

REDRESS

Ending Torture, Seeking Justice for Survivors

BULLETIN

Summer 2018

REDRESS CELEBRATES



**YEARS OF FIGHTING
AGAINST TORTURE**

DIRECTOR'S LETTER

25 fight years on, the fight against torture continues

Since I joined REDRESS in February this year I have been honoured to lead a remarkable organisation that has been in the vanguard of those fighting for the rights of torture survivors for 25 years.

Through our dedicated staff and partners, REDRESS has used the law to seek justice and reparation for survivors of torture, to combat impunity for governments and individuals who perpetrate it, and to advocate for better laws to provide effective reparations. While these cases are important to the individuals and communities directly concerned, they have also served the additional purpose of advancing the rule of law and the fight against torture.

As we are facing a sharp decline in the respect for human rights in many parts of the world due to armed conflict, the rise of nationalism, and 'strong man politics', our resolve to reassert our universal values of respect for human dignity and the rule of law needs to be strengthened now more than ever.

Our new strategy seeks to address these challenges by focusing on the specific areas where torture is prevalent – including migration, discriminatory torture, and counter-terrorism. Our accountability work will address national mechanisms, universal jurisdiction, and the International Criminal Court. We will develop more effective realisation of reparations, by drafting anti-torture laws and introducing safeguards against torture.

We will reinforce our core mandate to obtain justice for torture survivors by bringing legal claims on their behalf, and get more impact by adopting a strategic approach to litigation that seeks change beyond the individual case. At the same time we will ensure that we look at torture survivors holistically, providing them with the support they need through the legal process.

I invite you to join REDRESS in the fight against torture. While torture and impunity remain an entrenched problem in many countries where we work, we can achieve significant progress when we all work together to denounce torture and to ensure that perpetrators are brought to justice.

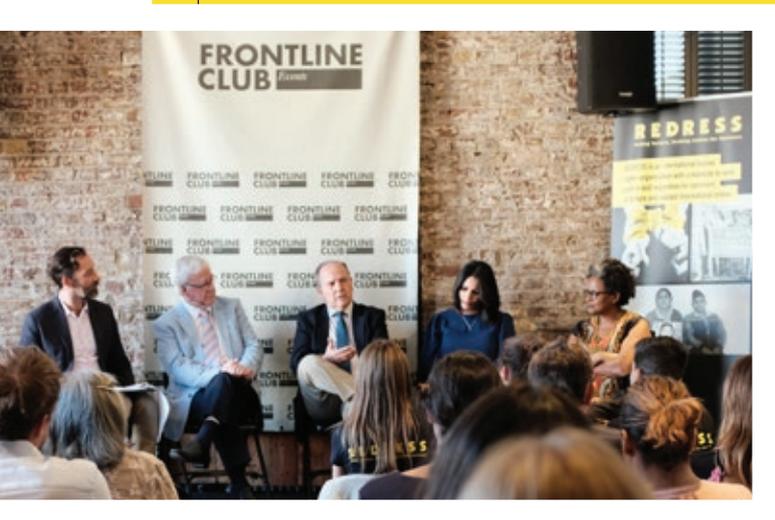
On 4 October 2018 we will be holding an Anniversary Reception to celebrate 25 Years of Fighting Against Torture at the Middle Temple Hall in London. It will provide a unique opportunity to gain insight into our work with survivors and to support it. Please join us if you can. To book your tickets, please visit our Eventbrite page: [redressanniversaryreception.eventbrite.co.uk](https://www.eventbrite.co.uk/redressanniversaryreception)



Rupert Skilbeck,
Director of REDRESS

Follow Rupert on Twitter @rupertskilbeck

Breaking the Legacy of Torture: from Northern Ireland to the Age of Trump



To mark the UN Day in Support of Victims of Torture, on 11 July 2018, REDRESS convened a high-profile panel discussion with survivors and human rights experts at the Frontline Club in London. The discussion took place against the backdrop of a visit to the United Kingdom on 13 July by US President Donald Trump, who has openly endorsed torture, and the release of two parliamentary reports, which found British intelligence agencies to be complicit in hundreds of incidents of torture and rendition. The panellists discussed the long-term effects of torture, its damaging repercussions on the rule of law and the importance of holding perpetrators to account to break the legacy of torture. A full recording of the discussion is available on the REDRESS YouTube channel.



Poor documentation of sexual violence may do more harm than good

By Sarah Fulton, REDRESS' Consultant and author of the guide on Myanmar

Follow Sarah on Twitter @sezfulton

Once hidden and unspoken, reports of sexual violence now often feature prominently in daily media dispatches from conflict zones around the world. This visibility has led to a new emphasis on preventing and addressing such violence at the international level.

