

REDRESS

Ending torture, seeking justice for survivors

December 2025

JUST REPARATION

Strengthening the community of practice for reparation by sharing topical developments in the field



Just Reparation is a regular roundup of news on reparation, curated by the REDRESS legal team.

This edition highlights key developments in the field of reparation, including the African Court on Human and Peoples' Rights' (ACHPR) recent order on the implementation of the *Ogiek v. Kenya* judgment; a ruling by the European Court of Human Rights (ECtHR) against Türkiye for failing to investigate the disproportionate use of force during protests; ongoing social mobilisation led by apartheid-era survivors in South Africa demanding long-overdue reparation; and the Inter-American Commission on Human Rights' (IACHR) referral of a case to the Inter-American Court concerning extrajudicial killings and enforced disappearance during the Chilean dictatorship.

The edition also features insights from Irídia, Centre per la Defensa dels Drets Humans and IE University Law School on an application before the ECtHR against Spain, seeking justice and reparation for a victim of torture during Franco's dictatorship.

If you would like to contribute a short article for our *Community Corner* section, or if your organisation is hosting an event you would like to share with our readers or on our social media, please contact our Legal Officer, Alejandro, at alejandro@redress.org.

Give us feedback

BIG STORIES



KENYA

The African Court of Human and Peoples Rights noted the State's failure to implement the Ogiek decision

On 4 December 2025, the ACtHPR issued a new [order](#) assessing Kenya's compliance with its judgment in [Ogiek v. Kenya](#). In this order, the Court condemned the Kenyan government for its persistent failure to implement two landmark rulings: the 2017 judgment of the African Commission, which found in favour of the Ogiek people, and the 2022 reparations decision. These decisions affirmed the land and human rights of the Indigenous Ogiek community of the Mau Forest. The new ruling follows the public implementation hearing held in June 2025.

The Ogiek people have undertaken extensive activism and advocacy to advance the implementation of the Court's orders. However, despite the clear directives to return their ancestral land, pay approximately 160 million Kenyan shillings in compensation, recognise the Ogiek as an Indigenous people, and establish a development fund, among other measures, Kenya has not taken effective steps to comply. As a result, forced evictions have continued, further entrenching the community's marginalisation.

After expressing deep concern at Kenya's ongoing non-compliance, the Court has now instructed the State to immediately adopt all necessary measures to provide reparation to the Ogiek people and remedy the violations committed. This ruling is historic for Indigenous land restitution and the protection of the collective rights of Indigenous peoples, underscoring the importance of the Court's follow-up procedures, including implementation hearings before the ACtHPR. According to [Minority Rights Groups](#) the "decision adds to this tally of precedents as it is the

first decision of the African Court on Human and Peoples' Rights concerning the record of a state in implementing a binding decision”.

Photo by: Queen Asali CC 2.0

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TÜRKİYE

European Court of Human Rights orders reparation for a victim of excessive State violence during protests

On 25 November 2025, the ECtHR delivered its judgment in *Akan v. Türkiye*, concerning injuries sustained by the applicant while passing near a Labour Day demonstration in Istanbul in 2013. Although organisers had requested authorisation to hold the demonstrations in designated areas, the authorities denied permission without clear justification and warned that any “unauthorised” assembly would be forcibly dispersed. Security forces subsequently used water cannons and tear gas against protesters. While on his way to his sister’s home, the applicant was struck in the eye by a tear-gas grenade, resulting in the loss of his eye. Domestic judicial authorities failed to carry out an effective investigation into the incident.

The ECtHR held that Türkiye had violated the procedural limb of Article 3 of the European Convention on Human Rights, which prohibits torture and

inhuman or degrading treatment. The Court emphasised that States are obliged to conduct an effective investigation when confronted with credible allegations of ill-treatment. It further recalled that arbitrary and disproportionate use of force by security forces is incompatible with European human rights standards, and that the authorities should have treated the applicant's complaint with the seriousness required by Article 3.

The Court awarded the applicant EUR 12,500 in non-pecuniary damages on an equitable basis, as well as EUR 1,000 for costs and expenses. It dismissed the applicant's claim for EUR 300,000 in compensation, finding that the violation alleged by the applicant - and found by the Court - concerned only the State's procedural obligations under Article 3.

