

REDRESS

BULLETIN

Ending torture, seeking justice for survivors

No. 2



Putting survivors first in the fight against torture



DIRECTOR'S LETTER

Putting survivors first while achieving an impact beyond the individual case

The human rights situation in some countries where we work has dramatically deteriorated in the last year. But there have also been many successes, where justice has been served, laws have been changed, and survivors have been empowered.

We are proud to have persuaded the UK government to change their approach when responding to dual nationals who are mistreated abroad. In March, REDRESS obtained diplomatic protection for Nazanin Zaghari-Ratcliffe, who has been unjustly imprisoned in Iran for over three years, the first such case in more than 100 years. REDRESS also persuaded the UK Prime Minister to raise the torture of a British national for the first time with a foreign head of state, the Prime Minister of India, in the case of Jagtar Singh Johal.

Earlier this year, we published a timely report to draw attention to the real challenges victims face in realising their right to effective reparations before the International Criminal Court. Following the removal of President Omar al-Bashir from power, we have identified priority areas for reform on torture in Sudan, and continue to progress the cases of several Sudanese torture survivors before the African Commission on Human and Peoples' Rights.

All these achievements would not have been possible without the dedication of our many partners. In particular, we are grateful to the more than 90 UK organisations who responded to our call for evidence for the recent examina-

tion of the UK by the UN Committee against Torture. The evidence helped expose wide-ranging failures of the UK to meet its anti-torture obligations and led to many recommendations for change from the UN Committee.

We are also proud of the work carried out alongside partners in many countries around the world. For example, in Uganda, we have been working in areas most affected by the 20-year war, towards establishing the first national network of survivors, and strengthening their participation in the transitional justice process.

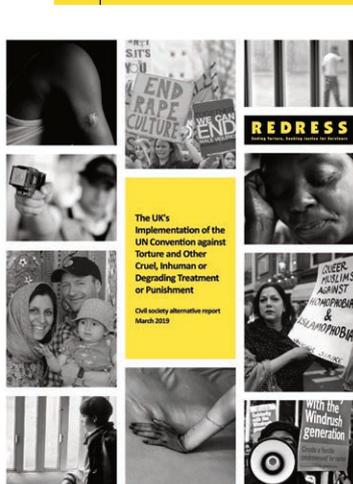
On 17 June, the Cabinet of Uganda approved the long-awaited Transitional Justice Policy, bringing victims of the conflict a step closer to receiving much needed reparations. REDRESS will now advocate for its timely implementation, to address the urgent issues affecting victims.

In the current climate, funding for our work remains a challenge and we are enormously grateful to all our donors and supporters, as without this support, all of these achievements would not have been possible.



Rupert Skilbeck,
Director of REDRESS

Follow Rupert on Twitter @RupertSkilbeck



Why the UK should do more to fight against torture at home

As the UK faced scrutiny by the UN Committee against Torture in Geneva in May, REDRESS and partners submitted an alternative report to the Committee on behalf of a coalition of civil society organisations and experts on the measures taken by the UK to meet its international obligations to prevent torture and ill-treatment.

The report shows that in the previous five years there has been alarming evidence of a rise in ill-treatment in public services such as immigration detention centres, prisons and mental health facilities, and a continued lack of accountability for torture and ill-treatment overseas.

The report—coordinated by REDRESS alongside Liberty, Freedom from Torture, Disability Rights UK, Children's Rights Alliance for England (Just for Kids Law) and Children in Wales—suggested that an increasingly hostile environment for migrants, austerity, and the Brexit referendum have contributed to a rise in ill-treatment and hate crimes.

Following a detailed examination in Geneva, the UN Committee agreed with many of the recommendations included in the civil society report, repeating calls for a judged inquiry into the UK's involvement in torture and ill-treatment abroad and to put a stop to indefinite immigration detention. REDRESS and partners have called on the UK government to promptly implement these recommendations, if it wants to live up to the reputation it sets for itself as a human rights leader.



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Torture in Sudan, priorities for change

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

Follow Charlie on Twitter on @CharlieLoudon

The prevalence of torture in Sudan has been a longstanding concern, and REDRESS has worked over the years with victims from groups who have been systematically targeted, including human rights defenders, women, lawyers, political activists and students.

Recently, the ousting of President Omar al-Bashir in Sudan has led to a new wave of enforced disappearances of peaceful protesters, as documented by our partner, the African Centre for Justice and Peace Studies (ACJPS).

