

**REDRESS**

*Ending Torture. Seeking Justice for Survivors*

# THE REDRESS TRUST

**BOARD OF TRUSTEES' REPORT AND FINANCIAL STATEMENTS**

**FOR THE YEAR ENDED 31<sup>ST</sup> MARCH 2012**

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# MESSAGE FROM THE CHAIR AND THE DIRECTOR

## Message from the Chair, Sir Emyr Jones Parry GCMG, PhD, FInstP

Torture is recognised worldwide as one of the worst possible crimes. It is calculated extreme cruelty by those who are supposed to protect, and is meant to destroy the will of the individual and entire communities. Torture strikes at the core of human rights, dehumanises, undermines civilisation, is an affront to morality and demeans us all. It has been recognised not only as a crime under the UN Convention against Torture and related texts; the prohibition is recognised as a rule of customary international law that all states are bound to respect. It is morally wrong, undermines the rule of law and justice, and manifestly doesn't work. Yet, it is still prevalent in many countries, and even some with strong systems of law resort to it.

The response of some countries to the Arab Spring and the actions of the Syrian regime, underlie this challenge. The lesson to me is simple. All countries need to recognise the illegality of torture, to enact domestic legislation and procedures to prohibit it, and crucially to ensure compliance.

Justice demands that torture should end and that there should be no impunity for perpetrators. Yet there are significant challenges facing torture survivors around the world. Survivors are fighting to ensure that the horrific crimes they experienced are formally acknowledged, that the perpetrators are prosecuted and that they receive the remedies they deserve to move forward with their lives in dignity. None of these end goals should be beyond torture survivors' reach; International law is clear on the obligations of states. Yet the survivors continue to have to fight for their rights, and to push against the walls of indifference, misunderstanding and fear.

The challenges to access justice and obtain effective remedies for the harm suffered do not only characterise the regimes where torture is endemic and where there is an absence of the rule of law. These challenges extend to countries which otherwise have strong legal systems and human rights protections. But, in the name of national security or in other circumstances of exception, have failed to enable certain individuals or groups to avail themselves of their rights. They also extend to regional and international courts and tribunals, which themselves can suffer under the weight of their responsibilities and their procedures - too many applications, too many needy victims. In all this, the survivors stand alone, on the outside of systems not designed with them in mind and more concerned with the theory of justice than in its practical application. Moreover, justice for survivors is a necessary element for creation of a peaceful, stable state.

What drew me to REDRESS and what I believe is the organisation's strength is its commitment to stand alongside the survivor and champion their fight for justice, no matter how long or hard the battle. The battles are not easily won, but when there is progress, it tends to be groundbreaking. After 20 years of seeking justice for survivors of torture and working to eradicate the practice worldwide, how will REDRESS move forward? By redoubling its efforts in the fight against torture, and by continuing to work, methodically, to break down each and every barrier that continues to impede access to justice. The job is not done, though we've come along way.

This has been another busy year for REDRESS as this Report demonstrates. We have continued to receive a steady stream of new clients, survivors of torture in need of justice and support. We have also worked with old and new partners to find remedies to systems and laws which allow torture to take place. At the same time, prosecution of torturers and reparation for victims show legal process having more impact to tackle this grave crime.

On behalf of the Trustees I would like to thank all those who have helped REDRESS to achieve its objectives this year and every year since its founding exactly twenty years ago. I particularly thank the staff of REDRESS for all they did again this past year.

## **Message from the Director, Carla Ferstman**

This year we celebrate REDRESS' 20<sup>th</sup> Anniversary. On 10 December 1992, Keith Camichael, who suffered years of brutal torture and arbitrary detention without charge in Saudi Arabia, founded REDRESS in order to ensure that the notion of 'reparation' could be made practical and effective. The UN Convention Against Torture and related texts all recognise the seriousness of the crime of torture and that survivors of torture have a right to a remedy and reparation. However in practice, it was virtually impossible for survivors to access redress, given the numerous and varied hurdles placed in survivors' way. REDRESS' founding aim was to work with survivors to remove these hurdles; to make the right to a remedy and reparation meaningful in practice.

Twenty years on, we are much closer to our goal. This year, as is explained in the Report, several of our clients have received positive judgments from the European Court, the UN Human Rights Committee as well as national jurisdictions. Many of our cases before the Inter-American and African human rights systems are nearing conclusion. With input from REDRESS, in 2005, the United Nations adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation, and in 2002, just ten years ago, the groundbreaking Statute for the International Criminal Court came into force, incorporating standards for victim participation and reparation that had hitherto been unknown to international criminal jurisdictions.

Around the world, REDRESS is working with committed lawyers and activists who have joined our fight to help survivors of torture and related crimes obtain justice. Not only will this provide a crucial acknowledgment that what was done to them was wrong; it also ends impunity for these despicable crimes and contributes to the prevention of recurrence. Ultimately, this is what we strive for – a world without torture.

None of our work could have been possible without the support of our Board, our dedicated staff, the many partner organisations we are working with, all our supporters, pro bono lawyers, volunteers and not least, the courageous survivors and their families who shared their experiences with us and were prepared to work with us, down the long, often difficult, road to justice. From all of us at REDRESS, we thank you.

## **WHAT IS REDRESS?**

REDRESS is a specialised organisation that helps survivors of torture and related international crimes obtain justice. We also work to ensure that those that perpetrate torture are held accountable, and promote changes in laws, policies and practices to eradicate torture once and for all.

We are based in London but our work is global. We work with survivors' groups and civil society in all regions of the world. We also work with torture survivors based in the UK.

Those who survive torture are often thought to be the 'lucky' ones; they survived, and now they have their whole lives in front of them. But, torture can leave horrible scars and indeed it is often said that anyone who has been tortured remains tortured, long after the physical wounds are healed.

Justice serves a number of purposes. It underscores that there are consequences for breaking the law and thereby encourages respect for the rule of the law; it deters the commission of future crimes; it recognises the harm done to the victims and assists the individuals and communities concerned to move beyond disadvantage. These measures can also help survivors to achieve some closure and move forward with their lives.

Justice is as much about the process as about the result. A justice process which allows survivors to actively participate while respecting their needs for dignity and privacy; a process which does not re-traumatise or stigmatise or lead to reprisals from perpetrators or the wider community, can have a positive influence on survivors' well-being. Justice thereby demands genuine, fair and accessible procedures.

Survivors have a range of objectives when seeking justice. What survivors of torture seek from the justice process is typically the acknowledgement that there were wronged at no fault of their own. Torture typically takes place behind closed doors in a veil of suspicion. It is often thought that the survivors did something wrong, that they somehow deserved the treatment that was meted out against them. Also, survivors are looking for effective and enforceable measures of relief – this can mean seeing that the persons responsible are criminally prosecuted and obtaining other concrete measures of redress, such as restitution, compensation, rehabilitation.

## OUR METHODS

We are working towards a world without torture.

We pursue our mission through a range of interventions including casework, advocacy and capacity building:

**Casework** – We provide legal assistance to individuals and communities that have suffered torture and related international crimes in securing their rights. We provide legal advice, litigation support and representation to survivors in all regions of the world.

**Advocacy** – With governments, parliaments, international organisations and the media. Our work is to underscore to governments and other policy makers the need to respect the absolute prohibition against torture and to afford adequate and effective remedies to survivors. We encourage policy makers to address gaps in legislation that inhibit survivors' rights or shield perpetrators from responsibility.

**Capacity Building** – Working in partnership with like-minded organisations around the world, REDRESS provides technical assistance and support to a range of organisations to strengthen local initiatives to combat torture and help survivors. We also work with government and related institutions by providing training on international standards and best practices and lessons learned from other countries with similar challenges, in order to strengthen their practices aimed at eradicating torture and respond effectively to torture allegations.

## OUR PROGRAMMES – WHAT WE DO AND HOW WE DO IT

The four broad areas of our work used to advance our mission to combat torture:

- **Casework:** making a difference to individuals and communities directly
- **Working in Post-Conflict Contexts:** To obtain justice and redress for survivors in post-conflict contexts
- **Promoting International Standards and Institutions:** To promote international standards of justice that reflect the rights of survivors to effective participation and redress.
- **Influencing National Standards and Practise:** To promote national laws and institutions that reflect torture survivors' rights in practice

## CASEWORK

REDRESS is working on about 100 cases relating to 1515 survivors

1141 of these survivors were tortured in Africa

111 were tortured in Eastern Europe and former Soviet states

223 were tortured in Asia

34 were tortured in Latin America

6 were tortured in Western Europe and other states

We are currently working on cases that relate to torture and related international crimes perpetrated in: Afghanistan; Algeria; Austria; Azerbaijan; Bahrain; Belgium; Bosnia and Herzegovina; Cameroon; Chile; Congo; Democratic Republic of the Congo; Ecuador; Egypt; Eritrea; Ethiopia; Germany; Greece; Guinea; India; Iran; Iraq; Japan; Kenya; Kuwait; Lebanon; Libya; the Maldives; Nepal; Peru; the Philippines; Russia; Rwanda; Saudi Arabia; Sri Lanka; Sudan; Syria; Tanzania; Tunisia; Turkey; Uganda; United Kingdom; Uzbekistan; Venezuela; Yemen; Zimbabwe.

