

**REDRESS**

*Seeking Reparation for Torture Survivors*

## **THE REDRESS TRUST**

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

**FOR THE YEAR ENDED 31<sup>ST</sup> MARCH 2009**

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## MESSAGE FROM THE CHAIR AND THE DIRECTOR

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

The prohibition against torture is one of the most enduring values we have today. As with many values worth fighting for, we only realise their worth when they are most vulnerable to attack. As President Obama has stated: 'we need not sacrifice our security for our values, nor sacrifice our values for our security'.<sup>1</sup> We cannot allow pragmatism to justify torture or other forms of prohibited treatment. It is the responsibility of governments everywhere to stand up to this challenge and ensure that their actions comply with international obligations that outlaw torture. This requires eternal vigilance from us all, but especially from the countries and contexts in which torture and other forms of barbarism thrive.

Democracy is a vital precondition to the rule of law. Certain governments require a state of disequilibrium to stay in power, and we see many instances in which this instability has led to the worst possible human rights abuses, whether this is in Sudan, in Zimbabwe, in Pakistan, Sri Lanka or Iraq. No state is above reproach – there is no free license to govern; governance comes with clear responsibilities. Institutions like the International Criminal Court have a fundamental role to play in bringing justice for crimes that would otherwise go unpunished. REDRESS is working to support victims' access to these and other institutions and thereby help give voice to some of the most vulnerable and marginalised, regardless of the states responsible. This work would be impossible without the unflinching support of our donors and partners around the world. On behalf of the trustees of REDRESS, we thank all those who have recognised the significance of what we are doing and have provided much needed legal, moral and financial support.

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

Torture continues to be perpetrated in all regions of the world. In many countries, torture remains an endemic practice of the police, used to obtain confessions, to punish or to marginalise certain sectors of society. The anti-terror policies of governments and security agencies often gives rise to the insidious practice of torture and other prohibited forms of ill-treatment, both as a direct part of interrogation techniques and in sending persons, sometimes outside of any legal process, to countries in which they face a real risk of torture and disappearance.

As this Report explains, we are trying to make a difference at a number of levels, concurrently. We work with survivors directly, case by case, helping them to obtain legal remedies for their suffering. Currently, we have more than 70 active case files relating to about 1000 survivors of torture in all parts of the world, before national and international courts. We are also working with civil society, governments and others at the national level, to promote change and encourage compliance with international standards. We have been involved in training and capacity building sessions with police, prosecutors, judges, doctors and others in all regions, and have commented on national laws. This work is aimed at reducing the incidence of torture, building more effective preventive and response mechanisms, and ensuring that clear, safe and effective systems exist to enable survivors to receive justice and redress. Internationally, our efforts are directed at ensuring that international treaties and standards reflect survivors' right to justice and redress and that the international institutions that interpret these standards reflect this in all parts of their work.

Armed conflict provides another context in which torture and related international crimes regularly occur. Torture, rape, mutilations, enforced disappearances and indiscriminate killings of civilians define many of today's conflicts and leave an indelible mark on the affected societies. Often women, children and other marginalised groups face the brunt of such treatment yet they rarely are addressed in post-conflict solutions. Through its post-conflict programme and its work with international institutions such as the International Criminal Court, REDRESS is working to increase the participation of such groups in justice processes and ensure that national and international systems of justice are more reflective of survivors' needs and rights.

I hope you find this Annual Report instructive. Please also see our website where you will find each of the twenty reports and briefings we published and disseminated this year, many of which are available in multiple languages. None of our work could have been possible without the support of our Board, the 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.

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<sup>1</sup> President Obama, 'Protecting Our Security and Our Values', National Archives Museum, 21 May 2009.

# REDRESS' VISION: A WORLD WITHOUT TORTURE

## Mission

- To obtain justice for survivors of torture
- To hold accountable the governments and individuals who perpetrate torture
- To develop the means of ensuring compliance with international standards and securing remedies for victims

## Strategy

REDRESS pursues its mission through casework, advocacy and capacity building:

**Casework** – Providing legal assistance to individuals and communities in securing their rights

**Advocacy** – With governments, parliaments, international organisations and the media

**Capacity Building** – Working in partnership with like-minded organisations around the world

Justice demands genuine, fair and accessible procedures that lead in practice to effective and enforceable measures of relief. This includes:

**Restitution** – helping to put the survivor back to their previous situation before they were violated (whilst it is recognised that torture cannot be 'undone,' measures of restitution in a torture case might include restoration of property or citizenship or reinstatement of employment);

**Compensation** – recompensing the survivor or his or her relatives for all the assessable moral and material losses arising from the violation;

**Rehabilitation** – including both physical and psychological rehabilitation as well as legal support;

**Satisfaction and guarantees of non-repetition** - measures aimed at restoring dignity to survivors, ensuring victims' rights and dealing with the underlying cause of the violation. In the context of torture, this might include police vetting and training programmes, truth commissions and public inquiries, memorials, as well as criminal investigations and prosecutions and administrative sanctions.

## Values

REDRESS prioritises the interests and perspectives of survivors in all aspects of its work. The highest priority in decisions and interventions is given to promoting survivors' well-being and the avoidance of further traumatising.

## OUR ACCOMPLISHMENTS THIS YEAR IN BRIEF

- Our work covers torture and related international crimes in more than 50 countries in all regions of the world;
- We have about 70 active case files relating to about 1000 survivors before national and international courts;
- We prepared legal submissions before a variety of jurisdictions, both national and international. Internationally, we were involved in cases before the International Criminal Court, the African Commission on Human and Peoples' Rights, the European Court of Human Rights, the Inter-American Commission on Human Rights; the UN Human Rights Committee. Nationally, we were involved in domestic cases in many countries, including Nepal, the Netherlands; Peru, Russian Federation, Sri Lanka, Uganda, the United Kingdom, the United States;
- We organised and/or participated in meetings, conferences and training sessions worldwide, including in Belgium, Cambodia, Canada, Democratic Republic of Congo, Hong Kong, Kenya, Nepal, the Netherlands, Peru, Poland, Russian Federation, Rwanda, Sudan, Tanzania, Uganda, United Kingdom and Zimbabwe;
- We published and disseminated 20 reports and briefings and 10 newsletters and updates translated into multiple languages, all available on our website;
- We provided advice to lawyers and human rights groups worldwide.

## OUR WORK – 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***: 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

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 UK and overseas, to enable them to bring their case to the relevant court/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.

Our pool of clients continues to diversify. Many of our clients are based in the United Kingdom, either British nationals who were tortured whilst working abroad or refugees and asylum seekers fleeing torture in their home countries. 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 collaborated with civil society groups in Africa, Asia, Central and South America, Europe and CIS countries and others.

Remaining sensitive and grounded to survivors' needs through our direct contact with survivors gives REDRESS the credibility to also be able to influence policies and practices that affect torture survivors' rights to justice and redress.

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

**Surya Prasad Sharma** was arrested by army personnel in 2002 in **Baglung District, Nepal**, and has never been seen since. REDRESS worked with its partner in Nepal – the Advocacy Forum, to bring the disappearance to the attention of the UN Human Rights Committee. The Committee published its views in November 2008, finding that Nepal violated Mr. Sharma's right to be free from torture, arbitrary detention, and to be treated with humanity and dignity. The Committee also considered that Nepal failed to properly investigate the case and hold accountable those responsible for the disappearance. The Committee recognised that such actions violated not only Mr Sharma's rights, but the rights of his family. It reminded Nepal of its obligation to provide an effective remedy in the case, including: a thorough and effective investigation into the disappearance and fate of Mr Sharma, his immediate release if he is still alive, provision of adequate information from the investigation and adequate compensation. Whilst the Committee does not have powers of enforcement, we hope the decision, the first to be issued against Nepal by the UN Human Rights Committee, will help in the fight against impunity for torture and enforced disappearances.