Photo by: Alan Hilditch CC 2.0

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SOUTH AFRICA

Two years camping for reparation

On 23 November 2025, elderly members of the Khulumani Galela Reparation Movement marked two years living in makeshift shelters as they continue to demand long-promised reparation for apartheid-era abuses. Many of the protesters, now in their 60s and 70s, recount experiences of torture, forced removals, raids and the killing of relatives under apartheid. Since the sit-in

began, they have faced multiple clashes with authorities, resulting in injuries among participants.

The demonstrators are calling for recognition of ongoing harm and for long-delayed reparation measures. They argue that, three decades after South Africa's transition to democracy, deep racial inequalities persist and past commitments remain unfulfilled. South Africa is widely considered the most unequal country in the world: the wealthiest 20 percent of the population receive more than two-thirds of national income, according to the IMF. Official statistics show that while overall unemployment stands at around 32 percent, fewer than 10 percent of white South Africans are jobless.

According to the protesters, at least nine participants in the peaceful demonstrations have died over the past two years, and one elderly woman remains injured following violent confrontations with security forces. They say they feel abandoned by the government, which has remained largely silent in the face of their demands for justice, recognition and access to reparation.

Photo by: Khulumani Support Group

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CHILE

The IACHR submitted a case to the Court on behalf of victims of the coup d'état

On 4 December 2024, the IACHR referred the case of Ernesto Polity Lejderman and his parents to the IACtHR. The case concerns Chile's responsibility for the enforced disappearance and extrajudicial execution of Ernesto's parents by military agents in December 1973, as they attempted to flee to Argentina in the aftermath of the coup. Their deaths were concealed for years, and the family only obtained crucial information to pursue justice decades later. Although several perpetrators were convicted in 2007, the Chilean Supreme Court later reduced their sentences and, in 2009, overturned the compensation awarded to the victims' relatives. Ernesto received limited reparation, which the Commission considered insufficient.

In its Merits Report adopted in 2023, the IACHR concluded that the killing and subsequent disappearance of Ernesto's parents formed part of a systematic pattern of lethal force and repression under the Chilean dictatorship. The Commission determined that Chile had breached several rights protected under the American Convention, including the prohibition of torture, the rights to life, personal integrity, and personal liberty. It also held that the failure to properly investigate the crimes, due in part to the application of statutes of limitations, constituted violations of the rights to access justice and personal integrity.

The Commission asked the Court to order full reparation for Ernesto. Its recommendations include adequate compensation, satisfaction measures developed in consultation with the victim, and the removal of obstacles to investigating the events, including the application of statutes of limitations, among other guarantees of non-repetition.

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COMMUNITY CORNER

We like to include the perspectives and insights of lawyers, activists, survivors, and others engaged in the field of reparation in **Just Reparation**. Alongside updates on progress in specific cases, your contributions are invaluable for enriching our collective understanding and fostering meaningful dialogue within the reparation community of practice. If you would like to feature in the next edition of Just Reparation, we encourage you to submit your contributions by 20 January 2026 to alejandro@redress.org.

A New Legal Question for Strasbourg: The Case of Vallejo v. Spain

by Sònia Olivella (Irídia, Centre per la Defensa dels Drets Humans) and Gabriela Echeverria Gutierrez (lawyer)



More than a hundred survivors of torture during the late Francoist dictatorship have signed a letter to international bodies calling for justice and reparation for the atrocities they suffered—an appeal supported by over 6,000 individuals and 140 civil-society organisations (justiciaantifranquista.org). Their collective demand, after decades of impunity, gained new significance when Law 20/2022 on Democratic Memory entered into force in October 2022. For the first time, Spain formally recognised that crimes committed during the Civil War and the dictatorship may constitute crimes against humanity, and that such crimes, including torture, are not subject to amnesty or prescription.

It is under this new framework that trade-unionist and human rights defender José Carlos Vallejo brought his case before the European Court of Human Rights (ECtHR) in September 2025. The application, prepared by Irídia’s legal team with Dr Gabriela Echeverria as co-counsel, concerns Spain’s failure to conduct a proper investigation into the torture Vallejo suffered in 1970-71.

