Statutes of the International Tribunal for Investigation of Torture

Ole Espersen  University of Copenhagen, Copenhagen, Denmark

The tribunal was set up to deal with acts of torture for which members of the medical or legal profession are alleged to be responsible.

The tribunal is independent, international and permanent. It consists of five to nine members, a majority of whom must be doctors. A member who is a national of the country which is alleged to be responsible for the acts of torture shall step down from his/her seat. The tribunal may, by unanimous vote, appoint an ad hoc substitute member.

The tribunal, which may act ex officio or, if it so decides, upon request, assembles when a majority of its members or its president so decides.

It is assisted by an executive officer, who may be authorised to solicit information – including information from alleged violators of the prohibition against torture.

The tribunal bases its investigations and findings upon relevant conventions, recommendations, codes of ethics etc, as well as upon customary international law.

It is the duty of the tribunal to ensure the most objective medical documentation, including relevant forensic documentation and/or testimony.

It makes sure that the investigations and the hearings into allegations of torture, which shall be public, meet the standards of fair trial according to internationally recognised rules.

The tribunal decides upon its own responsibility, and according to generally accepted standards for fair trials, on which material to base its findings. It may hear witnesses who appear either before the tribunal or, in special cases, in camera, where the witness(es) cannot appear before the full tribunal.

The person against whom the investigations are made shall be accorded the opportunity to appear and to defend him/her self. If he/she refuses or is prevented from appearing, counsel will be appointed to look after his/her interests.

The findings and the conclusions of such investigations are made public and are forwarded to the relevant authorities, professional associations etc, which the tribunal deems proper.

The tribunal works out its own rules of procedure.

The tribunal is strictly independent and therefore its financing may in no way represent any risk to that independence (for example, government funding cannot be accepted).

Professor Ole Espersen is Professor of Law at the University of Copenhagen and Chairman of the Rehabilitation and Research Centre for Torture Victims (RCT). He is also a former Minister of Justice of the Danish Government.
Statutes of the International Tribunal for Investigation of Torture.
O Espersen

*J Med Ethics* 1991 17: 64
doi: 10.1136/jme.17.Suppl.64

Updated information and services can be found at:
http://jme.bmj.com/content/17/supplement/64.citation

These include:

**Email alerting service**
Receive free email alerts when new articles cite this article. Sign up in the box at the top right corner of the online article.

**Notes**

To request permissions go to:
http://group.bmj.com/group/rights-licensing/permissions

To order reprints go to:
http://journals.bmj.com/cgi/reprintform

To subscribe to BMJ go to:
http://group.bmj.com/subscribe/