In June 2005 in Uganda, Rwandan national **Acleo Kalinga** was bundled into a car by individuals who he believes were members of the **Ugandan security services**. From 7 June 2005 to 3 May 2007, he was held without access to the outside world and without access to lawyers, doctors or his consular officials, in various detention centres in Uganda, including a number of safe houses and secret prisons. Aceleo was never charged with any offence. He was repeatedly interrogated about his reasons for travelling to Uganda. On a number of occasions, Aceleo was held in solitary confinement for a period of months. He was often blindfolded and held in very small rooms. For nine months of his detention, Aceleo was fed only three times a week. He was subjected to severe torture, including the 'ironing' of his back, prolonged hanging by his wrists from the ceiling of his cell, electrocution, dousing with freezing water and repeated beatings with batons, electrical wires, wooden bars, sticks and military boots. As a result of significant pressure he was eventually released back to Rwanda. In 2009, as a result of severe health problems, REDRESS arranged for him to be sent to Turkey for specialist medical treatment. We also filed a claim against the Ugandan Government on his behalf with the African Commission on Human and Peoples' Rights.

**Kamilya Tuweni**, from the United Arab Emirates, was in **Kenya** on business in early 2007 when she ran into serious problems. She was arrested as part of a counter-terrorism sweep against Muslims in the country. She was part of a large group of people who were then extraordinarily rendered by the Kenyan Government to Somalia, a country she had never visited, and had no connection with. In Somalia, Kamilya was kept in an overcrowded cell in very poor conditions. She was eventually sent to Ethiopia where she was interrogated by a US intelligence agent. She was subsequently released in end March 2007. REDRESS is helping her with her claim against the Kenyan Government for the abuse of her rights.

**Cowat Paul Chol** was severely tortured over 20 days whilst in police custody at the **Al Sharaga police station, Khartoum**. He suffered prolonged beatings with a hose filled with sand, and was whipped with a stick. This treatment was meted out by seven police officers, who were trying to extract evidence to implicate Mr Chol in a murder case. Mr Chol was left unconscious and is now permanently disabled, unable to move the left side of his body. A complaint was filed with the local prosecution office in March 2007. Following publicity on the case, the Ministry of the Interior offered to settle the case for 12,000 Sudanese pounds (approx 6,000 USD). Mr Chol agreed, and the final settlement contract was signed and Mr Chol received the agreed sum.

**Luis Alberto** is a Peruvian rural worker and homosexual, living in a small village, near Casagrande (Trujillo). He was taken to the local police station where he was detained incommunicado for four hours, and raped by four

different police agents, who forced a rod into his anus to punish him for his sexual orientation. Then he was released. When Luis Alberto approached the authorities, they refused to register his complaint, as a result of which his case was taken up by the press. Finally, his complaint was registered but the investigation which resulted was deficient, his medical examination was delayed, and when doctors were carrying it out, the prosecutor entered the room to exert pressure on the doctors. REDRESS has been advising local lawyers on his case. Following the failure of the local courts to respond adequately to Luis Alberto's claims, we have filed a claim with the Inter-American Commission on Human Rights.

**Khaled El Masri**, a German citizen, was 'extraordinarily rendered' from Macedonia to Afghanistan, where he alleges he was arbitrarily detained, tortured and ill-treated from 23 January to 29 May 2004. He tried to bring a civil claim for compensation in the courts of the United States of America, the state allegedly responsible for his 'extraordinary rendition'. However, his claim has been dismissed on the basis of the 'state secrets' privilege which precludes the judiciary from hearing evidence which would be harmful to national security if disclosed. The US executive argued, and US courts to date have agreed, that the central issue of the case – namely, the alleged 'extraordinary rendition' of the petitioner – was itself a 'state secret' and therefore the case as a whole could not proceed. The American Civil Liberties Union (ACLU), who represents Khaled before US courts, brought the case to the attention of the Inter-American Commission on Human Rights. REDRESS submitted a third party intervention to the Inter-American Commission, explaining why an urgent consideration by the Commission was merited – in terms of Khaled's personal situation and also because of the broader policy ramifications.

Nine **Greek Cypriot nationals** went missing when detained by the **Turkish Army** during its 1974 invasion of northern Cyprus. The family members took the case to the European Court of Human Rights and in January 2008 the Court determined that Turkey continued to violate the Applicants' right to life by failing to conduct an effective investigation into the whereabouts and fate of the disappeared, and that concerning the relatives of the disappeared, the lack of adequate response constituting a continuing violation of the prohibition of torture and other prohibited ill-treatment. The Court also held that the finding of the violation was sufficient 'satisfaction' for any moral losses. The case was reheard by the Grand Chamber in November 2008, and REDRESS was able to make written submissions to the Grand Chamber on what is appropriate 'satisfaction' in the case of continuing violations of the right to life and the prohibition against torture.

## 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, displacement). During conflict, torture is rarely perpetrated in isolation, but forms part of a broader pattern of human rights abuse.

REDRESS' work in this area has included commenting on the engagement of victims in peace negotiations and transitional justice mechanisms and the engagement of international justice mechanisms such as the International Criminal Court (ICC).

### Cambodia

During the Khmer Rouge regime, 1975-1979, an estimated 1.7 million people were executed, tortured or starved to death. For 30 years, Cambodian victims have been denied justice and accountability. The trials now underway at the Extraordinary Chambers in the Courts of Cambodia (ECCC) provide an important opportunity for victims to at last obtain justice and reparations. The sheer number of applications from victims to participate in the ECCC proceedings (over 3,500 to date) is indicative of the significance that victims attach to the justice process. In March 2008, REDRESS led efforts to submit an *amicus curiae* to the ECCC, which successfully led to the ECCC ruling that victims can participate in the earliest phases of the Court's proceedings, setting an important precedent. REDRESS played an important role in the conceptualisation, planning and substantive arrangements for a November 2008 Reparations conference and has advised *CHRAC (Cambodian Human Rights Action Committee)* on policy submissions to the Victims Unit of the ECCC.

## Democratic Republic of Congo

REDRESS' work in Democratic Republic of Congo mainly focuses on efforts to seek justice for the horrific crimes that have taken place in the context of the conflict in the east of the country. We are working with local civil society groups to ensure that the International Criminal Court proceedings against a number of rebel leaders are accessible and meaningful to victims, and that victims have the ability to express their views and concerns during the proceedings. REDRESS is also working to ensure that victims have access to meaningful reparations for the harm they suffered. During the past year, REDRESS facilitated a series of grassroots meetings in areas of high victimisation outside of Bunia, Eastern DRC. It also worked closely with civil society groups, legal representatives for victims and others to ensure workable justice strategies for some of the worst affected.