Obtaining justice and redress for torture survivors is central to REDRESS' mandate and over the years REDRESS has developed a particular expertise in this area. We have a dedicated programme to provide legal advice and support to survivors in the United Kingdom and overseas, to enable them to bring their case to the relevant court or administrative body and to obtain reparations for the torture they endured.

We advise torture survivors about legal avenues for reparation in national, regional and international jurisdictions and provide expert advice, referrals, litigation support and representation.

Our strategies are designed to meet as far as possible the needs and goals of our clients. We advance criminal prosecutions of alleged perpetrators, civil actions for reparation, and other possibilities such as apologies and formal acknowledgement and rehabilitative measures. REDRESS also intervenes as 'third-party' or 'amicus' in cases involving torture survivors' rights to remedies and reparation.

These cases are important to the individuals and communities directly concerned, however they also serve an additional purpose of advancing the rule of law in the fight against torture worldwide. Each case in which a prosecution for torture is secured, or in which compensation and other remedies are agreed signals to would-be torturers that the practice is no longer condoned.

In the United Kingdom, our clients are either British nationals who were tortured whilst working or travelling abroad or refugees and asylum seekers fleeing torture in their home countries. Here, we have formed a special relationship with the Traumatic Stress Clinic in London for the cross-referral of cases and also collaborate with the Medical Foundation for the Care of Victims of Torture and other trauma care groups working with torture survivors. We also work with refugee and asylum-seeker community groups and specialised agencies and provide a range of support for the numerous torture survivors they come across in their daily work.

Increasingly, as a result of the growing international recognition of REDRESS' specialised work, there has been a marked increase in requests of assistance from individuals and organisations in countries around the world. In order to service these needs, REDRESS has specialised legal advisors that collaborate on international cases. In some countries, REDRESS' work will develop as a result of ad hoc or periodic requests for support coming from survivors directly or their lawyers; in other countries, REDRESS has built longstanding partnerships with local organisations and collaborates not only on legal challenges but also a range of thematic and policy-oriented initiatives aimed at fostering broader changes in the country.

### Some of our cases this year ...

**Greece:** Necati was tortured by Greek coastguard officials in Crete. He was detained with 163 other migrants after their boat ran into troubles. He was singled out for his sexual orientation and raped with a truncheon in the toilets by one of the detaining coastguards. REDRESS brought the case to the European Court of Human Rights, arguing that the criminal legal process that had proceeded in Greece and led to the conviction of several members of the Coastguard was grossly inadequate in light of the crimes, as the offenders had been conditionally discharged. On 17 January 2012, the European Court unanimously held that the Greek Government failed to protect Necati from torture. It considered that the rape of a detainee by an official of the State was an especially grave and abhorrent form of ill-treatment, amounting to torture in this case. The Greek authorities were heavily criticised for their internal investigation of the incident, where they falsified the Applicant's evidence, recording the rape as a "slap" and "use of psychological violence". The Court also found that the criminal penalty imposed on the perpetrator of the rape, a suspended sentence commuted to a small fine, was insufficient. Necati was awarded 50,000 euro in compensation.

**Cameroon:** Ebenezer Akwanga was a young political activist in Cameroon. He was arrested in 1997 and severely tortured, and was eventually convicted by a military tribunal of security offences, after a patently unfair trial. Ebenezer managed to escape from prison in 2003, and made his way to Nigeria and eventually to the United States where he obtained political asylum. REDRESS helped Ebenezer to file a petition with the United Nations Human Rights Committee in Geneva. In a unanimous decision published on 12 May 2011, all 15 members of the Committee found that Cameroon had breached Ebenezer's right to be free from torture and arbitrary detention and to have a fair trial. Six members of the Committee also stressed that military tribunals should not be able to try civilians. We are now working to encourage Cameroon to respect the decision and to afford Ebenezer with appropriate remedies, as recommended by the Committee.

**Peru:** On 25 February 2008, Luis Alberto, a rural worker and homosexual living in a small village, was taken to an underground police cell where three police officers took his money and personal objects and subjected him to various forms of sexual abuse. Luis Alberto believes that the perpetrators' only motivation was that he is a homosexual. The police officers were arrested but released after the officers' families and friends protested. REDRESS together with local partners in Peru, assisted to ensure that preliminary investigations were opened by the Prosecutor. In addition, an administrative investigation has commenced against the two junior prosecutors who initially carried out the criminal investigation for the torture. Also, we filed a petition with the Inter-American Commission on Human Rights in the case. In 2011, we participated in a thematic hearing at the Inter-American Commission to consider the prevalence of cases of abuse of lesbian, gay, bisexual, transgender and intersex individuals, which led to their adoption of a specific strategy in relation to such cases.

**Nepal:** In Nepal, we are working with the leading human rights organisation Advocacy Forum to address the wide scale impunity for torture and disappearances stemming from the decade long armed conflict. On 29 April 2004, one of our clients was arrested by soldiers and illegally detained without access to the outside world for almost 13 months. Soldiers tortured him and subjected him to cruel, inhuman and degrading treatment. He was beaten with a wooden stick and plastic pipe whilst blind-folded and handcuffed, forced to lie on blocks of ice, a needle was used to pierce his back, chest near his nipples and underneath his toenails and he was subjected to constant threats that he would be killed. We brought his case to the UN Human Rights Committee, which adopted views in April 2011, recommending that Nepal carry out a full investigation capable of leading to the punishment of perpetrators and afford compensation. We continue to work with Advocacy Forum to ensure that this takes place.

**Chile:** Filistoque was tortured between September 1973 and June 1975 in Pinochet era Chile then forced into exile. As a result of repeated blows to his head he suffered permanent brain damage which has impeded his ability to learn English and integrate into the United Kingdom where he obtained asylum. Also, he suffers from constant back pain stemming from the torture. REDRESS submitted a petition to the Inter-American Commission on Human Rights in 2002. The Commission found the case admissible in 2005, and in 2011, the case was finally transferred to the Inter-American Court. Pleadings were filed with the Court in 2011 and early 2012 and the case should go to full hearing later this year. Central to the case is the argument that Chile owes special obligations to victims of torture that it forced into exile. Filistoque is now in his late 70's and is longing for a decision to vindicate his suffering.

**Bahrain:** Jaffar was tortured in Bahrain for his political activities in 1994, then fled and obtained asylum in the UK. As a result of perceived political openings, he began to travel back to Bahrain to visit family in recent years. In August 2010, while on a trip back to Bahrain he was arrested at the airport as part of a harsh crackdown on political activists – 23 of whom were arrested around the same time. He was held in detention for more than six months then released in February 2011 and managed to escape back to the UK. In this latest incident, in the initial stages of his detention he was denied access to a lawyer and his family and subjected to severe physical and mental torture at the hands of the National Security Services including beatings, electric shocks, *falaqa*, threats to his family, continuous forced standing and use of stress positions, sleep deprivation, blindfolding and verbal abuse. REDRESS has submitted allegation to the Special Rapporteur on Torture, and has recently travelled to Bahrain to meet with officials about this and other cases, to encourage the opening of an official investigation into the torture.

## Common Challenges

The most common challenges faced in our casework this year include:

- ***Protection of victims and witnesses:*** A number of REDRESS' clients and those that support them locally have received threats as a result of their pursuit of justice. Few countries have adequate measures of protection for victims of human rights violations and the human rights defenders that support them. In some cases, lawyers and human rights activists with whom we work have also received threats.
- ***Inappropriate use of procedural barriers to avoid accountability:*** In a number of countries, immunities and state secrets doctrines have been used to prevent courts from adjudicating torture complaints. For example, in the case of victims of torture and extraordinary rendition by **United States'** authorities, US courts have refused to allow claims to proceed against US officials, on the grounds of immunities and the need to preserve state secrets. In **Sudan**, immunities have not been lifted to allow for prosecutions against police in a number of torture cases, making accountability virtually impossible.

- **Failure to implement decisions:** In a number of REDRESS' cases in which positive views were issued by the United Nations Human Rights Committee, the respondent governments have failed to implement the decisions. This for instance, occurred in torture cases relating to **Cameroon, Nepal, the Philippines and Sri Lanka**. The Human Rights Committee is an important institution by which states' obligations under the International Covenant on Civil and Political Rights are clarified; the failure by states to take the Committee's Views seriously undermines the value of the UN protection machinery, more broadly.

## WORKING IN POST-CONFLICT CONTEXTS

Torture has been used extensively in violent conflict situations and continues even after the conflict ends. Since its establishment, REDRESS has assisted survivors of torture and related international crimes in post-conflict contexts to seek justice and redress. The context of conflict impacts upon the nature and forms of torture, the types of perpetrators (state and non-state actors) as well as the nature and position of the victims (children, women, displaced persons). During conflict, torture is rarely perpetrated in isolation, but forms part of a broader pattern of human rights abuse.

