

19th IAFS WORLD MEETING
9th WPMO TRIENNIAL MEETING
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A DIAGNOSTIC METHOD IN TORTURE INVESTIGATION : BONE SCINTIGRAPHY

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Abstract: Torture appears to be a permanent feature in countries which experienced several Coup d'etat in the past, such as Turkey. Human Rights Foundation of Turkey was established in 1990 to serve torture victims but mainly who were the victims of 1980 Military Regime. Since then HRFT has been providing rehabilitation and documentation for victims of Torture. Bone scintigraphy can be one of the diagnostic methods to reveal trauma, particularly after several years when it is challenging to find any physical or radiological evidences. HRFT Istanbul Branch referred 97 of their applicants for bone scintigraphy from 1992 to 2010. In this retrospective survey of 97 cases 17 of them were female and 80 of them were male. Socioeconomic conditions, change of torture methods practiced in certain time periods, duration after the torture experience, physical findings, bone scintigraphies were evaluated. The torture methods varied respectively with the period of practice although beating was common denominator among all. The findings were classified regarding duration after torture. More than half of the cases had positive findings, and it is significant to observe a positive result among 71% of >5 years cases. Bone scintigraphy should be considered as a valuable non invasive diagnostic method to evaluate and document long term applications and/or cases with no detectable marks on physical examination.

Keywords: Bone Scintigraphy; Torture; Phalanga; Diagnosis of Torture; Documentation of Torture; Human Rights

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THE RAPE AS A WAR CRIME - A FORENSIC PERSPECTIVE

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Abstract: Sexual assault, with its juridical form - the rape, it was always an act, which, next to the physical aggression, involves, also, another kind of aggression, more difficult to be touched on all its complex aspects. This is the injury of human dignity, due to the act to see a human being as a thing, and reducing her just to a simple instrument used to obtain sexual pleasure. For longtime, the rape during the war times was considered as "collateral damages". It was a long way until to this conception was changed, even if the move towards criminalization of rape under international criminal law is often traced to the Geneva Convention from 1949. An essential role on this way is recognized to the ICTY and ICTR, which, have contributed to the development of jurisprudence on the rape as a war crime, and, related with human rights, even as torture in some cases. The presentation shows some particular aspects related with the definition of rape and the forensic approach of crime of rape in these special circumstances.

Keywords: Rape; War Crimes; Human Rights

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TORTURE VICTIMS EXAMINED AT DEPARTMENT OF MEDICINE, UNIVERSITY OF COPENHAGEN, 1995-2010 - THE GEOGRAPHICAL PATTERN OF TORTURE

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Abstract: Torture victims examined at the Institute of Forensic Medicine, University of Copenhagen, 1995 - 2010 - The geographical pattern of torture. Steen Holger Hansen, MD, Forensic Pathologist, University of Copenhagen, Denmark Definition of torture: The deliberate, systematic or wanton infliction of physical or mental suffering by one or more persons acting alone or on the orders of any authority, to force another person to yield information, to make a confession, or for any other reason. (Declaration of Tokyo, 1975). The purposes of the clinical examination are to recover and preserve medical evidence, related to the alleged torture to help in any potential prosecution of those responsible, to obtain redress for victims and to help the authorities in cases of asylum application. The Department of Forensic Medicine in Copenhagen performed from 1995 to the end of 2010 more than 250 examinations of persons claiming to be inflicted of torture. The Danish Immigration Service, in processing cases of asylum application, requested all the examinations. The examinations are initiated with an interview to obtain information of the inflicted torture and the person's medical history. This is followed by a physical examination, and sometimes further examination by radiologists, dentists or other specialists. Finally a psychiatric examination is carried out to reveal a possible posttraumatic stress syndrome. The results and conclusions of the examinations and the geographical pattern of torture will be presented.

Keywords: Clinical Forensic Medicine; Torture

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THREE DIFFERENT CASES OF HUMERAL SHAFT FRACTURE DURING POLICE ARREST - BIOMECHANICAL ASPECTS AND RECONSTRUCTION OF THE EVENTS

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Introduction: We are going to present three different cases of humeral shaft fractures in young, otherwise healthy persons, that occurred while being arrested by the police. In each case there were incomplete or even contradictory statements about the event, both from the victims and the police officers involved. Yet the questions that arose were quite similar: were those humeral fractures the result of an excessive force used by the police during the arrest? Were the fractures solely caused by the fierce resistance of the victim? Or were they altogether just an unfortunate accident?

Methods: (1) We did a literature research on humeral shaft fractures in young, otherwise healthy people to find similar fracture patterns (as i.e. in arm wrestling) that could help us reconstructing the events. (2) We exposed artificial and animal bone models to different forces (rotation, pressure, etc.) to evaluate and correlate biomechanical causes to specific fracture types of the humerus. Additionally, all fractured bone models underwent forensic imaging to be compared to the original X-rays of the cases.

Results: We are going to present our results from the bone model experiments, the underlying biomechanical thoughts and their significance for the present cases (excessive force of the police vs. fierce resistance of the victim vs. unfortunate accident) as well as similar future cases.

Keywords: Humeral Fracture; Police Force; Victim; Arrest; Bone Model; Forensic Imaging; Virtopsy

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HUMAN RIGHTS VIOLATION AN EGYPTIAN VIEW

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Abstract: In an attempt to visualize the problem of human rights violator by searching for its cause and trying to put suggestions to ameliorate its effects.