## Rwanda

In Rwanda, REDRESS is working with African Rights on a special initiative to end safe havens for genocide suspects. Some of the key outputs during the year include:

- We have facilitated European prosecutors' access to witnesses and background evidence by collating available evidence on known suspects residing in Europe and liaising with Rwandese victims, associations, Rwandese prosecutors and other stakeholders. The outcome of these combined efforts was at least 6 formal investigations were opened, 2 arrests were effectuated, and one civil party complaint was filed.
- In July 2008 we organised a conference on extradition of genocide suspects to Rwanda which was held at the Belgian Parliament in Brussels. As a result of the Conference and the Report which followed, we are regularly consulted by institutions such as the International Criminal Tribunal for Rwanda, Interpol, the EU Special Representative on the Great Lakes Region, and survivors organisations on questions related to extradition.
- Our advocacy at the EU level prompted the first joint meeting of Commission and Council officials dealing with Rwanda as well as criminal justice issues to discuss the role of the European Union vis-à-vis the presence of genocide suspects in Europe.
- From Nov 2007 - August 2008, field staff in Rwanda conducted interviews with survivors on their perceptions of the justice system a report was published in end October 2008. This 150 page report catalogues in verbatim, survivors' experiences of, and concerns about domestic and international justice processes, and is aimed at fostering dialogue between survivors and policy makers and officials.

## Sudan

REDRESS has been working actively on anti-torture and impunity initiatives in Sudan for more than a decade.

- In a multi-year project funded by the UK Department for International Development (DFID), REDRESS is working to promote legal reforms to protect some of the poorest marginalised groups in Sudanese society. Currently, Sudanese criminal law does not protect individuals from torture nor does it enable effective investigations and prosecutions. Legislation affords female witnesses an inferior status in criminal proceedings, and fails to provide protection against sexual violence. Procedural laws provide immunity for public officials unless prosecutions are specifically authorised by their superiors. In October 2005, the Minister of Justice established a Law Reform Committee to ensure compatibility with the Comprehensive Peace Agreement and the Interim National Constitution. This project seeks to invigorate the work of this Committee and increase the capacity of civil society groups to engage in law reform. In January 2008, we prepared a **discussion paper on priorities for criminal law reform**, which was followed up with a series of meetings with civil society groups, lawyers, journalists and members of the Government.
- A three day training was held in the Nuba mountains region of Sudan in July 2008. 40 participants attended, including the Head of the judiciary in Kadugli, a judge from the SPLM area, officials from the Legislative Council, Ministries of Social Care and Education, the judiciary, lawyers, UNDP, UNMIS and NGO representatives. The sessions focused on access to justice for torture victims, international standards and how these can be applied locally and issues of sexual violence and torture. Meetings have

also been held on several occasions between our partners, REDRESS, local expert lawyers and the Sudan Advisory Council on Human Rights.

## Uganda

In Uganda, grave human rights crimes were committed during 20 years of conflict in the north: torture, rape, mutilations, child-abduction and civilian killings. Today, thousands of victims live with the consequences. REDRESS has been working with a network of grassroots civil society organisations in the north of the country on issues regarding justice, accountability and reparations for war-time violations. REDRESS' work to bring together grassroots victims associations in the north has led to the establishment of a new Ugandan nongovernmental organisation conceived and led by victims themselves: **the Ugandan Victims' Foundation (UVF)**. REDRESS has provided a range of support to the Foundation, including help to organise meetings, build strategies and develop organisational capacity. REDRESS helped the Foundation to convene a meeting to discuss the array of justice mechanisms proposed in the Annex to the Accountability and Reconciliation Agreement, as seen from a victims' perspective. Subsequently, the Foundation produced a 'Statement on the Annex to the Accountability and Reconciliation Agreement (10 Apr 2008)',<sup>2</sup> which provided timely input and analysis on the status of the Annex and what would be needed to make justice and reconciliation meaningful for victims. Our collaboration with UVF on these issues led to our joint presentation of an amicus curiae (third party intervention) brief to the International Criminal Court in the *Kony and Others case* on the status of accountability mechanisms in Uganda.

## 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 main countries in which we have been active on influencing national standards include:

### The United Kingdom

In the UK, our work on national standards has proceeded on a number of related thematic areas:

#### 1. Promoting access to civil remedies for survivors of torture

REDRESS is the key civil society supporter of **The Torture (Damages) Bill**, which is a proposed piece of legislation aimed at helping torture survivors in the UK to obtain justice for the horrific crimes they have suffered. It would enable torture survivors in the UK to bring a civil claim for compensation in the courts of England and Wales, against those responsible for their torture, where no adequate and effective remedy is available in the courts of the State in which the torture is alleged to have occurred. It is also an important

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<sup>2</sup> <http://www.vrwg.org/Publications/U-VRWG/UVRWG%20Statement%20on%20Juba%20Annex%2010%20april%202008.pdf>

opportunity for the UK to send a clear message that perpetrators of torture will be held to account. **Lord Archer of Sandwell QC** is the private sponsor of the Bill in the House of Lords and **Andrew Dismore MP** is the sponsor in the Commons. In the 2008 Parliamentary Session, the Bill successfully passed all stages in the House of Lords and had its First Reading in the House of Commons. It received a wide range of support in Parliament last year (twelve peers spoke at its Second Reading in the House of Lords), as well as from torture survivors, and medical, refugee and human rights organisations. In 2009, the Bill is scheduled for its second reading in the Commons on 19<sup>th</sup> June.

## **2. Ending safe havens for torture and related international crimes**

REDRESS has been working with survivors in the UK and internationally to provide evidence to UK police about the presence of suspects of serious international crimes in the UK, with a view to the opening of an official investigation and prosecution. In one such case, the Rwandan Government requested the UK to extradite four Rwandan genocide suspects living in the United Kingdom. For reasons relating to fair trial concerns in Rwanda, the extradition ultimately failed. As a result of a gap in UK legislation, it was not possible for these individuals to be prosecuted in the UK, despite international standards aimed at ending safe havens. REDRESS has been working with parliamentarians, other civil society groups and the Government to address the gaps in the law, relating to the non-retrospectivity of the provisions on international crime prosecutions. In early 2009, an amendment to the **Coroners and Justice Bill** was tabled by Lord Carlile of Berriew and REDRESS is hopeful that the legislation will be passed into law in due course.

REDRESS has also called on the Government to create a specialised investigations unit to track international crimes suspects and carry out criminal investigations. Formerly, a specialised War Crimes Unit had been in place to deal with individuals suspected of being involved in Holocaust crimes, though the unit has since been disbanded.

## **3. Ensuring that the United Kingdom has a consistent anti-torture policy that reflects its international obligations**

The UK Government has placed international action against torture as a priority in its foreign policy and has given its commitment to promoting more intensive and concerted action to achieve the global eradication of torture. The Foreign and Commonwealth Office launched the third phase of its anti-torture initiative in June 2002.

However, in the aftermath of 11<sup>th</sup> September 2001 the context of the global fight against terror has led to alleged practices not consistent with the UK Government's (as well as other governments') obligations under the UN Convention against Torture and the ideals and principles it has espoused in the bid for the global eradication of torture which aims "to combat one of the most abhorrent violations of human rights and human dignity"<sup>3</sup> REDRESS' work in this area has focused this year on:

i) *Ensuring the absolute prohibition against torture is respected in the context of counter-terrorism measures.* We issued a report: "The United Kingdom, Torture And Anti-Terrorism: Where The Problems Lie", which raises serious questions about the role of the UK's intelligence services in the rendition and ill-treatment of UK nationals and residents in Guantanamo Bay and other 'legal black holes' and calls for an independent public inquiry into whether UK agents acted unlawfully, as well as for compensation and assistance to those that were tortured. We continue to advocate that the UK Government take a clearer and more active role in providing consular support to its nationals and long-term residents who risk torture abroad.

ii) *Ensuring adequate and effective follow-up of torture by UK armed forces in Iraq.* Following our intervention in the case of *Al Skeini and Others v. the Secretary of State for Defence*, which considered the response of the military to the death in custody of Iraqi civilian Baha Mousa, REDRESS produced in 2007 the report '*UK Army in Iraq: Time to Come Clean on Civilian Torture*'. More recently, REDRESS provided written evidence to the Baha Mousa Inquiry, an independent inquiry established to investigate and report on the circumstances surrounding the death of Baha Mousa and the treatment of those detained with him, taking account of the investigations which have already taken place, in particular where responsibility lay for approving the practice of conditioning detainees by any members of the 1st Battalion, The Queen's Lancashire Regiment in Iraq in 2003, and to make recommendations.