Failure to Investigate

Vallejo’s complaint was the first criminal case under the Democratic Memory Act. He identified six police officers allegedly responsible for his torture. The specialised Attorney General’s Office for Human Rights and Democratic Memory supported opening an investigation, emphasising that courts must first determine whether the alleged acts

could qualify as crimes against humanity before applying procedural bars such as limitation periods or amnesties.

Nevertheless, the Investigating Court and the Barcelona Court of Appeal dismissed the complaint outright. Without a factual investigation to clarify the nature of the alleged crime, both courts held that the offences were time-barred and that classifying them as crimes against humanity would breach the principle of legality. The Constitutional Court later declined to admit Vallejo's final appeal.

A New Legal Question

Vallejo's application to the ECtHR does not rely on a continuing obligation to investigate Franco-era crimes. Instead, it challenges the courts' current failure to conduct an effective investigation under Spain's new remedy, breaching Article 3 of the European Convention on Human Rights. Dismissing the case without a preliminary investigation to determine whether the alleged torture constituted a crime against humanity is in direct contradiction to the Court's established case-law.

The application further argues that the ECtHR can and must extend its jurisdiction *ratione temporis* under the "genuine connection" and/or "Convention values" tests developed in *Šilih v. Slovenia* and *Janowiec and Others v. Russia*. The torture occurred less than a decade before Spain's ratification of the Convention and formed part of a systematic and widespread political repression—circumstances that justify the Court's exceptional jurisdiction.

Why It Matters

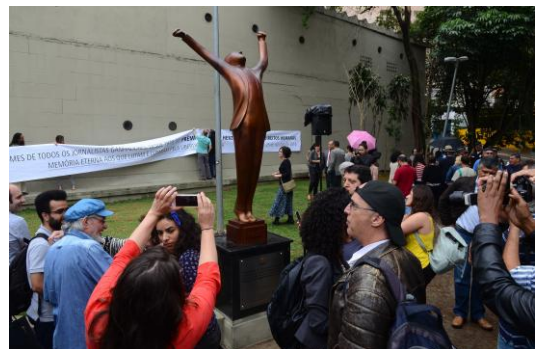
For Vallejo and hundreds of survivors, the absence of justice remains a living wound. As Spain marks fifty years since the death of Franco, this case could become a turning point—an opportunity to finally end half a century of impunity and affirm that democracy requires justice grounded in law and respect for human dignity.

OTHER STORIES

BRAZIL

Social mobilisation claiming for historic reparation
Anniversary ceremony at Catedral da Sé Recalls journalist Vladimir Herzog's Legacy

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CARRIBEAN REGION/UK

Caribbean reparations body is calling on the UK to engage in a mutual restorative justice programme for the colonial period

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IRAN

Ambassador formally requests US reparation for support of Israeli attacks

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MALI

Final submissions on Reparation considered by ICC in Al Hassan proceedings

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HAITI

Transitional Presidential Council requests France to pay historical reparation

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UKRAINE

Discussions within the European Commission on the use of frozen Russian assets for reparation

[Read more](#)