Promoting the investigation and documentation of these crimes is a key component of the international community's response. However, this response requires thoughtful and skilled documenters.

Poor documentation may do more harm than good, retraumatizing survivors, and undermining future accountability efforts. Effective documentation, on the other hand, can be a powerful weapon against impunity for these heinous crimes, even if accountability follows many decades later.

Recently, REDRESS together with the Institute for International Criminal Investigations (IICI) have launched a series of country-specific guides to assist those documenting and investigating conflict-related sexual violence in Myanmar, Sri Lanka and Iraq.

The guides complement the second edition of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, published in 2017 by the Foreign and Commonwealth Office, who has also supported the publication of the guides. They are available in English, Burmese, Tamil, Sinhalese, Arabic and Kurdish on the REDRESS and IICI websites.

The guides address the context for and characteristics of conflict-related sexual violence in the three countries. They address legal avenues for justice domestically and at the international level, specific evidential and procedural requirements and practical issues that may arise when documenting such crimes.

Why we need an independent inquiry into UK involvement in torture

The UK Parliament's Intelligence and Security Committee's report released in June revealed that British agencies were far more deeply and systemically involved in the US torture and rendition programme than had previously been publicly known.

However, these revelations only exposed the tip of the iceberg. The restrictions under which the Committee was working left it unable to access key evidence and get at the full truth – limitations the Committee described as “regrettable”.

As the Committee stated, “the terms and conditions imposed” by Government left it “unable to conduct an authoritative inquiry” or “produce a credible report”. Its findings, the ISC says, “must not be taken to be a comprehensive account”, being only “provisional” in nature.

That's why REDRESS and six other NGOs have renewed their calls on the Prime Minister Theresa May to establish an independent inquiry to get at the full truth.

Any inquiry – just like past investigations – will fail to live up to public expectations unless it meets baseline standards of independence and effectiveness. That's why we're calling on Government to ensure that this future inquiry meets five key tests:

1. It should be established under the 2005 Inquiries Act, satisfy Article 3 of the European Convention, and be headed by a judge.

2. It should have an independent, judicial mechanism for open proceedings and publication.
3. It should have adequate legal powers to hold a full and effective investigation.
4. It should be empowered to examine all relevant evidence and cases, including those which have yet to be properly examined.
5. It should ensure meaningful involvement of survivors of torture.

At the time of writing this article, the UK was considering the calls for a judge-lead inquiry and had promised to provide a formal response to the ISC report. With mounting evidence of the UK's complicity in torture and rendition, the public urgently needs an independent inquiry to ensure that the lessons are learned.





© Free Andy Tsege campaign

Andy Tsege is finally free

On 26 May 2018 we were thrilled to learn that Andy Tsege, a prominent figure in Ethiopia opposition politics, had received a pardon from the Ethiopian government, after spending almost four years on death row in Ethiopia.

Andy's release from prison brought to an end four incredibly hard years for him and his family. On 1 June 2018, he was able to reunite with his partner Yemi and three children in London.

Andy was tried in absentia in trials that did not follow due process in 2009 and 2012. On 23 June 2014 he was abducted while transiting through an airport in Yemen and transferred to Ethiopia, where he was arbitrarily detained since.

During his time in detention, the Ethiopian authorities did not allow Andy to contact his family in London aside from a single phone call in December 2014. Andy also did not have access to regular consular assistance or to an independent medical examination, despite serious concerns that he suffered ill-treatment while in prison.

REDRESS brought his case to the attention of United Nations experts and Africa's main human rights body. In 2015, the UN Working Group on Arbitrary Detention found his detention arbitrary and urged the Ethiopian government to immediately

release him. The African Commission similarly urged the Ethiopian government to release and repatriate him to the UK. REDRESS worked jointly with human rights organisation Reprieve on this case.

“It's been heart breaking to have had to go through all the missed Christmases, birthdays and other family occasions without Andy. We're incredibly relieved that he's home and we can move forward together.”

Yemi Hailemariam,
Andy's partner.



Why we must change UK law to protect British citizens detained abroad

By **Josie Fathers**, REDRESS' Advocacy Officer

Follow **Josie** on Twitter @[JosieFathers](#)

Every year, over 100 British people tell the Foreign Office that they have been tortured or ill-treated while detained overseas. Many more suffer from other serious human rights abuses.

