



How to investigate cases of torture

The Istanbul Protocol is the first set of internationally recognised guidelines for medical and legal experts on how to determine whether a person has been tortured and how to establish independent valid evidence that can be used in court against alleged torturers. Since its inception the Protocol has become a crucial instrument in the global effort to eradicate torture.

One of the main obstacles in the struggle against torture is insufficient evidence in cases against alleged perpetrators. Most cases do not lead to justice for the torture survivor because the scars on his or her body and mind have not been appropriately documented by doctors or used by lawyers in legal proceedings. Torturers are rarely held responsible for their crimes.

For example, figures show that in Turkey impunity for torturers is the rule rather than the exception. Since 1980 an estimated one million persons have been tortured in Turkey, but only a few thousand perpetrators have been convicted. And in nearly all cases punishment was either postponed or converted into a fine.

Responding to this problem seventy-five experts from forty organisations in fifteen countries have developed the Istanbul Protocol. The Protocol outlines detailed, practical procedures for medical and legal experts on how to identify and document symptoms of torture in such a way that the findings can be used as evidence in court cases against torturers.

Through the project "Prevention through Documentation" the IRCT is working to promote states' endorsement and implementation of the Protocol. The project was launched in 2003 with the aim of implementing the Istanbul Protocol in five pilot countries; Georgia, Mexico, Morocco, Sri Lanka and Uganda. In 2006 a second phase targeting Ecuador, Egypt, Kenya, Serbia and the Philippines has been initiated.

The project is run by the International Rehabilitation Council for Torture Victims (IRCT) in partnership with the World Medical Association (WMA), the Human Rights Foundation of Turkey (HRFT), REDRESS, Physicians for Human Rights and a wide range of local partners. The project is financed primarily by the European Commission.

The Istanbul Protocol enables medical experts to:

- Gather relevant, accurate, and reliable evidence on torture allegations
- Reach conclusions on the consistency and the degree of support between the torture allegations and the medical findings
- Produce high-quality medical reports for submission to judicial and administrative bodies

The Istanbul Protocol enables legal experts to:

- Obtain relevant, accurate, and reliable statements from torture victims and witnesses
- Recover and preserve evidence related to the alleged torture which will aid in the prosecution of those responsible
- Determine how, when and where the alleged incidents of torture occurred

The Protocol has already had impact on the outcome of important court cases against torturers:



In June 2006 Peruvian lawyer Monica Feria won an important step towards reparation on behalf of 300 victims of torture and their relatives after fourteen years struggle against the State of Peru. In the summer of 2006 Peru recognised that inmates of the Castro Castro Prison in Lima had been tortured during and after a massacre in May 1992 that led to the death and injury of both male and female prisoners.

Monica Feria prepared 564 pages of written pleadings, stating and proving that the Castro Castro massacre amounted to a military assault on the prison, planned and ordered by then head of state Alberto Fujimori. She also compiled a 700-page report accounting for the torture that took place against the survivors in the aftermath of the massacre.

Ms Feria's thoroughly prepared documentation of the torture that had taken place at Castro Castro was seen as a key to Peru's sudden acknowledgement after years of denial. The documentation was based on the principles described in the Istanbul Protocol.

"The documentation of torture according to the Istanbul Protocol has been vital to the final recognition and reparation of the victims of torture and the relatives of the inmates of Castro Castro. It helped me to argue the case I represented. It highlighted the facts I was analysing, and made me understand them better. As a consequence I opted for the right legal approach" says Monica Feria, herself a victim of torture of the Castro Castro massacre.

More information on the "Prevention through Documentation" project can be found at www.preventingtorture.org

Further requests can be addressed to:

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The International Rehabilitation Council for Torture Victims (IRCT) is an independent, international health professional organisation that promotes and supports the rehabilitation of torture victims and works for the prevention of torture worldwide.

Based in Denmark, the IRCT works in collaboration with a global network of nearly 200 rehabilitation centres and programmes worldwide. The IRCT also works in partnership with governments, human rights organisations, health professional organisations and intergovernmental organisations.

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