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<sup>3</sup> Speech "Phase 3 of the Anti-torture Initiative" given by the Rt Hon Peter Hain MP at the Foreign and Commonwealth Office, London Wednesday 26<sup>th</sup> June 2002 at the launch of this phase of the initiative.

## EU Member States

REDRESS is working together with the International Federation of Human Rights (FIDH) on a special initiative to advance the work of Member States in the investigation and prosecution of serious international crimes. As part of this work, we work closely with the *European Union Network of Contact Points in respect of persons responsible for genocide, crimes against humanity and war crimes*, which is comprised of investigators and prosecutors from Member States of the European Union. We also provide comparative analysis on national legislation, national jurisprudence and the operating systems in place in different countries, to promote dialogue on methodologies and best practice across the European Union. In the past year:

- We convened an **Expert Seminar on Specialised International Crimes Units**. The meeting took place in Brussels on 3-4 November 2008, and brought together 40 experts (national prosecutors, judges, investigators, representatives from Ministries of Justice and Foreign Affairs from 13 countries) to discuss the emerging practice on the establishment of specialised international crimes units - entities composed of specialists, working exclusively on the detection, investigation and prosecution of perpetrators of serious international crimes. Different models of specialised units and their functioning in practice were examined, as were approaches taken by States where no such units exist.
- We played an active role in the organisation of the **6<sup>th</sup> meeting of the EU Network of Contact Points** in respect of persons responsible for genocide, crimes against humanity and war crimes, which took place on 22-23 April 2009.
- We participated as trainers in Interpol's first ever training course on the investigation of genocide, crimes against humanity and war crimes in Lyon, France, on 21 January 2009.

## Peru

In Peru, we are working with *La Coordinadora Nacional de Derechos Humanos (CNDDHH)* on a three year programme on legal remedies for torture. Together, we organised two training sessions in Lima in November 2008. The first, on 'Torture in Peru's domestic law and under international law', was attended by 70 judges, prosecutors and human rights lawyers. During the training, particular attention was given to the treatment of women torture survivors. The second training session was on the Istanbul Protocol - *The Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. 28 doctors, both those working for the State as well as those working privately, participated.

## Nepal

In Nepal, we are working with The Advocacy Forum to challenge impunity for torture. We are working with Advocacy Forum on strategic litigation and a series of trainings of local officials (doctors, lawyers, police, prosecutors and judges) relating to the documentation and investigation of torture cases. In addition, REDRESS, Human Rights Watch and Advocacy Forum made a submission to the UN Special Rapporteur on Torture on the state of implementation of the Special Rapporteur's recommendations following his Mission to Nepal in 2005. Also this year, we provided extensive input on a draft torture bill. If enacted, torture will be recognised for the first time as a crime in Nepal.

## Sri Lanka

In Sri Lanka, we are working with the Asian Human Rights Commission and its network of Sri Lankan partners on a series of anti-torture initiatives. A five-day training session was held in Kerala, India in July 2008 on international standards regarding the prohibition against torture and how to address the barriers to implementing these standards locally. Participants came from Sri Lanka and India, including lawyers and human rights activists. REDRESS' Director also participated in a pan-Asian meeting in Hong Kong organised by AHRC, which took place in November 2008. Our work to date has focused on the general national context of torture in Sri Lanka, carried out mainly by the police and security services. We are currently assessing how best to address more particularised torture concerns regarding the conflict.

## Russia

In Russia, we are working with our partner, the Nizhny Novgorod Committee Against Torture (NNCAT). As a result of this work, NNCAT reported that during 2008, the national courts began to use international standards for reparation more often and more effectively, with compensation amounts now beginning to meet European standards. Judges also now refer to precedents of the European Court in their own decisions, particularly when dealing with NNCAT cases. Many of the strategic cases we are working on link torture with broader issues of discrimination and marginalisation.

## PROMOTING INTERNATIONAL STANDARDS

REDRESS plays a significant role in ensuring survivors' rights are recognised and protected in international treaties, declarations and principles, and in ensuring 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 REDRESS' role in contributing to the development of standards on victims' rights and reparation which were included in the adopted texts of the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation, the Updated set of principles on Impunity and the Statute of the International Criminal Court.

### The International Criminal Court

The Statute of the ICC recognises victims' rights to physical and psychological protection and support. It also enables victims affected by the Court's work to participate in Court proceedings – not only as witnesses for the prosecution, but as independent stakeholders with a recognised right to present their views and concerns. Equally, the ICC Statute provides an opportunity for victims to apply for reparations to the Court and to benefit from a specially designated trust fund.

After successfully advocating for these key provisions to be included in the core mandate of the Court, REDRESS' work has shifted focus to implementation:

- **REDRESS assists certain NGOs with applications to the International Criminal Court (ICC) on behalf of victims of conflict.** In the year, we worked with lawyers representing victims to collect evidence from victims on the nature of their victimisation and helped frame legal arguments for presentation in Court.
- **We provide regular advice and suggestions to ICC officials on the implementation of the victims' mandate.** During the year, we provided input on the ICC's Strategic Plan as it related to victims, the Registry's plans for common legal representatives and contributed to discussions on proposed amendments to the system of legal aid. Also, we participated in discussions on the Court's treatment of 'intermediaries' – mainly local civil society groups working to facilitate the Court's access to victims and other stakeholders on the ground.
- We are working closely with civil society groups in many of the countries under scrutiny by the Court: **Democratic Republic of Congo (DRC), Sudan and Uganda.** Our collaboration with these groups is intended to facilitate and enable the perspectives from the field to be taken on board by the ICC in The Hague, and to encourage the effective participation of victims in proceedings. In the course of the year, we have undertaken extensive outreach and training with victims' communities in Uganda and DRC and collaborated closely with lawyers and civil society groups.
- **REDRESS coordinates the Victims' Rights Working Group,** a network of over 350 national and international civil society groups and experts created in 1997 under the auspices of the NGO Coalition for the International Criminal Court. It was created by a number of international NGOs and experts and over the years has evolved to include NGOs from many countries around the world including those countries most intimately affected by the ICC. The Group and its member organisations continue to issue position and background papers, participating in all key meetings with the Court and the Assembly of States Parties.

- **Outreach and Information:** We disseminated a tri-annual bulletin on victims' rights available in English, French, Spanish and Arabic, as well as periodic legal updates on the Court's decisions affecting victims' rights.

## **PUBLIC BENEFIT**

From 1 April 2008 section 4 of the Charities Act 2006 requires all charities to meet the legal requirement that its aims are for the public benefit. The Charity Commission in its "Charities and Public Benefit" Guidance states that there are two key principles to be met in order to show that an organisation's aims are for the public benefit: firstly, there must be an identifiable benefit and secondly, that the benefit must be to the public or a section of the public.