Survivors have rights to effective remedies and reparation under international law. However, survivors' rights and interests are generally negatively impacted in post conflict contexts. Ensuring that accountability is made part of peace negotiations can be sensitive, given the various interests of the parties which tend to differ from those of the individuals and communities most affected by conflict. Furthermore, the difficult living conditions that most survivors find themselves in make it hard for them to access information about their rights and available mechanisms for redress. REDRESS' work in post-conflict contexts includes:

### Empowering survivors by strengthening local networks

- We coordinate the Victims' Rights Working Group, an active network of NGOs and experts advancing victims' rights before the International Criminal Court. The dedicated website of the Victims' Rights Working Group is located at: [www.vrwg.org](http://www.vrwg.org). REDRESS hosts this website, runs the group's listserv which comprises about 500 members and coordinates the group's joint statements, meetings and related work. In 2012, we hosted a special meeting on victims of mass crimes in Africa, convened during a session of the African Commission on Human and Peoples' Rights.
- We are working to build capacity and encourage the development of law and policy on transitional justice and reparations in numerous conflict affected countries. For example, in **Uganda**, we provided training to the Uganda Victims Foundation on victim consultation processes and carried out a strategy development meeting on reparations and in **Cote d'Ivoire** we contributed to debate and built capacity on ongoing legal proceedings at the International Criminal Court. In **Kenya**, we worked with human rights defenders and victims networks to consider domestic and international accountability processes and in the **Democratic Republic of the Congo**, we worked with civil society in Bunia to consult with and inform victims about ongoing legal proceedings. In **Rwanda**, we worked with victims' groups to consider challenges relating to reparations and we held a strategy session in **Uganda** together with FIDA Uganda for lawyers in seven countries in the region to consider the ways and means to progress accountability for gender based violence. We also contributed expertise to work carried out by the International Organization for Migration on mass claims and restitution processes envisioned for final status negotiations relating to **Israel/Palestine**.

### Influencing policy, practice and jurisprudence of national and international justice mechanisms operating in relation to the post-conflict context

- As part of our work in conflict affected countries, we used legal mechanisms and commissions of inquiry to press for an end to violations and accountability for abuses. REDRESS, together with a number of other organisations, engaged the African Commission on Human and Peoples' Rights to address the escalating crisis in **South Kordofan, Sudan**. We submitted a claim to the African Commission to encourage it to use its good offices to encourage the Government of Sudan to end abuses. We also sought provisional measures to protect civilians. We also submitted comments to the UN Secretary-General's

Panel of Experts on the issues of accountability with regard to alleged violations of international human rights and humanitarian law during the final stages of the conflict in **Sri Lanka**.

## **INFLUENCING NATIONAL STANDARDS AND PRACTICE**

REDRESS works to ensure that international standards relating to the prohibition of torture and reparation for survivors of torture and related international crimes are applied at the national level. Part of this work is focused on informing and influencing new laws and practices at the domestic level. Other aspects include advocating and building the capacity of national-level institutions to ensure compliance with existing standards.

Some of the typical challenges we face in this area include:

- **Inadequate laws**, such as a law that puts an unrealistic timeframe on victims' ability to raise complaints of torture or a law that states that certain high officials are immune from prosecution;
- **Absence of law**, where there is no law providing for compensation of torture, or no definition of torture in the criminal code;
- **Institutional barriers**, often national police forces in countries where torture is endemic have insufficient training on standards to prevent and prohibit torture and/or poor track records in the investigation of torture allegations. At times prosecutors are unaware of the best practice of other countries with a similar legal framework or of recent cases at the international level.

This year, the issues we canvassed include:

### **Global sharing of expertise**

- As part of a global project to enquire into domestic challenges relating to the prosecution of torture cases and victims claims for redress, we brought together lawyers working on torture cases in **Africa, Asia** and **Europe**. Next year, this will be complemented by further meetings in the Americas and the Middle East/North Africa.
- As part of our work to engage with human rights defenders involved in the '**Arab Spring**', we carried out training and capacity building for lawyers and human rights defenders from **Bahrain, Jordan, Libya**, and **Syria**. We also hosted a panel discussion at the House of Lords on Torture and the Arab Spring, which included interventions from activists from **Bahrain, Libya, Syria** and **Yemen**.
- We carried out training in **Moldova** and **Nepal** and provided training on the documentation of torture for advocates in sub-Saharan Africa in a regional meeting organised by the International Rehabilitation Council for Torture Victims, which took place in **Senegal**. We also hosted human rights defenders from the **Maldives** and **Nepal** in our offices in London.

### **Law reform**

- In many countries, legal reforms are necessary to forestall torture and enable victims to seek redress. Legal reforms thus continued to be a priority in certain countries. In **Sudan**, we continued to press for criminal law reform, and together with local partners, engaged grassroots networks throughout the country on the reform process. REDRESS' counsel, Lutz Oette, published a book on criminal law reform: **Transitional Justice and Criminal Law Reform: Human Rights Perspectives for Sudan**, which culminated from a series of meetings and consultations with experts within Sudan and beyond. We also produced a report on corporal punishment and another on constitutional reforms.
- In **Nepal**, we produced together with our partner Advocacy Forum, a detailed study on the need for legislative reforms, and commented on key pieces of legislation under review in the country.

## National Security

National security frameworks continued to exacerbate torture and the risk of torture in numerous countries. Often, this is connected with states of emergency, during which repressive laws are put in place that take away many of the regular safeguards against torture.

- In **India**, we produced, together with the Asian Human Rights Commission, a detailed study of the impact of the Armed Forces (Special Powers) Act, 1958 in Manipur and other States of the Northeast of India, calling for the Act to be abolished.

Also, counter-terrorism measures and the extraterritorial acts of security and military forces continue to give rise to situations in which individuals are subjected to torture and ill-treatment and our work this year has focused on ensuring that victims have the opportunity to seek redress.

- We intervened before the Grand Chamber of the European Court of Human Rights in the **El Masri** case, in which **Macedonia** was accused of detaining and illegally rendering Mr El Masri to US CIA agents who brought him to Afghanistan where he was subjected to torture.
- In the **United Kingdom**, we sought to encourage the Government to undertake a full, effective and transparent inquiry into the allegations that its security services colluded in torture. We also commented on the Justice and Security Green Paper which sought to introduce secret evidence into civil proceedings involving torture allegations.

## Victim and witness protection

Following the issuance of our report *Ending Threats and Reprisals Against Victims of Torture and Related International Crimes - A Call to Action*, which considers incidents in which victims, their families and their representatives have been threatened or reprisals have actually been taken against them in an attempt to prevent them from speaking about what happened to them, we continued to address protection concerns in many areas of our work. In certain cases, human rights defenders, and clients seeking justice have been forced to flee their countries of origin to escape reprisals.

- In the Peiris case, a case against **Sri Lanka** before the UN Human Rights Committee, we argued that the failure of the Government to protect the applicant constituted an additional and separate violation of human rights.
- In the Razzak case, a **Bangladeshi** human rights defender was repeatedly beaten up with rifles, pistols a butcher knife and iron rods and kicked at their face, mouth, hands, legs, and chest. There was an attempt to gouge his eyes and destroy them with a screw driver and bones were broken. We argued that the national human rights commission was obliged to carry out a full and effective investigation.
- We convened, together with the International Medical Legal Unit (Kenya) a meeting at the African Commission on the state of witness protection in Africa.

## Universal Jurisdiction

The crime of torture is recognised, together with a number of other international crimes, to be so heinous, that it offends the interests of the international community as a whole. Thus, it has been recognised that all states have an interest in prosecuting torture cases, regardless of where the crimes took place or the nationality of the victims or perpetrators. The United Nations' Convention Against Torture sets out a 'prosecute or extradite' requirement – this requires a state party to take the necessary measures to 'establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him'.

REDRESS believes that such trials, which proceed on the basis of 'universal jurisdiction' are a vital means to ensure that there are no gaps in justice. At times, the courts in the countries where the crimes took place will not be willing or able to prosecute the suspects. Equally international jurisdictions such as the International Criminal Court will not always be available given the limits of their mandates.

- In the **United Kingdom**, REDRESS made a Submission to the Joint Committee on Human Rights (JCHR) on UK extradition policy, underscoring the obligation to prosecute when an extradition request does not proceed for whatever reason. REDRESS expressed concern about the failure of the Metropolitan Police to institute an investigation into the cases of four genocide suspects, whose extradition to Rwanda failed on human rights grounds. REDRESS is also part of a newly created **War Crimes Community Involvement Panel** coordinated by the **UK Crown Prosecution Service**, in which issues and challenges relating to universal jurisdiction prosecutions are aired.
- REDRESS, together with African Rights and the Southern Africa Litigation Centre convened a meeting in Johannesburg with justice ministers and other Southern African officials on the need to respond to the presence of Rwandan genocide suspects in the region.
- REDRESS also produced a film on the Joseph M case in The Netherlands, which followed the stories of victims of the genocide who sought to participate in the trial and appellate proceedings. The film was launched in Kigali, Rwanda and was also shown in the village where the crimes took place.
- REDRESS also participated in **meetings of the EU Network of Contact Points** in respect of persons responsible for genocide, crimes against humanity and war crimes, during which European investigators and prosecutors discuss challenges and strategies relating to the investigation and prosecution of international crimes.

## **Barring Immunities in Torture Cases**

Immunities which have the effect of blocking investigations, prosecutions and civil reparations, are inconsistent with the right of victims to access justice and the obligation to prosecute international crimes. REDRESS has been working to bring an end to the operation of immunities for those who perpetrate torture.

During the year, REDRESS intervened in the **Zahra Kazemi** case, a case brought in Canada against Iran by family members of the Canadian photojournalist, who was tortured to death in an Iranian prison. We also intervened, together with the Geneva based World Organization against Torture in the case of **Nait Liman**, in which Switzerland denied the claimant's right to bring suit against his torturers in Swiss courts.