Keywords: Human; Violation; Egypt

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USE AND ABUSE OF THE ISTANBUL PROTOCOL- THE TERMS FOR ASSESSING EVIDENCE OF TORTURE AS TESTED IN THE UK ASYLUM SYSTEM

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Abstract: The Istanbul Protocol recommends specific terms for assessment of physical lesions attributed to torture and these are now generally required in medico-legal reports submitted in asylum cases in the UK. Analysis of outcomes of reports prepared by the Medical Foundation shows that there is highly variable understanding of the meaning of these terms and their correct application by both the government case-owners making initial asylum decisions and the judges in the asylum appeal courts. Are the Istanbul Protocol terms suited for this purpose or too open to different interpretations? In the UK asylum system the doctors assessment of the relative likelihood of other possible causes is also frequently questioned by non-clinicians. I will present the outcomes of a series of reports and the implications for the asylum system, the Istanbul protocol and the role of medical expert witness evidence.

Keywords: Istanbul Protocol; Asylum; Torture; Medico-Legal

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IMPACT OF MEDICO-LEGAL DOCUMENTATION AS AN ANTI TORTURE MECHANISM - REAPPRAISAL OF SRI LANKAN EXPERIENCE

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Abstract: The History of torture in Sri Lanka extends up to monarchical times though preventive mechanisms directed against it have only few decades of narration. The endemicity of torture in Sri Lanka as acknowledged by national and international scholars contrary to the view of popular politics has exposed the vulnerability of the powerless, inequality of justice and ineffectiveness of the policing in the society demeaned by a terrorist war state for nearly 30 years. In major international forums held during the last decade where the human rights profile of Sri Lanka was a subject, the issue of torture had received high prominence during the discussions. However Sri Lanka has not yet shown significant positive signs of attempting to combat torture through existing legislative and administrative and policing mechanisms. A recent retrospective study performed on torture methods adopted in Sri Lanka has revealed application of 68 different methods of torture. In another recent study the researchers were able to detect 37 physical and psychological methods practised on torture victims. A recent corroboration on broad practice of torture in Sri Lanka is provided by Dr. Manfred Novak the UN Special Rapporteur on Torture in his press release following the visit to Sri Lanka in October 2007. Many preventive mechanisms attempted to curb torturous practices have found a unique strength in the Sri Lankan medical field which could be harnessed to minimize torture in the local society. It was the detailed medico-legal documentation maintained by forensic practitioners on the alleged torture victims they had examined since eighties. In a deteriorating pre-trial situation, the extensive medical/medico-legal reporting of torture in Sri Lanka was responsible to a greater extent for effective corroboration of facts to establish liabilities of alleged perpetrators in fundamental rights cases during last 25 years. The reported Supreme Court cases in Sri Lanka on Article 11 of the constitution will bear witness for this fact. However its real significance was surfaced with the international acclamation of documentation of torture towards the end of the twentieth century. Documentation of torture for medico-legal purposes is a multidisciplinary, multi-stage and integrated exercise decisive in providing reparation. The UN-endorsed Istanbul Protocol contains the first internationally recognized standards and procedures for effective documentation of torture which could be used to record scientific evidence on torture to be submitted to courts. The requirement for proper medical documentation of torture has been evolved over the years as a part of the core concept of necessity for effective investigation into torturous practices. The main developments related to investigation of torture were observed in standard medical examination methods, International legal standards and Ethical codes over the last 50 years. The Istanbul Protocol is the condensed version of all these advances. The manual of Istanbul Protocol includes comprehensive guidelines for clinical examinations to detect physical and psychological evidence of torture and ill treatment. The International Rehabilitation Council for Torture Victims (IRCT) launched a project to promote the application of the Istanbul Protocol in five countries, including Sri Lanka in 2004. This Istanbul Protocol Implementation Project (IPIP) has brought forth the effective means of medical documentation of torture into a broader forum of discussion in Sri Lanka during last five years. Our attempt in this paper is to elaborate its effects and the way forward more extensively.

Keywords: Torture; Documentation; Istanbul Protocol

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WHY DO THEY TORTURE? ETHICAL ARGUMENTS AROUND THIS DARK PRACTICE

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Abstract: In the torture debate, some say that it is always immoral to torture. Others insist that if torturing an evil man can save many innocent lives, it is the only moral option. The disagreement turns partly on whether you subscribe to virtue ethics, utilitarianism, or some mix. Comparing the virtues and flaws of those systems is a centuries old enterprise, unlikely to be resolved in our lifetimes. Utilitarians may wind up supporting torture. They said that torture is proved to be an interrogation tactic that saves the most lives and thwarts the most terrorism without awful adverse consequences, it makes sense for a utilitarian to favor the practice. This article might try to persuade them that their ethical system is incomplete and therefore wrongheaded. There are some who insist that torture is always an evil practice, and others who maintain that torture is sometimes the most moral alternative available to us. The disagreement among these folks turns on whether immoral acts are always acts of commission, or whether an act of omission can be immoral. This strikes me as an awfully hard question to answer, about whether torture is ever justified.

Keywords: Ethics; Torture; Arguments