The Trustees confirm that they have complied with the duty in section 4 of the Charities Act 2006 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**

REDRESS hired an external consultant in mid 2006 to provide an independent view on our progress and to evaluate one of our largest multi-sectoral projects.<sup>4</sup> The evaluation "found an overwhelming view that ... [the work] was extremely valuable to all stakeholders" [p. 8] and that "REDRESS has a particular niche in the human rights field, namely the issue of reparations for survivors of torture, which is both unique and useful and which other organizations would have difficulty filling if REDRESS were no longer involved." [p. 16]. We will be carrying out further independent assessments of key projects in 2009 and 2010.

### **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.

Following the appointment of REDRESS' first Development Director in early 2008, 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.

The first year of this Strategic Plan ended on 31<sup>st</sup> March 2009 and trustees had the opportunity to review with staff the progress in meeting the identified organisational goals. Significant progress was noted in meeting each of the programmatic, funding and communications goals and a slightly modified strategic planning framework

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<sup>4</sup> The Evaluation is available on our website: <http://www.redress.org/documents/Redress%20evaluation%20report.pdf>.

was adopted at the end of the year. REDRESS intends to conduct an external evaluation of its planning framework at the end of the three year period in 2011.

The Trustees also reviewed the REDRESS Memorandum and Articles to ensure that they remain appropriate to the operating environment of REDRESS. Slight changes to the wording of the Memorandum and Articles were agreed by trustees to better reflect REDRESS' work and international law developments and these have been confirmed by the Charity Commission, allowing adoption at the 2009 Annual General Meeting.

## **OUR SUPPORTERS**

### **Funders**

REDRESS is indebted for funding this year to:

Austin & Hope Pilkington Trust  
Bromley Trust  
The Bryan Guinness Charitable Trust  
City Parochial Foundation  
Department for International Development (DFID)  
EC EIDHR programme  
EC Fundamental Rights and Justice (Criminal Justice) programme  
Humanade  
John D. and Catherine T. MacArthur Foundation  
Joseph Rowntree Charitable Trust (Power and Responsibility Programme)  
Oak Foundation  
Oxfam NOVIB Netherlands  
Sir Jeremiah Coleman Gift Trust  
UN Voluntary Fund for Victims of Torture  
VCEP

Many of our funders, such as the Bromley Trust, City Parochial Foundation, 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. New funders in the year included Humanade, the Bryan Guinness Charitable Trust and the Austin & Hope Pilkington Trust as well as VCEP of the USA. We are especially grateful to them for their interest in our work.

We are also very grateful to the many individuals who supported our work this year. This year, we have received £14,237 (2008 - £31,271) from individual donations, many from long-term supporters of the organisation, some from newer contacts and as a result of sporting and other events. This year's income excluded individual donations to support the Torture (Damages) Bill received in 2008. 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. Thanks to Francis Fitzgibbon, Stephanie Fretwell, Andrew Wood, Timothy Otty, Dorota Drozdowska, Jamie Burton, Matt Sands, Adam Chapman for running for us in the London Marathon 2008 and to all who took part in the British 10k and other sporting events.

### **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.

Special thanks are due to local civil society groups in Sudan and members of our Sudanese Advisory Committee and Stakeholders Network; Dishad Husain for creating a fantastic video for us on the Torture (Damages) Bill,

Nicholas Goulds for producing a brilliant film on the Uganda Victims' Foundation. Thank you to Billy Briggs, journalist for several articles about REDRESS and Dishad Husain and Mixt Nutz comedians for holding two successful comedy nights for REDRESS. We are also very grateful to Beth Shiner, Joanne Li, Sara Dominici, Laura Jackson, Emma Webb, Rose Spencer-Longhurst, Maria Chrenkova and Rachel, who provided invaluable all around support.

Many of REDRESS' legal interns and volunteers come from international law programmes at leading universities in the UK and abroad. These graduates have worked with us on legal applications on behalf of victims of torture and related crimes and on complex legal research for reports and advocacy initiatives played a central role in our legal applications. Interns tend to stay with REDRESS from 3-6 months, usually on a part-time basis, and work integrally with the staff. Special thanks to Prof. Lynn Welchman and Stephanie Koury for putting the SOAS human rights clinic team at our disposal and Clara Sandoval for facilitating our work with students from the Human Rights Centre at the University of Essex. Thank you to Adam Lang, Marthe Lot Vermeulen, Saima Raza, Elham Fakhro, Abdul Azeez, Laila Fathi, Fahad Siddiqui, Diyan Zora, Isobel Renzulli, Janina Berg, Johanna Schurr, Liz Jardine-Smith, Aurélie Ernst, Sufyan El Droubi, Fernanda Santana, Sophie Papillon, Evelyne Sturm, Valerie Paulet, Marina Goyon, Jennifer Castello, Veronica Hinestroza Arenas, Rity Lamy Freund, Ahmed El-Sayed, Clara Cesar, Heather Labanya, Katie Wepplo and Monica Oberle, Yasmin Abou-Amer, Tahlee Afzal; Mohammed Isme Azam Neerooa; Eleni Velivassaki; Machiko Okumura, Erin Harvey, Hayley Galgut, Christel Querton, Arianna Rondos and Luz Gomez-Saavedra.

## 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 **Freshfields Bruckhaus Deringer** for hosting a Conference at their offices in London in September 2008 entitled: **'Reintegration and Reparation for Victims of Rendition and Unlawful Detention In The 'War On Terror': A European Perspective'** and for their collaboration on a series of legal briefs and other work over the course of the year. We are also very grateful to **Allen & Overy LLP** for their re-design and printing of our bi-annual newsletter and for agreeing to host a Conference for us on 26 June 2009 entitled: **'Meeting the Needs of Torture Survivors in the UK'**.

We are particularly grateful for the support this year of Paul Lomas, Clarissa O'Callaghan and Paul Yates (Freshfields); Lydia Chesshyre, Helen Rogers and Simon Shaw (Allen & Overy); Tamsin Allen and Gwendolen Morgan (Bindmans); Sapna Malik (Leigh Day); Richard Hermer QC and Jonathan Cooper OBE (Doughty Street Chambers); Tim Otty QC (20 Essex Street Chambers); Danai Angeli (the Aire Centre and Private Lawyer in Athens, Greece); Dinah Rose QC and Naina Patel (Blackstone Chambers); Harry Roque and Mark Pepito Jaravata Rabe (Roque and Butuyan Law Offices, the Philippines); David Cordero Heredia (Fundación Regional de Asesoría en Derechos Humanos - INREDH - Ecuador)

## 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. 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.

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.

During the coming year Trustees will undertake a Skills Assessment and develop a Training programme, where necessary, to ensure that they are able to fully deliver their responsibilities.

## **FINANCIAL REVIEW**

### **Financial performance**

The charity had net incoming resources on unrestricted funds of £62,463 for the year (2008 - £101,922), the previous year having seen receipt of the final tranche of the legacy notified to us in 2007. Together with the accumulated surplus brought forward from previous years, the charity now has an accumulated surplus on unrestricted funds of £253,091 (2008 - £190,628). Restricted funds carried forward at 31 March 2008 amounted to £210,751 (2008 - £420,280), following net outgoing resources for the year of £209,529 (2008 incoming resources - £197,240). The outgoing resources figure reflects expenditure on restricted funds received in advance. The funds carried forward are sufficient for the activities for which the funds were provided. Within this figure is a restricted fund in deficit, as explained in Note 11.