# **PROMOTING INTERNATIONAL STANDARDS AND INSTITUTIONS**

## **International Standards**

An important part of REDRESS' work is to ensure that survivors' rights are recognised and protected in international treaties, declarations and principles, and that the bodies interpreting such instruments set out in their jurisprudence and commentaries positive explanations which affirm survivors' rights in context. Key recent examples of this work are:

- As part of our work to consider the **gendered impacts of torture**, we hired a gender specialist to inform our strategies and our work. We convened an expert meeting with the International Secretariat of Amnesty International on the gender dimensions of torture and other cruel, inhuman and degrading treatment and punishment and submitted our findings to specialist UN treaty bodies and thematic mechanisms. We also continued to work with the UN Special Rapporteur on Violence Against Women to consider the legal framework and appropriate forms and modalities for reparation for gender based violence.
- We provided extensive comments to the **UN Committee against Torture** which elaborated a General Comment on Article 14 of the UN Convention Against Torture, which concerns victims' right to a remedy, including rehabilitation and compensation.
- We worked with the **UN Working Group on Enforced Disappearances** to bring factual context to its work to recognise that widescale and systematic instances of enforced disappearances constitute a crime against humanity under international law.
- We began to engage with the newly established UN Mandate: the **Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-repetition**.

## International Institutions

### i) The International Criminal Court

REDRESS has advocated for a victim-friendly International Criminal Court prior to the adoption of the Rome Statute, and ever since, has sought to ensure that the Court's procedures and practices provide an effective avenue for victims to engage with the justice process and to see justice done. Now that the Court is fully functional, REDRESS is engaging with the organs of the Court that most closely interact with victims and works with victims groups and civil society in countries with ongoing ICC investigations and cases. In the last year, we:

- Engaged with victims groups in the **Democratic Republic of Congo, Uganda, Kenya and Cote D'Ivoire** and helped victims to access the Court;
- Conducted advocacy and information sharing relating to the Court's first verdict in the **Lubanga** case;
- Produced a seminal report on **reparations** before the ICC in advance of the Court's first reparations proceedings, and together with Leiden University and the Grotius Centre, convened a seminar on reparations for Court officials, states and other stakeholders;
- Coordinated the **Victims' Rights Working Group**, an ad hoc network of individuals and organisations working on victims' rights and the ICC, and through the network, produced numerous position papers and recommendations on issues affecting the Court, including: **legal representation for victims**, the Court's **budget**, the use of **intermediaries**, **victim participation** and **reparations**.
- Produced an amicus curiae (friend of the Court) submission in the **Gbagbo** case, on challenges relating to the collective participation of victims.

### ii) The Extraordinary Chambers in the Courts of Cambodia (ECCC)

Thirty years after the end of the Khmer Rouge regime in Cambodia, the establishment of the Extraordinary Chambers in the Courts of Cambodia (ECCC) provides an opportunity to address some of the harm that victims of the regime suffered. REDRESS has been engaging with civil society, victims' legal representatives and officials of the Court on a variety of issues. In the past year, we participated in an expert colloquium organised for the judges of the ECCC to consider the approaches and modalities for reparations. The ECCC is mandated to award symbolic and collective reparations following on from a guilty verdict, and options and approaches were conveyed based on practice elsewhere. REDRESS also provided input to the Victims Support Section on its mandate to afford other measures of assistance to victims.

### iii) Regional and International Human Rights Bodies and Courts

REDRESS continued to engage with regional and international human rights bodies and courts.

At the international (universal) level, REDRESS engaged with numerous UN bodies in the course of the year.

- We submitted shadow reports to the UN Human Rights Committee relating to the **Philippines** and to the UN Committee against Torture relating to **Sri Lanka**. It also submitted shadow reports as part of the Universal Periodic Review of the human rights situation in **Bahrain, India** and the **United Kingdom**. It engaged with the UN Special Rapporteur on Torture in relation to cases involving **Bahrain** and **Russia**, and provided information to the Special Rapporteur on the situation of migrants in relation to **Ecuador** and **Greece**. It supported victims from **Cameroon, Nepal, Sri Lanka** in relation to individual cases before the UN Human Rights Committee, and prepared a complaint in relation to **Uzbekistan** which is soon to be filed.
- We also engaged thematically with a range of UN bodies considering issues relating to REDRESS' expertise relating to victims' redress, including reparations, protection of victims and human rights defenders, the characterisation of widescale and systematic crimes and the interpretation of gender based violence in relation to torture and other crimes under internal law.

Before the **European Court of Human Rights**, REDRESS participated in an NGO Coalition that provided input and commentary on proposals to reform the Court's procedures. It also submitted two amicus curiae submissions during the year relating to cases brought against **Macedonia** and **Switzerland**, and received a

unanimously positive judgment in relation to a case it brought on behalf of a Turkish client who suffered torture at the hands of Greek coastguard officials.

Before the **Inter-American Commission and Court of Human Rights**, REDRESS filed a new claim against **Venezuela** on behalf of the family members of a UK national who died in prison as a result of the failure to obtain appropriate medical care. REDRESS' longstanding case against **Chile** was transmitted by the Commission to the Inter-American Court, and we are hopefully that the case will proceed to judgment in the coming year. Also during the year, a case REDRESS had previously filed with the Commission against **Peru**, was the subject of a thematic oral hearing by the Commission, and REDRESS' Peruvian partners attended in Washington and made oral submissions.

Before the **African Commission on Human and Peoples' Rights**, REDRESS organised, together with partner organisations, several side meetings in the course of Commission sessions. In addition, REDRESS followed up on numerous pending cases before the Commission, against **Sudan** and **Zimbabwe**. We also submitted a shadow report to the Commission concerning **Sudan's** 4<sup>th</sup> and 5<sup>th</sup> Periodic Report to the Commission.

## **PUBLIC BENEFIT**

The Trustees confirm that they have complied with the duty in section 17 of the Charities Act 2011 to have due regard to public benefit guidance published by the Commission in determining the activities undertaken by the Charity. The Trustees are satisfied that the aims and objectives of the charity, and the activities reported on above to achieve those aims, meet these principles.

## **OUR PLANS FOR THE FUTURE**

### **Evaluation of our work**

In 2010, REDRESS had two external evaluations of major programmes of work. In February 2010, REDRESS' **three year programme on the prohibition of torture in 5 countries: Peru, Russia, Sri Lanka, Sudan and Uganda** was evaluated, following the completion of the EU funded programme. A major component of the programme was litigation support for victims of torture, and in this respect, REDRESS' evaluator noted that: 'It is recognized that litigation is a fairly new area of human rights work – arguably representing a new phase in the development of human rights work more broadly, following earlier phases focusing on standard-setting and documentation. REDRESS and its partners are here not only on the right track, but in the driving seat, working at the cutting edge and acting as pioneers.' Further, it was noted that 'All the stakeholders interviewed provided overwhelmingly positive feedback regarding the high quality of the activities and outputs delivered under this project in all five countries, whether in the form of training or other capacity-building initiatives, strategy development, drafting of court submissions, advocacy on legal and policy reform or outreach to policy-makers.'

REDRESS' project entitled '**Strengthening Victims' Participation in the International Criminal Court**', funded by the John D. And Catherine T. MacArthur Foundation, was also independently evaluated in 2010. In summary, the evaluator noted that 'REDRESS has implemented its mandate as set out in the Grant Application. Deliverables were met and were of high quality. The Grant Project has already had some tangible impact. Directly due to its activities victims are now participating in proceedings before the International Criminal Court. Similarly, it has already had an impact on the general policy of the Court with respect to victims' participation. It can also be predicted that the Grant Project will have a longer term impact. Most importantly, it has established victims' rights working groups in the affected countries, and facilitated local expertise which will be crucial in future cases before the Court, as well as in promotion of victims rights at the national level.'

### **Future plans**

Trustees and staff had a series of exchanges on REDRESS' mission, mandate and strategies in 2006-2007. As part of this process, we considered our strategies and goals, as well as the external environments in which we work. The vision, mission and strategies of the organisation were clarified, though no fundamental changes were made to our goals and how we achieve them. However, this process made clear the need to:

- maximise the reach of our outputs to stakeholders globally;
- incorporate more directly media and public awareness into our work programmes;
- extend our work with local counterparts;
- maintain a firm stance on the absolute prohibition against torture, and resist and challenge the most recent threats to this fundamental principle.

A three year Strategic Plan was developed in a participatory way with staff and trustees and was adopted by trustees. This plan was intended to clarify REDRESS' programmatic, funding and communications goals, as well as to provide a monitoring and evaluation framework to assist REDRESS to track progress in meeting its objectives and to evaluate on the basis of clear indicators.

In the last year, REDRESS carried out an extensive review of its communications work and embarked on an ambitious strategy to invigorate its external communications to reach potential clients, partners and supporters around the world. As a result of the review, REDRESS hired its first full-time Communications Officer in 2011, and already a marked improvement in its outreach capacity has been noted.