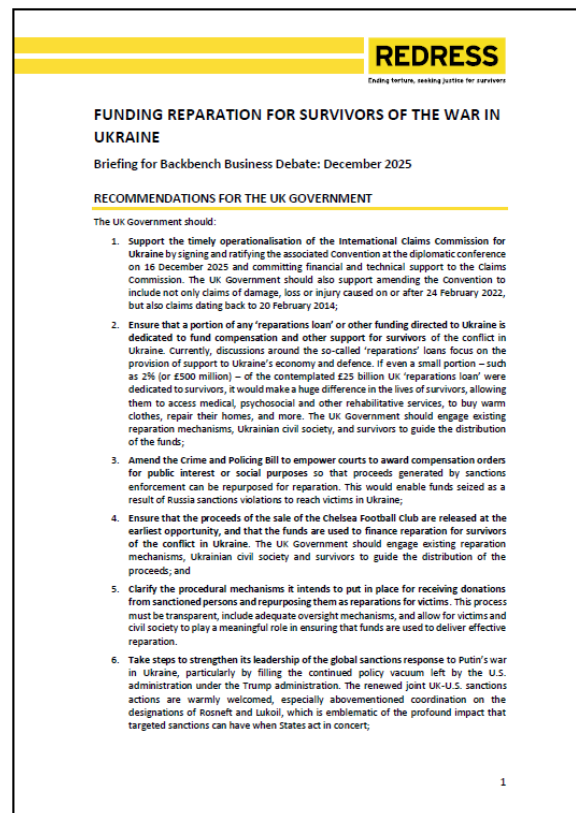


WEEKEND READS

Briefing Paper: Funding Reparation for Survivors of the War in Ukraine by REDRESS

This briefing paper was prepared for the Backbench business debate on the war in Ukraine in the House of Commons Chamber last 4 December. It provides a background on the UK's response to Russia's full-scale invasion of Ukraine, victims' right to reparation and the work of the Register of Damage and the proposed establishment of the Claims Commission, and our recommendations to the UK Government on funding reparation for survivors of the war in Ukraine.

[Read the briefing](#)

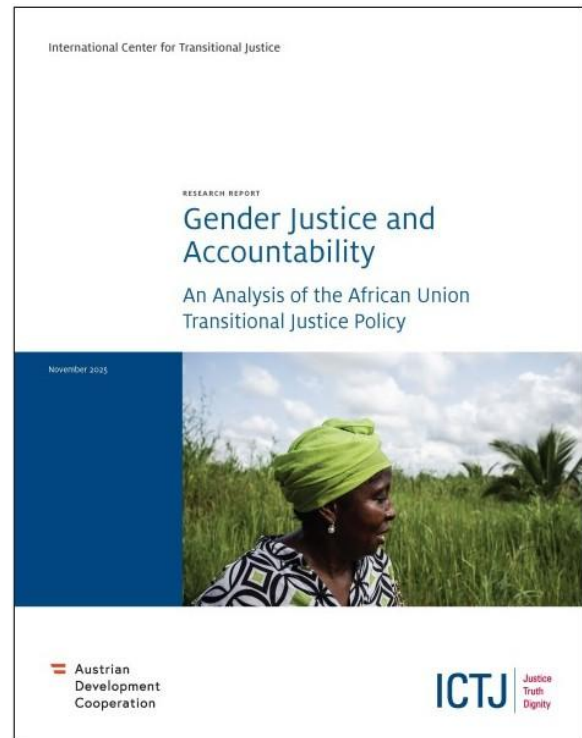


Gender Justice and Accountability: An Analysis of the African Union Transitional Justice Policy

by ICTJ

This report assesses the gender sensitivity of the African Union Transitional Justice Policy (AUTJP). Drawing on continental practice and scholarship, it identifies opportunities for AU member states, civil society, and donors to strengthen the policy's implementation and its responsiveness to the gender-related needs of victims and communities. The report offers practical guidance for human rights defenders on using the AUTJP to address gender-based crimes and promote victims' rights and dignity.

[Read the report](#)



Policy brief - Towards youth-sensitive reparations in Ethiopia

by Impunity Watch

The brief, by Girma Gadisa Tufa, calls for youth-sensitive reparations within Ethiopia's TJ process, reparations that go beyond redressing past harms to transform youth lives, promote inclusion, and build a foundation for lasting peace and social cohesion. The TJPE does not explicitly list youth among vulnerable groups. Its implementation should correct this gap through deliberate inclusion and consultation. Ensuring meaningful youth inclusion in Ethiopia's TJ process is thus both a legal obligation and a strategic



investment in the country's democratic and developmental future. The brief concludes with clear recommendations for the government, civil society, and for youth to inspire direct action.

[Read the policy brief](#)

Ukrainian Survivor Statement on the International Claims Commission for Victims of Russian Aggression and its Temporal Scope by REDRESS

Ukrainian survivors have called on States to sign and ratify the newly established Convention Establishing an International Claims Commission for Ukraine, while stressing the need to extend the temporal scope of its mandate to include victims of Russian aggression from before 2022. In a statement (also available in [Ukrainian](#)), survivor groups highlight the need for an inclusive and victim-centred approach to reparations, including victims who were harmed before the full-scale invasion.