The Trustees' efforts in developing and implementing the charity's fundraising strategy during the year has resulted in further growth in regular unrestricted income. This year the charity received £82,937 from VCEP, the first part of a 2 year unrestricted grant totalling \$300,000, which has enabled the charity to continue the employment of a full-time Development Director who has continued to develop the fundraising strategy.

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 £243,761 (2008 - £180,766), calculated as the total value of Unrestricted Funds less the value of Fixed Assets which are not immediately realisable for use under the Reserves Policy. The Trustees calculate that REDRESS requires a range of Reserves of between £104,000 and £290,000. The current Reserves fall within that range and are sufficient for the charity's requirements.

The Trustees expect to invest some of the Reserves in income generation during the next Financial Year. The Trustees are also monitoring the impact of the difficulties experienced in the financial markets in 2008 on potential income and intend to hold the Reserves level towards the top of the range until future intentions are clearer.

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. Following the receipt of the legacy and the achievement of the Director in generating grant funding for the next three years, the Trustees are reviewing their risk management policy to ensure that it takes into account that these financial risks to the charity have been reduced and recognises the management systems already in place to deal with operational and decision-making risk.

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

The Trustees are responsible for preparing the Annual Report and the financial statements in accordance with applicable law and regulations.

Company and charity law require the Trustees to prepare financial statements for each financial year. Under those laws the Trustees have elected to prepare the financial statements in accordance with United Kingdom Generally Accepted Accounting Practice (United Kingdom Accounting Standards and applicable law). The financial statements are required by law to give a true and fair view of the state of affairs of the charitable company and of its incoming resources and application of resources, including its income and expenditure, for that period. In preparing these financial statements, the Trustees are required to;

- select suitable accounting policies and then apply them consistently;
- 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; and
- 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 which disclose with reasonable accuracy at any time the financial position of the charitable company and to enable them to ensure that the financial statements comply with the Companies Act 1985. 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.

So far as each of the Trustees is aware at the time the report is approved:

- there is no relevant audit information of which the charitable company's auditors are 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 auditors are 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 reappointment in accordance with section 485 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

7<sup>th</sup> July 2009

# **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 2009 which comprise the Statement of Financial Activities (incorporating, the Income and Expenditure account), the Balance Sheet and the related notes. These financial statements have been prepared in accordance with the accounting policies set out therein and the requirements of the Financial Reporting Standard for Smaller Entities (effective January 2007).

This report is made solely to the charitable company's members, as a body, in accordance with Section 235 of the Companies Act 1985. Our audit work has been undertaken so that we might state to the charity'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 charity and the charity's members as a body, for our audit work, for this report, or for the opinions we have formed.

## **Respective responsibilities of trustees and auditors**

The responsibilities of the Trustees (who are also the directors of The Redress Trust for the purposes of Company Law) for preparing the Annual Report and the financial statements in accordance with applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice) are set out in the Statement of Trustees' Responsibilities.

Our responsibility is to audit the financial statements in accordance with relevant legal and regulatory requirements and International Standards on Auditing (UK and Ireland).

We report to you our opinion as to whether the financial statements give a true and fair view and are properly prepared in accordance with the Companies Act 1985. We also report to you whether the information given in the Trustees' Annual Report is consistent with the financial statements.

We read the Trustees' Report and consider the implications for our report if we become aware of any apparent misstatements within it.

In addition we report to you if, in our opinion, the charitable company has not kept proper accounting records, if we have not received all the information and explanations we require for our audit, or if information specified by law regarding trustees' remuneration and transactions with the charitable company is not disclosed.

## **Basis of audit opinion**

We conducted our audit in accordance with International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the financial statements. It also includes an assessment of the significant estimates and judgements made by the trustees in the preparation of the financial statements, and of whether the accounting policies are appropriate to the charitable company's circumstances, consistently applied and adequately disclosed.

We planned and performed our audit so as to obtain all the information and explanations which we considered necessary in order to provide us with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or other irregularity or error. In forming our opinion we also evaluated the overall adequacy of the presentation of information in the financial statements.

## **Opinion**

In our opinion:

- the financial statements give a true and fair view, in accordance with United Kingdom Generally Accepted Accounting Practice applicable to smaller charities, of the state of the charitable company's affairs as at 31 March 2009 and of its incoming resources and application of resources, including its income and expenditure, in the year then ended;
- the financial statements have been properly prepared in accordance with the Companies Act 1985; and
- the information given in the trustees' report is consistent with the financial statements.

**haysmacintyre**

Fairfax House  
15 Fulwood Place  
London, WC1V 6AY

7<sup>th</sup> July 2009

## Statement of Financial Activities for the year ended 31<sup>st</sup> March 2009 (incorporating the Income & Expenditure account)

	Note	Unrestricted Funds £	Restricted Funds £	Total 2009 £	Total 2008 £
<b>Incoming resources</b>					
<i>Incoming resources from generated funds</i>					
Voluntary income:					
Donations		170,909	-	<b>170,909</b>	89,291
Legacies		4	-	<b>4</b>	96,226
Investment Income		10,999	-	<b>10,999</b>	11,475
<i>Incoming resources from charitable activities</i>					
Grants receivable:					
Casework		-	278,301	<b>278,301</b>	272,448
Working in Post-Conflict Contexts		-	107,045	<b>107,045</b>	251,135
Promoting International Standards		-	29,890	<b>29,890</b>	90,963
Influencing National Standards and Practice		-	73,817	<b>73,817</b>	46,636
Training and other income		15,403	-	<b>15,403</b>	49,532
<b>Total incoming resources</b>		<b>197,315</b>	<b>489,053</b>	<b>686,368</b>	<b>907,706</b>
<b>Resources expended</b>					
<i>Costs of generating funds</i>					
Costs of generating voluntary income		27,258	-	<b>27,258</b>	13,076
<i>Charitable activities</i>					
Casework		46,363	310,518	<b>356,881</b>	319,533
Working in Post-Conflict Contexts		23,086	146,673	<b>169,759</b>	70,076
Promoting International Standards		11,122	77,023	<b>88,145</b>	118,959
Influencing National Standards and Practice		21,778	164,368	<b>186,146</b>	42,705
Training and other income		-	-	<b>-</b>	29,352
Governance		5,245	-	<b>5,245</b>	8,827
Total charitable activities		107,594	698,582	<b>806,176</b>	595,468
<b>Total resources expended</b>		<b>134,852</b>	<b>698,582</b>	<b>833,434</b>	<b>608,544</b>
<b>Net Incoming/(outgoing) resources</b>		<b>62,463</b>	<b>(209,529)</b>	<b>(147,066)</b>	<b>299,162</b>
<b>Reconciliation of funds</b>					
Fund balances brought forward at 1 <sup>st</sup> April 2008		190,628	420,280	610,908	311,746
<b>Fund balances carried forward at 31<sup>st</sup> March 2009</b>		<b>253,091</b>	<b>210,751</b>	<b>463,842</b>	<b>610,908</b>

There were no recognised gains and losses for 2009 or 2008 other than those included in the statement of financial activities. The notes on pages 23 to 29 form part of these financial statements.