## **OUR SUPPORTERS**

### **Funders**

REDRESS is indebted for funding this year to:

Allen & Overy LLP  
 Bromley Trust  
 City Parochial Foundation (Now Known as: Trust for London)  
 Department for International Development (DFID)  
 EC EIDHR programme  
 EC Fundamental Rights and Justice (Criminal Justice) programme  
 Foreign and Commonwealth Office-Sudan  
 Foundation Pro Victimis, Geneva  
 Freshfields Bruckhaus Deringer LLP  
 John D. and Catherine T. MacArthur Foundation  
 Joseph Rowntree Charitable Trust (Power and Responsibility Programme)  
 Ministry of Foreign Affairs, Finland  
 National Endowment for Democracy  
 Oak Foundation  
 Oxfam Novib Netherlands  
 Sigrid Rausing Trust  
 Sir Jeremiah Coleman Gift Trust  
 UN Voluntary Fund for Victims of Torture  
 VCEP

Many of our funders, such as the Bromley Trust, the European Commission, the MacArthur Foundation and the UN Voluntary Fund for Victims of Torture have continued to support REDRESS for many years, and their commitment to the organisation and its aims has been very important to REDRESS' stability and success.

We are also very grateful to the many individuals who supported our work this year. This year, we have received £11,505 (2011 - £18,903) from individual donations, many from long-term supporters of the organisation, some from newer contacts and as a result of sporting and other events. REDRESS supporters raised a record sum though marathons and other sporting events. This helped draw wider attention to our cause and raised key resources for our work.

### **Volunteers, interns and other supporters**

The Trustees would also like to record their appreciation of the many volunteers who willingly gave their time to the benefit of the charity. This year, REDRESS' volunteers provided invaluable support to all of our programme areas. REDRESS has been fortunate to host a range of interns and volunteers from many countries, who have contributed substantially to our work. We would also like to warmly thank the professors and students who collaborated with REDRESS through a number of clinical and related human rights programmes

Special thanks are due to civil society partners throughout the world who continue to share our vision for a world without torture and for the need to achieve justice for victims.

## **Support from the legal community**

We would also like to make special mention of the numerous law firms, barristers and solicitors that have supported our work over the year. In particular, we are very grateful to Allen & Overy LLP, Freshfields Bruckhaus Deringer; Leigh Day & Co; Wilson Solicitors LLP; Bindmans & partners; Blackstone Chambers, 1 Crown Row Chambers and Doughty St Chambers that have lent their support to REDRESS.

## **STRUCTURE, GOVERNANCE AND MANAGEMENT**

The Board of Trustees confirms that the annual report and financial statements of the charity comply with current statutory requirements, the requirements of the charity's governing document and the provisions of the Statement of Recommended Practice (SORP) "Accounting and Reporting by Charities" issued in March 2005.

The charity may by Ordinary Resolution in General Meeting appoint any person who is willing to act to be a Trustee, either to fill a vacancy or as an additional Trustee. At every third Annual General Meeting thereafter all the Trustees shall retire from office. Retiring Trustees are eligible for re-election. Trustees are recruited personally by existing members for their legal knowledge, experience of and interest in the charity's work.

The Board of Trustees is responsible, *inter alia*, for setting and overseeing the overall direction, policies and finances of the charity. It has the power from time to time to adopt and make, alter or revoke, bye-laws for the regulation of the charity and otherwise for the purposes for which the charity is established, so long as such bye-laws are consistent with the Memorandum or Articles of Association. The Director is responsible for the day-to-day management of the charity and execution of policies and practices set by the Board of Trustees. There have been no changes in the objectives since the last annual report. REDRESS plans to continue the activities as outlined above in the forthcoming years subject to satisfactory funding arrangements.

## **Induction and Training of Trustees**

Trustees receive an induction programme which involves meetings with all of the charity's staff and consultants and is intended to inform them of the charity's work and objectives.

## **FINANCIAL REVIEW**

### **Financial performance**

The charity had net incoming resources on unrestricted funds of £13,272 for the year (2011- outgoing £6,282) before transfers. Together with the accumulated surplus brought forward from previous years, the charity now has an accumulated surplus on unrestricted funds of £182,957 (2011 - £185,908). Restricted funds carried forward at 31 March 2012 amounted to £719,544 (2011 - £876,527), following net outgoing resources for the year of £173,656 (2011 -incoming £596,618). The funds carried forward are sufficient for the activities for which the funds were provided.

The Trustees' efforts in developing and implementing the charity's fundraising strategy during the year resulted in growth in total income.

The Trustees have also carefully addressed the complementarities of the charity's work with other national and international organisations to assure donors that funding contributes the maximum impact to a co-ordinated approach to the charity's overall goals.

## **Reserves policy**

REDRESS holds Reserves for a number of reasons:

- To enable activities to continue in the period between major projects supported by Restricted Grant Income;
- To enable REDRESS to initiate projects which can demonstrate to a funder a need for support;
- To invest in future income generation;
- To cover any unforeseen expenditure; and
- To provide cashflow support for Restricted Grant Income paid in arrears.

At the year-end REDRESS had Reserves of £171,426, calculated as the total value of Unrestricted Funds less the value of Fixed Assets which are not immediately realisable for use under the Policy. The Trustees calculate that REDRESS requires a range of Reserves of between £106k and £211k. Whilst the current Reserves exceed the minimum target level, the Trustees consider this to be appropriate because, over the next year, a number of grants are due for renewal with the outcome of applications currently being uncertain.

The Trustees review the organisational Budget regularly during the Financial Year and will review the Reserves Policy annually as part of this process.

## **Risk management**

The Trustees had identified the main risks are (i) not meeting fundraising targets and (ii) ensuring that funders' accountability requirements continue to be met. As a number of multi-year grants expire in 2012, the Trustees are conscious that the organisation faces a higher financial risk than in the previous three years; however, they recognise that management systems are in place to deal with the operational and decision-making risk. A strategy is in place to achieve the renewal of expired grants and to identify potential new funders. As part of their risk management review, the Trustees have agreed a contingency plan with the Director and will closely monitor the progress on grant applications.

## **STATEMENT OF THE BOARD OF TRUSTEES' RESPONSIBILITIES**

The trustees (who are also directors of The Redress Trust for the purposes of company law) are responsible for preparing the Trustees' Report and the financial statements in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice).

Company law requires the trustees to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the charitable company and of the incoming resources and application of resources, including the income and expenditure, of the charitable company for that period. In preparing these financial statements, the trustees are required to:

- Select suitable accounting policies and then apply them consistently;
- Observe the methods and principles in the Charities SORP;
- Make judgements and estimates that are reasonable and prudent;
- State whether applicable UK Accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements;
- Prepare the financial statements on the going concern basis unless it is inappropriate to presume that the charitable company will continue in business

The trustees are responsible for keeping proper accounting records that disclose with reasonable accuracy at any time of the financial position of the charitable company and enable them to ensure that the financial statements comply with the Companies Act 2006. They are also responsible for safeguarding the assets of the charitable company and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

In so far as we are aware:

- There is no relevant audit information of which the charitable company's auditor is unaware; and

The trustees have taken all steps that they ought to have taken to make themselves aware of any relevant audit information and to establish that the auditor is aware of that information.

### **Events since the end of the year**

In the opinion of the Board of Trustees no event since the balance sheet date significantly affects the company's financial position.

### **Auditors**

The auditors, haysmacintyre, will be proposed for re-appointment in accordance with Section 485 of the Companies Act 2006.

The report of the Trustee has been prepared in accordance with the special provisions relating to companies subject to the small companies regime within Part 15 of the Companies Act 2006.

In preparing this report, the directors have taken advantage of the small companies exemptions provided by section 415A of the Companies Act 2006

This report was approved by the Board of Trustees on and signed on its behalf by:

Sir Emyr Jones Parry GCMG, PhD, FInstP  
Chair of the Board of Trustees

9<sup>th</sup> July 2012

# **Independent auditor's report to the members of The Redress Trust**

We have audited the financial statements of The Redress Trust for the year ended 31 March 2012 which comprise the Statement of Financial Activities, the Balance Sheet, and the related notes. The financial reporting framework that has been applied in their preparation is applicable law and the Financial Reporting Standard for Smaller Entities (effective April 2008) (United Kingdom Generally Accepted Accounting Practice applicable to Smaller Entities).

This report is made solely to the charitable company's members, as a body, in accordance with Chapter 3 of Part 16 of the Companies Act 2006. Our audit work has been undertaken so that we might state to the charitable company's members those matters we are required to state to them in an Auditors' Report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the charitable company and its members, as a body, for our audit work, for this report, or for the opinion we have formed.

## **Respective responsibilities of Trustees and auditors**

As explained more fully in the Statement of Trustees' Responsibilities, the Trustees (who are also the directors of the charitable company for the purposes of company law) are responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view.

Our responsibility is to audit and express an opinion on the financial statements in accordance with applicable law and International Standards on Auditing (UK and Ireland). Those standards require us to comply with the Auditing Practices Board's Ethical Standards for Auditors.

## **Scope of the audit of the financial statements**

An audit involves obtaining evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of: whether the accounting policies are appropriate to the company's circumstances and have been consistently applied and adequately disclosed; the reasonableness of significant accounting estimates made by the Trustees; and the overall presentation of the financial statements.

In addition, we read all the financial; and non-financial information in the Trustees' Annual Report to identify material inconsistencies with the audited financial statements. If we become aware of any apparent material misstatements or inconsistencies we consider the implications for our report.

## **Opinion on financial statements**

In our opinion the financial statements:

- give a true and fair view of the state of the charitable company's affairs as at 31 March 2012 and of its incoming resources and application of resources, including its income and expenditure, for the year then ended;
- have been properly prepared in accordance with United Kingdom Generally Accepted Accounting Practice applicable to Smaller Entities; and
- have been prepared in accordance with the requirements of the Companies Act 2006.