Many of us have been shocked by the ongoing unlawful detention of Nazanin Zaghari-Ratcliffe, a British-Iranian mother who was arrested in Iran in 2016. Over 1.5 million signed a petition calling for her release, as another Christmas went by without her daughter and her husband Richard, who lives in the UK. UN experts have consistently called for her release. It took a considerable amount of public pressure for the UK government to do the same on humanitarian grounds.

On the ground, consular assistance can be sometimes the only link between the detainee and the outside world. By giving consular support, the UK government can help prevent torture or ill-treatment before it happens. When a person has already been abused, the UK can enforce their rights through diplomatic protection, a process in international law that elevates a case to an inter-State dispute.

However, in the UK, both consular assistance and diplomatic protection are not enshrined in UK law and therefore are actions that are taken at the discretion of the government. Some victims and their families have been concerned about this approach, as seen in our report *Beyond Discretion: The Protection of British Nationals Abroad from Torture and Ill-Treatment*.

The often harrowing experiences of victims and their families merits a review of the current approach. This is why REDRESS is asking to enshrine the right to consular assistance and an obligation for the UK government to exercise diplomatic protection in certain cases, and welcomes calls from MPs calling for a review of the existing legal framework.

Online training course seeks to increase access to justice for migrants

By **Chris Esdaile**, Legal Advisor

Follow **Chris** on Twitter @[ChrisEsdaile](#)

In 2017, a record high of 25 million people fled their countries to escape conflict and persecution, and as many as seven million of these could be torture survivors, according to the United Nations Special Rapporteur on Torture.

This year, on the International Day in Support of Victims of Torture, REDRESS launched a free online training course that seeks to increase access to justice for refugees and migrants who have survived torture.

Migrants are one of the populations most vulnerable to torture and ill-treatment around the world. Many have been subjected to torture in their home countries. Yet, the threat of torture exists along every step of their often perilous journey, including once they have reached their country of destination.

Increasingly hostile migration laws and policies by destination States around the world have exacerbated abuse and ill-treatment of migrants who arrive at their borders. They have also prevented migrants from fully enjoying their rights.

Our new online training course seeks to raise awareness among UK community organisations who work with refugees and other migrants about the international legal framework prohibiting torture and ill-treatment and the various avenues that are available to victims of torture to access justice and seek accountability and reparation.

The course can be accessed for free on the REDRESS website: redress.org/resources/online-training/. A simple registration is required to be able to access the training.

REDRESS wishes to thank The Baring Foundation for their generous support for this project.



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Efforts to afford justice to victims in CAR must not stop with Bemba’s acquittal

By Lorraine Smith van Lin, REDRESS’ Post-Conflict Justice Adviser

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On 3 August 2018, ICC Trial Chamber III issued its final decision on reparations in the Jean-Pierre Bemba Gombo case. While it acknowledged the victims, it also stressed that the lack of a conviction prevented it from ordering compensation, effectively bringing to an end the reparations proceedings before the Court.

Between October 2002 and March 2003, Mouvement de Libération du Congo (MLC) troops directed a widespread attack against the civilian population of the Central African Republic, committing brutal murders, rapes and pillaging.

Bemba, the MLC President and Commander-in-Chief, was initially convicted of crimes against humanity and war crimes by an ICC Trial Chamber in 2016 on the basis of an alleged



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failure to prevent or punish the crimes of his subordinates. However, in June 2018, the ICC Appeals Chamber overturned Bemba’s conviction. His acquittal was a devastating outcome for the more than five thousand victims who participated in the trial and had waited 15 years to see justice done and to receive some form of redress for their suffering.

Those victims, and the many others who continue to suffer as a result of the MLC’s crimes in the Central African Republic, must not be forgotten. For this reason, we welcome the decision of the Trust Fund for Victims, which was announced following Bemba’s acquittal, to accelerate the launch of a programme under its assistance mandate for the victims and their families in the Central African Republic.

Lunch talks on victims’ rights



The 20th anniversary of the Rome Statute establishing the International Criminal Court presents an important opportunity to recall the centrality of victims to the Rome Statute system. As part of this historic year of reflection, the Victims’ Rights Working Group, together with REDRESS, launched a series of Lunch Talks in The Hague to address matters of importance to victims within this system.

The first Lunch Talk, ‘Making Sense of Reparations at the ICC’, took place on 20 June at the Residence of the Ambassador of Finland. It brought together representatives from the Trust Fund for Victims, the ICC, civil society and academia to discuss the ICC reparations regime. A second Lunch Talk, ‘Victims’ Participation at the ICC: It Still Makes Sense’, was co-hosted by FIDH at the Embassy of Chile on 18 July. Other talks are scheduled later in 2018.