## Balance Sheet as at 31<sup>st</sup> March 2009

	Note	£	2009 £	£	2008 £
<b>FIXED ASSETS</b>					
Tangible fixed assets	7		9,330		9,862
<b>CURRENT ASSETS</b>					
Debtors	8	50,360		380,278	
Cash at bank and in hand		458,727		262,560	
Total current assets			<u>509,087</u>	<u>642,838</u>	
<b>CREDITORS:</b> falling due within one year	9	(54,575)		(41,792)	
<b>NET CURRENT ASSETS</b>			<u>454,512</u>		<u>601,046</u>
<b>NET ASSETS</b>			<u><b>463,842</b></u>		<u><b>610,908</b></u>
<b>REPRESENTED BY:</b>					
	11				
Restricted funds			210,751		420,280
Unrestricted funds			253,091		190,628
			<u><b>463,842</b></u>		<u><b>610,908</b></u>

The financial statements were approved and authorised for issue by the Board of Trustees on 7th July 2009 and signed on its behalf by:

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

The notes on pages 23 to 29 form part of these financial statements.

# Notes to the Financial Statements for the year ended 31<sup>st</sup> March 2009

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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 30. 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 2009

## 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. INCOMING RESOURCES FROM CHARITABLE ACTIVITIES

	Unrestricted Funds	Restricted Funds	Total Funds 2009	Total Funds 2008
	£	£	£	£
<i>Casework</i>				
EC EIDHR	-	201,692	<b>201,692</b>	177,736
UN Voluntary Fund for Victims of Torture	-	52,109	<b>52,109</b>	38,156
City Parochial Foundation	-	15,000	<b>15,000</b>	22,900
Humanade	-	8,000	<b>8,000</b>	-
The Bryan Guinness Charitable Trust	-	1,500	<b>1,500</b>	-
<i>Working in Post-Conflict Contexts</i>				
Dept for International Development	-	107,045	<b>107,045</b>	19,029
Oak Foundation	-	-	-	100,000
Foreign & Commonwealth Office	-	-	-	15,000
Comic Relief	-	-	-	3,007
<i>Promoting International Standards</i>				
John D. and Catherine T. Macarthur Foundation	-	25,721	<b>25,721</b>	73,241
A&H Pilkington Trust	-	3,000	<b>3,000</b>	-
Other	-	1,169	<b>1,169</b>	2,722
<i>Influencing National Standards and Practice</i>				
Oxfam Novib	-	39,961	<b>39,961</b>	35,078
Joseph Rowntree Charitable Trust	-	26,344	<b>26,344</b>	13,736
EC EIDHR Nepal	-	7,512	<b>7,512</b>	-
EC Fund'l Rights & Justice Programme	-	-	-	151,135
Mr & Mrs D Waggoner (Torture (Damages) Bill)	-	-	-	10,000
Christian Solidarity Worldwide	-	-	-	(558)
<i>Training &amp; Consultancy</i>				
	15,403	-	<b>15,403</b>	49,532
	<b>15,403</b>	<b>489,053</b>	<b>504,456</b>	<b>710,714</b>

# Notes to the Financial Statements for the year ended 31<sup>st</sup> March 2009

## 3. TOTAL RESOURCES EXPENDED

	Staff Costs £	Other Costs £	Apportioned Support Costs £	Total 2009 £	Total 2008 £
Costs of generating funds	18,570	5,249	3,439	<b>27,258</b>	13,076
Charitable activities					
Casework	155,954	154,564	46,363	<b>356,881</b>	319,533
Working in Post-Conflict Contexts	94,025	52,648	23,086	<b>169,759</b>	70,076
Promoting International Standards	58,601	18,422	11,122	<b>88,145</b>	118,959
Influencing National Standards and Practice	101,494	62,874	21,778	<b>186,146</b>	48,721
Training and other income	-	-	-	-	29,352
Governance	-	4,583	662	<b>5,245</b>	8,827
<b>Total</b>	<b>428,644</b>	<b>298,340</b>	<b>106,450</b>	<b>833,434</b>	<b>608,544</b>

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

Cost pool	2009 £	2008 £
Staff costs	83,801	61,399
Casework costs	7,139	1,493
Communications costs	3,083	2,147
Office costs	7,694	11,465
Premises costs	4,733	16,842
<b>Total</b>	<b>106,450</b>	<b>63,282</b>

## 4. GOVERNANCE COSTS

Governance costs include:

	2009 £	2008 £
Legal costs	<b>1,471</b>	581
Relocation costs	<b>378</b>	-
Bank charges	-	734
Foreign Exchange Losses	-	1,972
Other	<b>2,734</b>	<b>5,540</b>
	<b>4,583</b>	<b>8,827</b>

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

## 5. NET INCOMING/ (OUTGOING) RESOURCES

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

	2009 £	2008 £
Depreciation of tangible fixed assets	<b>3,373</b>	2,774
Auditors remuneration		

# Notes to the Financial Statements for the year ended 31<sup>st</sup> March 2009

Audit services	6,152	6,169
Other services	1,438	1,175
Operating leases	22,506	20,172
	<u>33,469</u>	<u>30,290</u>

Audit services costs totalling £3,918 (2008 - £4,149) have been charged to Charitable Activities (see Note 3 above) where they are covered by Restricted grants.

## 6. STAFF COSTS

	2009 £	2008 £
Wages and salaries	301,405	244,501
Social security costs	33,962	25,944
Pension and other costs	31,669	23,310
Temporary, contract and non-UK staff costs	145,409	121,244
	<u>512,445</u>	<u>414,999</u>

No employee received remuneration exceeding £60,000 in the year (2008 nil).

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:

	2009	2008
Project staff	6	6
Support staff	3	2
	<u>9</u>	<u>8</u>

No trustees (2008 nil) received any remuneration in respect of their role as trustees. 1 trustee (2008 nil) claimed reimbursement of £86 expenses (2008 nil) during the year.

## 7. TANGIBLE FIXED ASSETS

	Office Equipment £	Fixtures & Fittings £	Total £
<b>Cost</b>			
At 1 <sup>st</sup> April 2008	24,802	6,330	31,132
Additions	2,840	-	2,840
Disposals	(1,805)	(904)	(2,709)
At 31 <sup>st</sup> March 2009	<u>25,837</u>	<u>5,426</u>	<u>31,263</u>
<b>Depreciation</b>			
At 1 <sup>st</sup> April 2008	16,234	5,036	21,270
Charge for the year	2,982	390	3,372
Disposals	(1,805)	(904)	(2,709)
At 31 <sup>st</sup> March 2009	<u>17,411</u>	<u>4,522</u>	<u>21,933</u>

# Notes to the Financial Statements for the year ended 31<sup>st</sup> March 2009

## Net Book Value

At 31 <sup>st</sup> March 2009	8,426	904	9,330
At 31 <sup>st</sup> March 2008	8,568	1,294	9,862

## 8. DEBTORS

	2009	2008
	£	£
<b>Due within one year</b>		
Grants receivable	17,885	328,198
Other debtors	12,285	13,592
Advances to partners under Grant agreements	18,582	36,227
Prepayments	916	2,024
Accrued income	692	237
	<b>50,360</b>	<b>380,278</b>

## 9. CREDITORS

	2009	2008
	£	£
<b>Amounts falling due within one year</b>		
Trade creditors	22,338	15,971
Accruals	7,000	6,586
Social security and other taxes	22,774	17,481
Other creditors	2,463	1,754
	<b>54,575</b>	<b>41,792</b>

## 10. 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 casework. The charity's main programme, it is supported by the EC, the UN Voluntary Fund for Victims of Torture, the City Parochial Foundation and Humanade.