## **Opinion on other matter prescribed by the Companies Act 2006**

In our opinion the information given in the Trustees' Report for the financial year for which the financial statements are prepared is consistent with the financial statements.

# Independent auditor's report to the members of The Redress Trust (continued)

## Matters on which we are required to report by exception

We have nothing to report in respect of the following matters where the Companies Act 2006 requires us to report to you if, in our opinion:

- adequate accounting records have not been kept, or returns adequate for our audit have not been received from branches not visited by us; or
- the financial statements are not in agreement with the accounting records and returns; or
- certain disclosures of trustees' remuneration specified by law are not made; or
- we have not received all the information and explanations we require for our audit; or
- the Trustees were not entitled to prepare the financial statements in accordance with the small companies regime and take advantage of the small companies' exemption in preparing the Trustees' Report.

.....  
Murtaza Jessa (Senior Statutory Auditor)  
for and on behalf of haysmacintyre, Statutory Auditors

Fairfax House  
15 Fulwood Place  
London  
WC1V 6AY

[Date]

## Statement of Financial Activities for the year ended 31<sup>st</sup> March 2012 (incorporating the Income & Expenditure account)

	Note	Unrestricted Funds £	Restricted Funds £	Total 2012 £	Total 2011 £
<b>Incoming resources</b>					
<i>Incoming resources from generated funds</i>					
Voluntary income:					
Donations	2	146,082	-	<b>146,082</b>	323,481
Legacies		671	-	<b>671</b>	13,000
Investment Income		526	-	<b>526</b>	495
<i>Incoming resources from charitable activities</i>					
Grants receivable:					
Casework		-	341,499	<b>341,499</b>	286,162
Working in Post-Conflict Contexts		-	250,098	<b>250,098</b>	297,110
Promoting International Standards		-	154,403	<b>154,403</b>	245,741
Influencing National Standards and Practice		-	25,000	<b>25,000</b>	231,686
Communication		-	-	-	103,469
Training and other income		10,458	-	<b>10,458</b>	5,999
<b>Total incoming resources</b>		<b>157,737</b>	<b>771,000</b>	<b>928,737</b>	<b>1,507,143</b>
<b>Resources expended</b>					
<i>Costs of generating funds</i>					
Costs of generating voluntary income		33,273	-	<b>33,273</b>	42,983
<i>Charitable activities</i>					
Casework		33,514	305,515	<b>339,029</b>	153,024
Working in Post-Conflict Contexts		26,409	240,748	<b>267,157</b>	273,070
Promoting International Standards		25,650	233,841	<b>259,491</b>	225,117
Influencing National Standards and Practice		10,291	93,819	<b>104,110</b>	217,356
Communication		3,419	31,165	<b>34,584</b>	-
Core Restricted		4,340	39,568	<b>43,908</b>	-
Training and other Expenditure		-	-	-	-
Governance	5	7,119	-	<b>7,119</b>	5,257
Total charitable activities		110,742	944,656	<b>1,055,398</b>	873,824
<b>Total resources expended</b>		<b>144,015</b>	<b>944,656</b>	<b>1,088,671</b>	<b>916,807</b>
<b>Net Incoming/(outgoing) resources before transfers</b>	6	<b>13,272</b>	<b>(173,656)</b>	<b>(159,934)</b>	<b>590,336</b>
Transfers between funds		(16,673)	16,673	-	-
<b>Net income/(expenditure) for the year after transfers</b>		<b>(2,951)</b>	<b>(156,983)</b>	<b>(159,934)</b>	<b>590,336</b>
Fund balances brought forward at 1 <sup>st</sup> April 2011		185,908	876,527	1,062,435	472,098
<b>Fund balances carried forward at 31<sup>st</sup> March 2012</b>		<b>182,957</b>	<b>719,544</b>	<b>902,501</b>	<b>1,062,435</b>

There were no recognised gains and losses for 2012 or 2011 other than those included in the statement of financial activities. All the above results are derived from continuing activities. The notes on pages 23 to 31 form part of these financial statements.

# Balance Sheet as at 31<sup>st</sup> March 2012

Company number: 02774071

	Note	£	2012 £	£	2011 £
<b>FIXED ASSETS</b>					
Tangible fixed assets	8		11,531		19,045
<b>CURRENT ASSETS</b>					
Debtors	9	152,199		259,576	
Cash at bank and in hand		833,291		868,659	
Total current assets		<u>985,490</u>		<u>1,128,235</u>	
<b>CREDITORS:</b> falling due within one year	10	(94,520)		(84,845)	
<b>NET CURRENT ASSETS</b>			<u>890,970</u>		<u>1,043,390</u>
<b>NET ASSETS</b>			<u><b>902,501</b></u>		<u><b>1,062,435</b></u>
<b>REPRESENTED BY:</b>					
	12				
Restricted funds			719,544		876,527
Unrestricted funds:					
General funds			105,868		97,502
Designated funds			77,089		88,406
			<u><b>902,501</b></u>		<u><b>1,062,435</b></u>

The financial statements have been prepared in accordance with the special provisions relating to companies subject to the small companies regime within Part 15 of the Companies Act 2006 and in accordance with the Financial Reporting Standard for Smaller Entities (effective April 2008).

The financial statements were approved and authorised for issue by the Board of Trustees on 9th July 2012 and signed on its behalf by:

\_\_\_\_\_  
Sir Emyr Jones Parry GCMG, PhD, FInstP  
Chair

The notes on pages 23-31 form part of these financial statements.

# Notes to the Financial Statements for the year ended 31<sup>st</sup> March 2012

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## 1. ACCOUNTING POLICIES

A summary of the principal accounting policies, all of which have been applied consistently throughout the year and with the preceding year, is set out below:

### **Basis of preparation of financial statements**

The financial statements have been prepared under the historical cost convention, on the going concern basis and in accordance with the Statement of Recommended Practice (SORP) "Accounting and Reporting by Charities" issued in March 2005 and with applicable accounting standards. The financial statements include the results of the charity's operations which are described in the Board of Trustees' Report and all of which are continuing.

The charity has taken advantage of the exemption in Financial Reporting Standard No. 1 from the requirement to produce a cash flow statement on the grounds that it is a small company.

### **Company status**

The charity is a company limited by guarantee. The members of the company are the Board of Trustees named on Page 32. In the event of the charity being wound up, the liability in respect of the guarantee is limited to £10 per member of the charity.

### **Fund accounting**

General funds are unrestricted funds which are available for use at the discretion of the Board of Trustees in furtherance of the general objectives of the charity and which have not been designated for other purposes.

Restricted funds are funds that are to be used in accordance with specific restrictions imposed by the donors, which have been raised by the charity for particular purposes. The aim and use of each restricted fund is set out in the notes to the financial statements.

Investment income, gains and losses are allocated to the appropriate fund.

### **Incoming resources**

All incoming resources are included in the Statement of Financial Activities when the charity is legally entitled to the income and the amount can be quantified with reasonable accuracy.

### **Resources expended**

All expenditure is accounted for on an accruals basis and has been included under expense categories that aggregate all costs for allocation to activities. Where costs cannot be directly attributed to particular activities they have been allocated using the ACEVO Full Cost Recovery Model.

Governance costs are those not attributable to direct expenditure and have been incurred in ensuring compliance with constitutional and statutory requirements.

### **Tangible fixed assets and depreciation**

Assets acquired for the long-term use of the charity and having an initial cost or valuation of £250 or more are capitalised as tangible fixed assets. Tangible fixed assets are stated at cost or valuation less depreciation. Depreciation is provided at rates calculated to write off the cost or valuation of fixed assets, less their estimated residual value, over their expected useful lives on the following bases:

Office equipment-	4 years	Straight line
Fixtures & fittings-	6 years	Straight line

# Notes to the Financial Statements for the year ended 31<sup>st</sup> March 2012

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## Foreign currencies

Assets and liabilities in foreign currencies are translated into sterling at the rates of exchange ruling at the balance sheet date. Transactions in foreign currencies are translated into sterling at the rate ruling on the date of the transaction. Exchange differences are taken into account in arriving at the operating surplus.

## Pensions

The charity operates a defined contribution pension policy and the pension charge represents the amounts payable by the charity to funds established by individuals in respect of the year.

## Taxation

The charity is exempt from income tax and corporation tax on its charitable activities. The charity is not registered for VAT and is unable to recover VAT on its purchases. All irrecoverable VAT is included within the appropriate headings.

