more information please visit our website at **www.irct.org**
or contact Miriam Reventlow, mr@irct.org



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