### *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 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 and the A&H Pilkington Trust 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 survivor's 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

# Notes to the Financial Statements for the year ended 31<sup>st</sup> March 2009

within the regional institutional framework to affect change in the policies and practices of Member States. The Joseph Rowntree Charitable Trust, EC Fundamental Rights & Justice Programme and Oxfam Novib have funded this work.

	<b>Balance 1<sup>st</sup> April 2008 £</b>	<b>Incoming Resources £</b>	<b>Resources Expended £</b>	<b>Transfers Between Funds £</b>	<b>Balance 31<sup>st</sup> March 2009 £</b>
<b>Restricted funds</b>					
Casework	173,532	278,301	(310,518)	-	<b>141,315</b>
Working in Post-Conflict Contexts	21,394	107,045	(146,673)	-	<b>(18,234)</b>
Promoting International Standards	62,013	29,890	(77,023)	-	<b>14,880</b>
Influencing National Standards and Practice	163,341	73,817	(164,368)	-	<b>72,790</b>
<b>Total restricted funds</b>	<b>420,280</b>	<b>489,053</b>	<b>(698,582)</b>	<b>-</b>	<b>210,751</b>
<b>Unrestricted funds</b>					
Designated fund - VCEP	-	82,937	(44,210)	-	38,727
General fund	190,628	114,378	(90,642)	-	<b>214,364</b>
<b>Total unrestricted funds</b>	<b>190,628</b>	<b>197,315</b>	<b>(134,852)</b>	<b>-</b>	<b>253,091</b>
<b>Total funds</b>	<b>610,908</b>	<b>686,368</b>	<b>(833,434)</b>	<b>-</b>	<b>463,842</b>

## Restricted funds in deficit

A Fund representing a contract with the Dept for International Development (for International Access to Justice) is payable in arrears. At the reporting date expenditure of £18,234 (2008 - £36,837) had been incurred but was not yet due for reimbursement.

## Designated Fund

The Trustees have designated the 2 year funding from VCEP as a fund to support development of the charity. The fund will have total income of \$300,000 and will be spent by August 2010 in accordance with the grant conditions. Other than this time restriction, the grant is unrestricted.

## 11. ANALYSIS OF NET ASSETS BETWEEN FUNDS

	<b>Unrestricted Funds £</b>	<b>Restricted Funds £</b>	<b>Total Funds 31<sup>st</sup> March 2009 £</b>	<b>Total Funds 31<sup>st</sup> March 2008 £</b>
Fund balances at 31 <sup>st</sup> March 2009 are represented by:				
Tangible fixed assets	9,330	-	<b>9,330</b>	9,862
Current assets	278,148	230,939	<b>509,087</b>	642,838
Current liabilities	(34,387)	(20,188)	<b>(54,575)</b>	(41,792)
	<b>253,091</b>	<b>210,751</b>	<b>463,842</b>	<b>610,908</b>

# Notes to the Financial Statements for the year ended 31<sup>st</sup> March 2009

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## 12. 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 (2008 nil).

## 13. OPERATING LEASES

Operating lease rentals of £22,503 (2008 £20,172) 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:

	<b>Land and buildings</b>		<b>Other</b>	
	<b>2009</b>	<i>2008</i>	<b>2009</b>	<i>2008</i>
	<b>£</b>	<i>£</i>	<b>£</b>	<i>£</i>
From one to five years	<u>22,503</u>	<u>22,503</u>	<u>-</u>	<u>-</u>

## 14. 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 two members of staff have been accrued for the year pending establishment of schemes for those individuals.

## 15. 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 Bazylar (USA), Chair  
Stephanie Deckrosh (USA)  
Professor Naomi Roht-Arriaza (USA)  
Professor Dinah Shelton (USA)  
Professor David Weissbrodt (USA)

# WHO'S WHO AT REDRESS

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Frances Pinter PhD  
Jennifer White (Hon. Treasurer)

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Jo Deverson	Development Director
Dikey Ghung	Administrator
Mariana Goetz	ICC Programme Advisor
Kevin Laue	Legal Advisor
Lorna McGregor	International Legal Advisor
Lutz Oette	National Implementation and Capacity Building Advisor
Juergen Schurr	Project Coordinator (based in Brussels)
Abdelsalam Hasan	Sudan Legal Advisor
Lucy Moxham	Caseworker
Anne Althaus	ICC Programme Advisor (maternity cover)
Marta Valinas	International Legal Advisor (maternity cover)
Clara Sandoval	Legal Consultant
Michelle Willis	Finance Manager
Makuta Kamara	Finance Assistant
Nigel Scott	Finance Consultant

## Auditors

haysmacintyre  
Fairfax House  
15 Fulwood Place  
London, WC1V 6AY

## Bankers

Unity Trust Bank	Royal Bank of Scotland
Nine Brindleyplace	High Holborn Branch
Birmingham B1 2HB	London, WC1V 6PQ

## Patrons

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## **PUBLICATIONS THIS YEAR**

March 2009, **Reintegration and Reparation for Victims of Rendition and Unlawful Detention in the 'War on Terror': A European Perspective**

March 2009, **Submission to the Council of Europe's report on The State of Human Rights in Europe: The Need to Eradicate Impunity**

February 2009, **Kenya and Counter-Terrorism: A Time for Change**

February 2009, **Memorandum on the compatibility of the practice of bringing fabricated charges, with international human rights standards, national jurisprudence and international standards on policing**

February 2009, **Letter to the EU Council, Africa Working Group on the Principle of Universal Jurisdiction**

January 2009, **Reforming the National Security Services in Sudan: Mandate, powers and accountability**

December 2008, **The United Kingdom, Torture and Anti-Terrorism: Where the problems lie**  
English

November 2008, **REDRESS, HRW and Advocacy Forum Submission on the state of implementation of the Special Rapporteur on Torture's recommendations following his Mission to Nepal in 2005**

November 2008, **Victims and the ICC: Still room for improvement: Paper prepared for the 7th Assembly of States Parties The Hague**

November 2008, **Comments to the Committee Against Torture in Consideration of Kenya's First Periodic Report**

November 2008, **Time for Change - Reforming Sudan's Legislation on Rape and Sexual Violence**

November 2008, **Survivors and Post-Genocide Justice in Rwanda**

September 2008, **Reforming Sudan's Legislation on Rape and Sexual Violence - Briefing Paper**

September 2008, **Extraditing Genocide Suspects from Europe to Rwanda - Issues and Challenges**

July 2008, **Rendition Flights and International Air Law by Professor Dr. Michael Milde**

July 2008, **Letter to the President of Kenya on the Rendition of the Kenyan National, Mohamed Abdulmalik, to Guantanamo Bay**

July 2008, **Torture (Damages) Bill 2007-08: Compilation of Evidence (July 2008)**

July 2008, **Ending Impunity in the United Kingdom for genocide, crimes against humanity, war crimes, torture and other crimes under international law - Discussion Paper**

July 2008, **Joint NGO Letter regarding Denmark and diplomatic assurances against grave violations of Human Rights**

May 2008, **Justice for Torture Survivors in the UK: Submission to Lord Archer in support of the Torture (Damages) Bill**

May 2008, **Waiting for Justice - The politics of Delay in the administration of Justice in Torture Cases: Practice, Standards and Responses**

April 2008, **Comments to the Committee against torture in consideration of Sweden's fifth periodic report**