## 2. VOLUNTARY INCOME

	<b>Unrestricted Funds</b>	<b>Restricted Funds</b>	<b>Total Funds 2012</b>	<i>Total Funds 2011</i>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Bromley Trust	-	-	-	25,000
VCEP	94,407	-	<b>94,407</b>	94,340
John D. and Catherine T. MacArthur Foundation	-	-	-	144,108
J Armitage Charitable Trust	36,000	-	<b>36,000</b>	-
Other	15,675	-	<b>15,675</b>	60,033
	<b>146,082</b>	<b>-</b>	<b>146,082</b>	<b>323,481</b>

# Notes to the Financial Statements for the year ended 31<sup>st</sup> March 2012

## 3. INCOMING RESOURCES FROM CHARITABLE ACTIVITIES

	Unrestricted Funds	Restricted Funds	Total Funds 2012	Total Funds 2011
	£	£	£	£
<i>Casework</i>				
EC EIDHR	-	283,134	<b>283,134</b>	212,405
UN Voluntary Fund for Victims of Torture	-	23,365	<b>23,365</b>	40,007
Trust for London	-	35,000	<b>35,000</b>	31,250
Other	-	-	-	2,500
<i>Working in Post-Conflict Contexts</i>				
Dept for International Development	-	61,251	<b>61,251</b>	63,119
Oak Foundation	-	126,044	<b>126,044</b>	131,736
EC EIDHR Sudan	-	42,803	<b>42,803</b>	-
Bromley Trust	-	20,000	<b>20,000</b>	-
Foreign & Commonwealth Office	-	-	-	40,332
John D. And Catherine T. MacArthur Foundation	-	-	-	61,924
<i>Promoting International Standards</i>				
John D. and Catherine T. MacArthur Foundation	-	31,125	<b>31,125</b>	97,254
The Sigrid Rausing Trust	-	80,000	<b>80,000</b>	80,000
Pro Victimis Foundation	-	30,000	<b>30,000</b>	60,000
MFA Finland	-	10,278	<b>10,278</b>	-
Other	-	3,000	<b>3,000</b>	8,486
<i>Influencing National Standards and Practice</i>				
Joseph Rowntree Charitable Trust	-	25,000	<b>25,000</b>	15,000
EC EIDHR Nepal	-	-	-	14,192
EC Fund'l Rights & Justice Programme	-	-	-	75,301
Oxfam Novib	-	-	-	127,193
<i>Communications</i>				
John D. And Catherine T. MacArthur Foundation	-	-	-	103,469
<i>Training &amp; Consultancy</i>				
	10,458	-	<b>10,458</b>	5,999
	<b>10,458</b>	<b>771,000</b>	<b>781,458</b>	<b>1,170,167</b>

# Notes to the Financial Statements for the year ended 31<sup>st</sup> March 2012

## 4. TOTAL RESOURCES EXPENDED

	<b>Staff Costs</b>	<b>Other Costs</b>	<b>Apportioned Support Costs</b>	<b>Total 2012</b>	<i>Total 2011</i>
	£	£	£	£	£
Costs of generating funds	29,526	458	3,289	<b>33,273</b>	42,983
Charitable activities					
Casework	152,939	152,577	33,513	<b>339,029</b>	153,024
Working in Post-Conflict Contexts	151,366	89,383	26,408	<b>267,157</b>	273,070
Promoting International Standards	157,353	76,488	25,650	<b>259,491</b>	225,117
Influencing National Standards and Practice	72,593	21,226	10,291	<b>104,110</b>	217,356
Communications	29,938	1,227	3,419	<b>34,584</b>	-
Core Restricted	27,023	12,545	4,340	<b>43,908</b>	-
Training and other Expenditure	-	-	-	-	-
Governance	-	6,415	704	<b>7,119</b>	5,257
<b>Total</b>	<b>620,738</b>	<b>360,319</b>	<b>107,614</b>	<b>1,088,671</b>	916,807

Apportioned support costs include the following costs, allocated to activities using the ACEVO Full Cost Recovery model:

<b>Cost pool</b>	<b>2012</b>	<i>2011</i>
	£	£
Staff costs	89,196	99,180
Casework costs	7,106	13,228
Communications costs	632	1,213
Office costs	9,756	34,389
Premises costs	924	17,614
<b>Total</b>	<b>107,614</b>	<i>165,624</i>

## 5. GOVERNANCE COSTS

Governance costs include:

	<b>2012</b>	<i>2011</i>
	£	£
Legal costs	-	15
Audit and accountancy	<b>4,772</b>	1,876
Other	<b>2,347</b>	2,416
	<b>7,119</b>	<i>4,307</i>

Audit and accountancy costs are charged to Restricted Funds where allowed.

# Notes to the Financial Statements for the year ended 31<sup>st</sup> March 2012

## 6. NET INCOMING/ (OUTGOING) RESOURCES

Net incoming/(outgoing) resources are stated after charging:

	2012 £	2011 £
Depreciation of tangible fixed assets	8,341	8,039
Auditors remuneration		
Audit services	7,080	6,942
Other services	4,284	-
Operating leases	25,189	23,882
	<u>44,894</u>	<u>38,863</u>

Audit services costs totalling £6,591 (2011 - £5,066) have been charged to Charitable Activities (see Note 3 above) where they are covered by Restricted grants.

## 7. STAFF COSTS

	2012 £	2011 £
Wages and salaries	444,343	382,061
Social security costs	48,932	39,922
Pension and other costs	38,745	40,061
Temporary, contract and non-UK staff costs	171,977	186,149
Other staff costs e.g. recruitment, training, volunteers	5,937	8,701
	<u>709,934</u>	<u>656,894</u>

One employee received remuneration exceeding £60,000 in the year (2011: one) and the employer's pension contribution in the year was £7,185 (2011:£6,478)

The non-UK staff costs include staff employed by partner organisations working to implement projects and not directly by the charity.

The average monthly number of employees during the year was as follows:

	2012	2011
Project staff	10	9
Support staff	5	4
	<u>15</u>	<u>13</u>

No trustees (2011 nil) received any remuneration in respect of their role as trustees. One trustee (2011: two) claimed reimbursement of £84 expenses (2011:£46) during the year.

# Notes to the Financial Statements for the year ended 31<sup>st</sup> March 2012

## 8. TANGIBLE FIXED ASSETS

	Office Equipment £	Fixtures & Fittings £	Total £
<b>Cost</b>			
At 1 <sup>st</sup> April 2011	49,277	5,702	54,979
Additions	827	-	827
Disposals	-	-	-
At 31 <sup>st</sup> March 2012	<u>50,104</u>	<u>5,702</u>	<u>55,806</u>
<b>Depreciation</b>			
At 1 <sup>st</sup> April 2011	30,854	5,080	35,934
Charge for the year	8,058	283	8,341
Disposals	-	-	-
At 31 <sup>st</sup> March 2012	<u>38,912</u>	<u>5,363</u>	<u>44,275</u>
<b>Net Book Value</b>			
At 31 <sup>st</sup> March 2012	<u>11,192</u>	<u>339</u>	<u>11,531</u>
At 31 <sup>st</sup> March 2011	<u>18,423</u>	<u>622</u>	<u>19,045</u>

## 9. DEBTORS

	2012 £	2011 £
<b>Due within one year</b>		
Grants receivable	-	152,021
Other debtors	15,329	35,705
Advances to partners under Grant agreements	46,440	60,226
Prepayments	27,831	4,822
Accrued income	62,599	6,802
	<u>152,199</u>	<u>259,576</u>

## 10. CREDITORS

	2012 £	2011 £
<b>Amounts falling due within one year</b>		
Trade creditors	52,141	33,683
Accruals	7,080	23,839
Social security and other taxes	11,148	12,468
Other creditors	24,151	14,855
	<u>94,520</u>	<u>84,845</u>

# Notes to the Financial Statements for the year ended 31<sup>st</sup> March 2012

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## 11. FUND MOVEMENTS

The funds of the charity include restricted funds comprising the unexpended balances of donations and grants, as set out below, held on trusts to be applied for the following purposes:

### *Casework*

This programme supports the charity's direct work with survivors of torture based in the United Kingdom and abroad. The charity's main programme, it is supported by the EC EIDHR, the UN Voluntary Fund for Victims of Torture, the Trust for London and Allen & Overy Foundation.

### *Working in Post-Conflict Contexts*

This programme supports the charity's work in conflict areas such as Rwanda, Sudan and Uganda. The Department for International Development (DfID), Foreign & Commonwealth Office (FCO) and the Oak Foundation have funded this work.

### *Promoting International standards of justice that reflect the rights of survivors to effective participation and redress*

This programme supports the charity's work to increase victims' participation and access to the International Criminal Court and other regional courts and tribunals where they may obtain reparation and redress. It also supports the organisation's work in international standard-setting before these and other international bodies. The John D. and Catherine T. MacArthur Foundation, The Sigrid Rausing Trust, Oxfam Novib, Foundation Pro Victimis, Ministry of Foreign Affairs Finland and Freshfields Bruckhaus Deringer LLP have funded the work this year.

### *Influencing National standards and practices that reflect torture survivors' rights in practice*

This programme supports the charity's work to ensure that national laws and institutions reflect international law standards and survivors' rights. It includes the organisation's policy, advocacy and capacity building work in the United Kingdom and in a range of countries worldwide. It also includes the organisation's specialised work with European Union Member States in which the organisation is working within the regional institutional framework to affect change in the policies and practices of Member States. The Joseph Rowntree Charitable Trust and EC Fundamental Rights & Justice Programme have funded this work.

### *Communication Fund*

REDRESS has set aside funds to enhance its communications and media work to draw attention to the scourge of torture and the plight of victims, and to increase opportunities for engagement with stakeholders worldwide. The John D. And Catherine T. MacArthur Foundation has funded this work.

### *Core Fund - Restricted*

The John D. And Catherine T. MacArthur Foundation awarded REDRESS funds to support the development of the organisation.