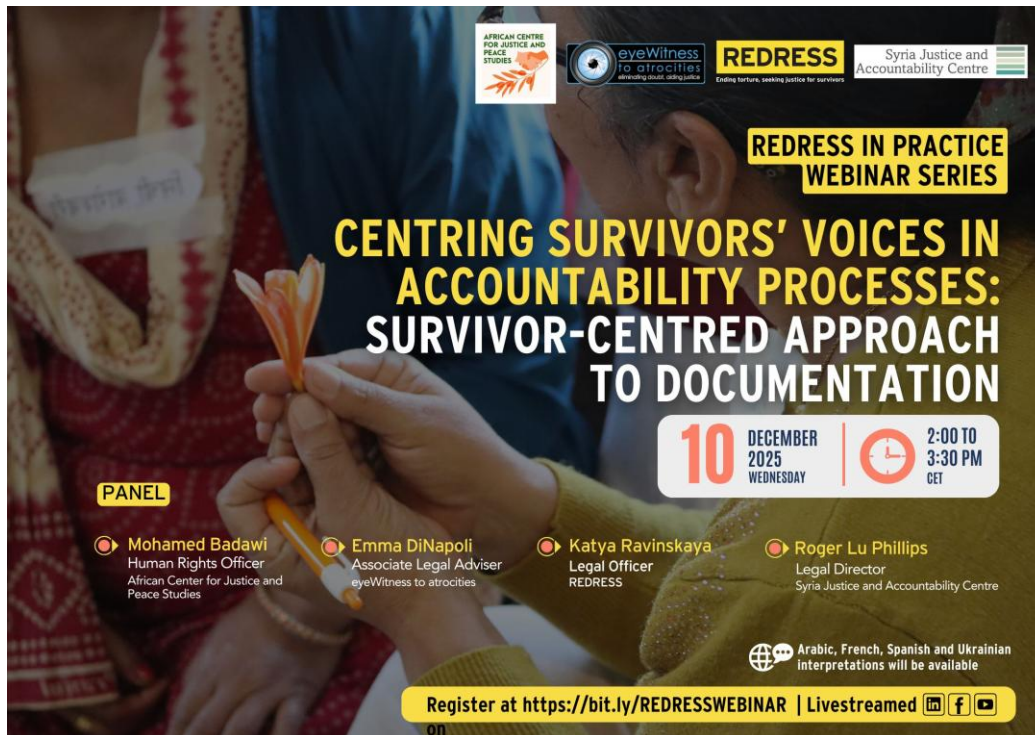


[Read the statement](#)

EVENTS

REDRESS WEBINAR SERIES

Survivor-centred Approach to Documentation and Accountability



The webinar examined how to apply a survivor-centred approach to documentation and accountability processes. Discussions highlighted key principles for conducting ethical, trauma-informed documentation of human rights violations, including informed consent, safety, confidentiality, meaningful participation, and centring survivors' voices. Drawing on practical examples and lessons learned, the session showcased strategies for developing documentation practices that uphold survivors' dignity, amplify their perspectives, and strengthen pathways to accountability.

Participants included Mohamed Badawi, Human Rights Officer at the African Centre for Justice and Peace Studies (ACJPS); Emma DiNapoli, Associate Legal Adviser at eyeWitness to Atrocities; Katya Ravinskaya, Legal Officer at REDRESS; and Roger Lu Phillips, Legal Director at the Syria Justice and Accountability Centre.

In February 2026, we are hosting a webinar on torture in protests with partners from the United Against Torture Consortium.

Watch the webinar recording

[Here](#) are some upcoming events on strategic litigation against torture and other related topics that may be of interest to you.

If your organisation is hosting an event and would like to share it with our community of practice through this newsletter or REDRESS social media, please send the details to our Legal Officer at alejandro@redress.org.

Thank you for reading. See you next month!

Take a look at our previous editions [here](#).

If someone has forwarded you this newsletter, please subscribe [here](#).



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