Due to limited capacity, the Lunch Talks are by invitation only, but you can follow the discussions on the [@REDRESSTrust](#) Twitter account using the hashtag #VictimsMatter and #VRWG.

Recent developments in universal jurisdiction

By **Charlie Loudon**, REDRESS' International Legal Adviser

Follow Charlie on Twitter @CharlieLoudon

REDRESS has worked since 2000 to promote the use of universal jurisdiction in Europe to prosecute international crimes, with a particular focus on the rights of victims in those processes. Our work has included extensive analysis and advocacy, and involvement in several universal jurisdiction investigations or prosecutions, through our offices in London and The Hague.

Recent months saw decisions in two important cases relating to universal jurisdiction in which REDRESS had intervened as a third party. The Court of Appeal of England & Wales ruled in *Freedom and Justice Party v Secretary of State for Foreign and Commonwealth Affairs* that the UK's failure to arrest a suspected torturer was lawful on the basis of special mission immunity.

The Grand Chamber of the European Court of Human Rights announced its judgment in the case of *Nait-Liman v Switzerland*, finding that the refusal of the Swiss courts to examine a refugee's civil claim for torture in Tunisia was not a violation of Article 6 § 1 of the European Convention on Human Rights. The decisions



were missed opportunities for the courts to underscore States' obligations in this respect, but both left opportunities open for future progress.

Outside the courts REDRESS continues its role in building communities of practice among those working on universal jurisdiction in Europe. London saw the launch of a re-formed universal jurisdiction working group, bringing together key organisations and practitioners to collaborate on developing the law and practice of universal jurisdiction in the UK.

In the Netherlands REDRESS facilitated the NGO session at the EU Genocide Network. As part of REDRESS' continued advocacy at the European level, REDRESS spoke at the European Parliament, where we stressed the importance of victims' rights and identified opportunities for the European institutions to promote the use of universal jurisdiction further.

I invite you to learn more about our work and to read our most recent [blog posts](#) on this issue found on our website.

More than 25 years on, no action on Habré-era reparations

The victims of Hissène Habré fought relentlessly for 25 years to bring the Chadian dictator and his henchmen to justice. They were also awarded millions of dollars in reparations, but they still have not seen one penny.

On March 25, 2015, a Chadian criminal court convicted 20 Habré-era security agents on charges of murder, torture, kidnapping, and arbitrary detention during Habré's one-party rule from 1982-1990.

The court also awarded 75 billion CFA francs (approximately US\$140 million) in reparations to 7,000 victims, ordering the government to pay half and the convicted agents the other half. But the Chadian government has yet to provide court-ordered reparations to the victims.

This lack of action by the Chadian government, "is a slap in the face to the victims and an affront to the rule of law," reflected Jacqueline Moudeïna, lead lawyers for the victims, as another year passed without the judgment being implemented.

Last year, Moudeïna and other victims' lawyers submitted a complaint regarding Chad's failure to implement the 2015 reparation award to the African Commission on Human and Peoples' Rights, where it is pending. The complaint was supported by REDRESS and other NGOs and the law firm Freshfields Bruckhaus Deringer LLP. In August 2017, a team of United Na-

tions experts expressed their concern over the government's failure to carry out reparations.

The lack of action in this case is compounded by the fact that a separate judgment from a special court in Senegal, which awarded 82 billion CFA francs (approximately US\$153 million) to 7,396 named victims, is yet to be implemented.

REDRESS has called on the Chadian government to do the right thing and provide the victims with the reparations that are owed to them without delay, as ordered by the courts.



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Make a difference – Donate today!

Comedian Lou Sanders at a stand-up comedy show, in solidarity with Nazanin Zaghari-Ratcliffe, organised by REDRESS and Amnesty UK

Torture can have profound and long-lasting physical and psychological effects on survivors.

REDRESS' work is always driven by the obstacles faced by survivors and is designed specifically to tackle deep-seated barriers impeding survivors' access to justice.

The sense of injustice that accompanies torture and the typical absence of recognition of the crime often inhibits survivors' from re-establishing control over their lives.

Since it was founded 25 years ago, REDRESS has strived to make a difference by working with torture survivors so that they can secure their rights to justice and move forward with their lives in dignity.

As all our work is without charge, we rely on the generosity of supporters like you to continue achieving positive judgments and outcomes for torture survivors that can have a long-lasting impact on the lives of survivors.

Every contribution matters. Donate today!

To make a difference today, please visit our website to learn about the different ways in which you can support our work: redress.org/donate/

If you have any questions, please contact our Fundraising Assistant Nora Bendžiūtė on +44 (0)20 7793 1777 or nora@redress.org.



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