# Notes to the Financial Statements for the year ended 31<sup>st</sup> March 2012

	Balance 1 <sup>st</sup> April 2011	Incoming Resources	Resources Expended	Transfers Between Funds	Balance 31 <sup>st</sup> March 2012
	£	£	£	£	£
<b>Restricted funds</b>					
Casework	210,406	341,499	305,515	-	<b>246,390</b>
Working in Post-Conflict Contexts	155,013	250,098	240,748	656	<b>165,019</b>
Promoting International Standards	199,491	154,403	233,841	594	<b>120,647</b>
Influencing National Standards and Practice	64,040	25,000	93,819	15,423	<b>10,644</b>
Communications	103,469	-	31,165	-	<b>72,304</b>
Core -restricted	144,108	-	39,568	-	<b>104,540</b>
<b>Total restricted funds</b>	<b>876,527</b>	<b>771,000</b>	<b>944,656</b>	<b>16,673</b>	<b>719,544</b>
<b>Unrestricted funds</b>					
Designated fund -Development	69,361	94,407	98,210	-	<b>65,558</b>
Designated fund -Fixed Assets	19,045	-	8,341	827	<b>11,531</b>
General fund	97,502	63,330	37,464	(17,500)	<b>105,868</b>
<b>Total unrestricted funds</b>	<b>185,908</b>	<b>157,737</b>	<b>144,015</b>	<b>(16,673)</b>	<b>182,957</b>
<b>Total funds</b>	<b>1,062,435</b>	<b>928,737</b>	<b>1,088,671</b>	<b>-</b>	<b>902,501</b>

## Designated Funds

The Trustees have continued to designate the funding from VCEP as a fund to support development of the charity.

A designated fund representing the net book value of fixed assets has been established. These funds are tied up in fixed assets and are not readily realisable to support the work of the organisation.

# Notes to the Financial Statements for the year ended 31<sup>st</sup> March 2012

## 12. ANALYSIS OF NET ASSETS BETWEEN FUNDS

	Unrestricted Funds	Restricted Funds	Total Funds 31 <sup>st</sup> March 2012	<i>Total Funds 31<sup>st</sup> March 2011</i>
	£	£	£	£
Fund balances at 31 <sup>st</sup> March 2012 are represented by:				
Tangible fixed assets	11,531	-	<b>11,531</b>	<i>19,045</i>
Current assets	249,303	736,187	<b>985,490</b>	<i>1,128,235</i>
Current liabilities	(77,877)	(16,643)	<b>(94,520)</b>	<i>(84,845)</i>
	<u>182,957</u>	<u>719,544</u>	<u><b>902,501</b></u>	<u><i>1,062,435</i></u>

## 13. CAPITAL COMMITMENTS AND CONTINGENT LIABILITIES

At the end of the period there were no capital commitments or other financial commitments for which full provision has not been made in these financial statements (2011 nil).

## 14. OPERATING LEASES

Operating lease rentals of £25,189 (2011 £23,882) were payable in respect of properties and equipment held under leases in the year. In the coming year, the charity is committed to paying the following amounts in respect of operating leases, expiring:

	Land and buildings		Other	
	2012	2011	2012	2011
	£	£	£	£
From one to five years	<u><b>25,189</b></u>	<u><i>23,882</i></u>	<u>-</u>	<u>-</u>

## 15. PENSION SCHEMES

The charity operates a defined contribution policy in respect of its employees. Individuals are encouraged to establish their own schemes to which the charity contributes. Pension contributions for three members of staff have been accrued for the year pending establishment of schemes for those individuals. As at 31 March 2012, employer contributions outstanding amount to £7,507 (2011:£2,407).

## 16. REDRESS TRUST (USA)

The Redress Trust Limited was incorporated as a Not-for-Profit Corporation in the State of New York on 27<sup>th</sup> June 1995, (Number 13-4028661). The Internal Revenue Service determined on 22<sup>nd</sup> October 1999 that The Redress Trust Limited (USA) is exempt from federal income tax under Section 501(a) of the Internal Revenue Code as an organisation under Section 501 (c) (3).

### The Board of Directors consists of:-

Professor Michael Bazyler (USA), Chair  
Stephanie Deckrosh (USA)  
Professor Naomi Roht-Arriaza (USA)  
Professor David Weissbrodt (USA)

# WHO'S WHO AT REDRESS

## Board of Trustees

Sir Emyr Jones Parry GCMG (Chair)  
Michael Birnbaum QC  
Professor Bill Bowring  
Sherman Carroll PhD, MBE (Hon.)  
Simon Carruth (Treasurer)  
Sir Robin Christopher KCMG  
Patricia Hakong (joined 5<sup>th</sup> July 2011)  
Leah Levin OBE  
Rev. Nicholas Mercer (joined 6<sup>th</sup> March 2012)  
Frances Pinter PhD  
Jennifer Callaghan (formerly White)

## Staff

Carla Ferstman	Director and Company Secretary
Mariana Goetz	Deputy Director/Director of Programmes
Michelle Willis	Head of Finance
Lutz Oette	Counsel
Liliana Rodrigues	Fundraiser
Dadimos Haile	Legal Advisor
Kevin Laue	Legal Advisor
Juergen Schurr	Legal Advisor
Gaelle Carayon	ICC Programme Officer
Sarah Fulton	International Legal Officer
Catie Harvey	Administrator
Makuta Kamara	Finance Assistant
Eva Sanchis	Communications Officer

## Auditors

haysmacintyre  
Fairfax House  
15 Fulwood Place  
London, WC1V 6AY

## Bankers

Unity Trust Bank  
Nine Brindleyplace  
Birmingham B1 2HB

Royal Bank of Scotland  
High Holborn Branch  
London, WC1V 6PQ

HSBC Bank  
London Bridge Branch  
London, SE1 1YB

## Patrons

The Rt Hon the Lord Archer of Sandwell QC  
Professor Michael Bazylar  
The Rt Hon the Lord Crickhowell  
Dato' ParamCumaraswamy  
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Sir Geoffrey Bindman  
Owen Davies QC  
Joanna Glynn QC  
Professor David Harris CMG  
Professor Geraldine Van Bueren  
Lorna McGregor  
Professor David Weissbrodt

## **PUBLICATIONS THIS YEAR**

- April 2012      **Letter to the Nepal Prime Minister on Proposed Torture Bill**
- April 2012      **Comments to Sudan's 4th and 5th Periodic Report to the African Commission on Human and Peoples' Rights:** Article 5 of the African Charter: Prohibition of torture, cruel, degrading or inhuman punishment and treatment
- April 2012      **Comments to Sudan's 4th and 5th Periodic Report to the African Commission on Human and Peoples' Rights:** The need for substantial legislative reforms to give effect to the rights, duties and freedoms enshrined in the Charter
- March 2012      **Criminal Justice and Human Rights: An agenda for effective human rights protection in Sudan's new constitution**
- March 2012      **No more cracking of the whip: Time to end corporal punishment in Sudan**
- March 2012      **Joint NGO preliminary comments on the first draft of the Brighton Declaration on the Future of the European Court of Human Rights**
- February 2012   **Closing the Impunity Gap: Southern Africa's Role in Ensuring Justice for the 1994 Genocide in Rwanda**
- January 2012     **Open letter to the Prime Minister concerning the Detainee Inquiry**
- January 2012     **Submission to UK Ministry of Justice on "Justice and Security" Green Paper**
- December 2011   **Submission to the Human Rights Committee on Implementation of its Views in the Philippines**
- December 2011   **Redress' statement to the 10th Session of the Assembly of States Parties**
- December 2011   **VRWG - Issues and Concerns Presented by the Victims' Rights Working Group on the occasion of the 10th Session of the Assembly of States Parties**
- December 2011   **War Crimes Unit: Open Letter to the French Ministry of Justice and Interior**

November 2011 **Held to Account: Making the Law Work to Fight Impunity in Nepal**

November 2011 **Universal Periodic Review, India**, 13th Session May -June 2012

November 2011 **Universal Periodic Review, UK**, 13th Session, May-June 2012

November 2011 **Universal Periodic Review, Bahrain**, 13th session, May-June 2012

October 2011 **Gender and Torture Conference Report**

Sept 2011 **Reparations before the International Criminal Court: Issues and Challenges:** Summary report from REDRESS-Leiden University/Grotius Centre conference on Reparations before the ICC: Issues and Challenges, The Hague, 12 May 2011

Sept 2011 **CAT draft General Comment on Article 14: REDRESS submission**

Sept 2011 **Submission to the UK Foreign Affairs Committee Inquiry into British Foreign Policy and the Arab Spring**, September 2011

Sept 2011 **Comments to the Committee Against Torture on Sri Lanka's combined third and fourth periodic reports**

August 2011 **The Armed Forces (Special Powers) Act, 1958 in Manipur and other States of the Northeast of India**

August 2011 **Human Rights Groups withdraw from Detainee Inquiry**

June 2011 **Letter from Sir Emyr Jones Parry, REDRESS Chair**, to the Foreign Affairs Committee, submitting evidence to its Annual Inquiry into the FCO's Human Rights work

June 2011 **Briefing for House of Lords on Police Reform and Social Responsibility Bill**

May 2011 **Justice for Victims: The ICC's Reparations Mandate**

April 2011 **Advocacy Forum and REDRESS Comment on Nepali Draft Criminal Code, Draft Criminal Procedure Code and Draft Sentencing Bill: Provisions relevant to a Fair Trial, Enforced Disappearance and Sexual Violence**

April 2011 **Inquiry into alleged UK involvement in the mistreatment of detainees held abroad**

March 2011 **Transitional Justice and Criminal Law Reform: Human Rights Perspectives for Sudan**