

REDRESS

Ending Torture. Seeking Justice for Survivors

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Mr. Francois Crépeau
Special Rapporteur on the Human Rights of Migrants
Office of the High Commissioner for Human Rights
UNOG-OHCHR
CH1211 Geneva 10
Switzerland

25 January 2012

Dear Mr Crépeau

Consultation: Detention of migrants in an irregular situation

I am writing in response to your consultation on detention of migrants in an irregular situation. We welcome your initiative to address this very important area, and thank you for the opportunity to contribute.

REDRESS is a non-governmental organisation dedicated to supporting victims of torture to achieve justice and reparation. Torture often targets the vulnerable in society, and in many circumstances migrants fall within that category. The detention of migrants provides the conditions in which torture and other forms of ill-treatment may, and often do, occur.

In this respect, we would like to bring to your attention a recent judgment of the European Court of Human Rights in *Zontul v Greece* (application no. 12294/07). This case concerned one of our clients, who was a migrant in Greece. In that case the Court found that our client had been tortured by a member of the Coastguard who had intercepted and detained those on the boat on which he was travelling. The state's authorities were criticised for their investigation of the incident and the minimal punishment imposed on the perpetrator. The case also highlights the poor conditions in which migrant detainees were held, ill-treatment inflicted on other individuals, and the particular risk of being targeted for abuse on the basis of sexual orientation. A copy of the judgment is attached, along with the Court's summary of the case.

As a separate point, we would also stress that those who have already suffered torture in the past are a particularly vulnerable group of migrants (who may or may not be entitled to refugee status), and detention of those people may in and of itself amount to inhuman and degrading treatment or torture. We enclose a (redacted) copy of our submission before Ecuador's Constitutional Court in the case of a refugee who was wrongly imprisoned, and would draw your attention particularly to paragraphs 18-22 which set out research and international jurisprudence on this issue.

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We hope that this information will be useful in the preparation of your report. Please do not hesitate to contact us should you require any further details, and we look forward to the publication of your report.

Yours sincerely

Carla Ferstman
Director

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