

# Editorial

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In 1948, humanity marked an important milestone with the adoption of the Universal Declaration of Human Rights. One of its 30 articles (Article 5) stipulates that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Since then, there have been a number of other international regulations that have reinforced the legal obligation of states to prevent, prohibit, criminalize and investigate alleged cases of torture or cruel, inhuman and degrading treatment (CIDT), as well as the obligation to ensure that all perpetrators are forced to answer for their actions and that victims receive appropriate reparation. However, some 65 years later, there continues to be a marked discrepancy between the law and reality. Torture, ill-treatment and detention in terrible conditions continue to occur all over the world, including in countries that are generally considered to be paragons of virtue in the sphere of human rights. The public scandals that erupted in 2004 as a result of the abuse and ill-treatment in the prisons of

Abu Ghraib and Guantanamo are a case in point. Who can remain indifferent to the terrible images broadcast about the world of the atrocities perpetrated in those places?

This lamentable situation reinforces the need for a more thorough and systematic investigation of these practices in all countries. Such an investigation is essential if we are to eradicate ongoing abuses and prevent new cases and even possible deaths. Because thorough investigation is necessary to ensure that perpetrators are brought to justice, that victims receive proper reparation (compensation, rehabilitation and other forms of redress to which they are entitled), and that official bodies and the general public are made aware of such practices in order to prohibit them completely and encourage reform.

The investigation of torture and CIDT or punishment is not, however, an easy task. Such practices usually occur behind closed doors where there are no witnesses and are systematically denied by states and authorities. The methods used are becoming increasingly sophisticated, designed to leave no physical marks. Victims are kept in isolation, without access to lawyers, doctors or family members (at least while the physical signs of ill-treatment remain visible). Fear of reprisals against themselves or their families often leads them to deny or hide this

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reality. Even to assess detention conditions (that often amount to a form of CIDT or punishment) may be a complex matter, given the restricted access to them.

However, today we have valuable guidelines about how to proceed in the investigation and documentation of such situations. The Istanbul Protocol in one of the examples, obtaining growing international recognition day by day for the important role that it can play in this process. There has been increased investment in the training of professionals able to investigate and document torture and other forms of CIDT or punishment. There have been more (and better) studies of this phenomenon published in scientific journals. National and international scientific associations are now giving more attention to the question. Thus, the panorama with regard to the investigation and documentation of such cases has changed radically in recent decades, with considerable advances made. And there have been many valuable initiatives promoted by diverse organizations: for example, the International Rehabilitation Council for Torture (IRCT) has, in recent years, promoted an important project for the use of Forensic Evidence Against Torture (FEAT), and this project has clearly played an important role in providing forensic opinions, leading to the formation of the International Forensic Expert Group (IFEG), currently involving 33 forensic health experts from 18 countries.

This has indeed been a remarkable achievement. Today, no one questions the role of the forensic medical expert, who has specific training in this domain, to assess possible injuries and signs of abuse, even in the absence of specific denunciations or accusations; to document the signs (physical and psychological) of a possible physical or psychological abuse; to interpret the

proofs obtained and deduce their possible causes; to pronounce upon the extent to which medical proofs correlate with specific allegations made by the victim; to make effective use of the information obtained in order to document and publicise such practices and ensure that the legal and government authorities, at local, national and international level, are fully informed of the physical and psychological consequences of the type (or types) of torture used.

However, the mission of medical experts in the sphere of torture is far from easy. It often involves contact with people who carry within themselves the traumas of a life branded with misfortune and misery. All of us that work in this domain have heard the voices of the victims and their families, their mute cries of desperation and anguish, pain and rage. But we try every day to help them, to not give up on this world. And I am sure that everyone that works in this area has, during the course of their professional life, come into contact with situations that provide us with great spiritual nourishment. This is an area that binds us to others, and which involves seeking answers to some of the large (and small) questions of life. And it also involves adding to the real, reinventing the world that we have inherited.

The implementation of this mission to investigate and document such cases with the thoroughness that they deserve requires regular expert practice and a continuous effort to remain abreast of new developments through ongoing training, study and reflection. This can provide information about previously undocumented torture situations and their physical and psychological consequences, transmit knowledge of new means of diagnosis and their potential, generate reflection on experiences arising from interventions in the field, and divulge

new standards and guidelines. In this supplementum of TORTURE, the reader will find a series of particularly interesting and relevant texts, discussing all these aspects. They are well worth reading. Two of them deal precisely with the question of physical and neuropsychiatric evidence resulting from torture methods that involve a component of asphyxiation, particularly the technique of waterboarding that is so frequently used today. Another uses the real-life experience of an armed-conflict situation in one South American country to describe an infrequent method for concealing bodies – dismemberment – used particularly to cover up a crime and/or prevent identification of the victims. These studies provide us with a better knowledge of torture methods and their consequences, contributing to the training and updating of all professionals.

There is a study of the diagnostic potential of imaging in forensic medicine, emphasising the extent to which these complementary examinations may contribute to our understanding not only of morphological alterations but also to functional disturbances. And there is also an interesting account of the challenges faced by human rights organisations and torture survivors in seeking justice, based on the experience in the Philippines during the course of the FEAT project led by the IRCT.

This supplementum of TORTURE also contains a document which, we believe, will acquire great international projection and importance. It is a statement on access to relevant medical and other records for the forensic medical evaluation of alleged torture and other forms of CIDT or punishment. It is an extremely important document, which justifies the need of legal experts and adjudicators to access all information – including complete medical and other health records, as well as legal records

– as an essential element in the context of any forensic medical evaluation of allegations of torture and other CIDT or punishment.

As already pointed out, the investigation of torture and CIDT is not an easy task. But these difficulties should not make us give up on the day-to-day struggle to implement the causes and values that we believe in; for this is the only way we can nurture our confidence in a better world and our ability to build it. I am certain that many will continue to do so with enthusiasm, in an exemplary spirit of dedication and solidarity, always bearing in mind that, though our certainties might vanish, we should never abandon our beliefs or give up fighting for them. And this should be done, keeping always in mind that any project or intervention in this area will only be worthwhile if it involves a deep belief in humanistic values, human dignity, impartiality and honesty.