The security and intelligence services have been primarily responsible for torture and ill-treatment in places of detention,

Neither dead or alive, the fight to challenge enforced disappearance in Algeria, Sudan, Zimbabwe and Libya

In many conflicts in Africa, from the Algerian civil war in the 1990s, Libya under Muammar Gaddafi, Sudan during Al-Bashir's presidency, and Zimbabwe under Robert Mugabe, thousands of opponents of the government, human rights defenders, journalists, members of vulnerable groups and other perceived opponents have disappeared.

The practice of enforced disappearance has been committed for decades with impunity and continues in these African countries, but accountability for this crime remains elusive. Lack of accountability has left thousands of families of disappeared unaware of the fate of their love ones and has also impacted their rights to seek redress and the truth about the fate of the disappeared.

Earlier this year, REDRESS started a new three-year project

while members of the army and paramilitary forces have been extensively implicated in torture during military campaigns in Southern Sudan, Kordofan, the Blue Nile region, and Darfur.

Following the ousting of al-Bashir from power on 11 April 2019, there is likely to be a large number of torture victims seeking reparation for their torture and ill-treatment.

During the last session of the African Commission on Human and Peoples' Rights, REDRESS and ACJPS identified several areas for reform on torture in Sudan in order to secure reparations for these victims, ensure individual accountability and prevent torture in the future.

We noted the almost complete absence of cases that have resulted in compensation or other forms of reparation being awarded to victims of torture, despite the African Commission having decided seven cases against Sudan, including a number of cases brought by REDRESS.

REDRESS and the ACJPS have called on Sudan to undertake constitutional, legislative and policy reforms, to bring Sudan in line with its obligations under international law. These include ratifying the UN Convention against Torture, removing barriers to accountability by repealing immunity laws, removing statutes of limitation for the offence of torture, and ensuring protection for victims, witnesses and human rights defenders.

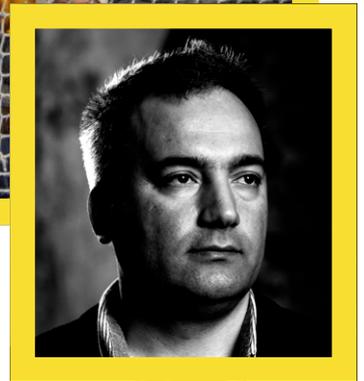
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with partners in Algeria, Sudan, Zimbabwe and Libya to support human rights lawyers and victims' groups to bring cases to seek justice for victims of enforced disappearances.

Our project aims to empower victims to speak about their own experiences, and to highlight this problem with the African Union and specific governments. It also seeks to encourage the African Commission on Human and Peoples' Rights to adopt comprehensive guidelines on enforced disappearances in Africa.

Because the crime of enforced disappearance is generally coupled with other gross human rights violations like torture, arbitrary detention, or sexual and gender-based crimes, the project will explore cross-cutting areas. It will also look at the gender-dimension of the practice, analysing the impact of this crime on women and girls in Africa.



Necati Zontul

Council of Europe calls on Greece to reform its law on torture

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

Follow Charlie on Twitter on @CharlieLoudon

Following the breakthrough ruling of the European Court of Human Rights (ECHR) in one of our cases, *Zontul v Greece*, the Council of Europe has now increased the pressure on Greece to implement the full ECHR's judgments in this and other cases, and to improve access to justice for victims of torture and ill-treatment.

In 2001, Necati Zontul, an asylum seeker from Turkey, was travelling on a boat with other migrants when they were intercepted by Greek coastguards and held in a disused school in Crete. A week into Necati's detention a coastguard trapped him in a toilet and brutally raped him with a truncheon, whilst another guard kept lookout. Necati believes he was attacked because he is gay.

A flawed investigation

Following a flawed domestic investigation and prosecution of the coastguards responsible for his treatment, REDRESS brought Necati's case before the ECHR. In 2012, the ECHR found in favour of Necati, recognising that rape by state actors can be a particularly cruel form of torture, and that Greece did not adequately punish the perpetrators or afford redress to Necati.

The judgment heavily criticised the Greek authorities for their internal investigation of the incident, in which they falsified Necati's evidence, and for the lenient penalty imposed

on the perpetrator of the torture—a suspended sentence commuted to a small fine. It also found that Greek law was incompatible with the country's international obligations to prevent and prosecute torture.

Greece paid Necati €50,000 in compensation, but other aspects of this judgment are yet to be implemented.

An overdue apology

Last December, the Committee of Ministers of the Council of Europe (the body responsible for supervising the implementation of ECHR's judgments) gave the Greek government nine months to provide an update about the progress made to improve access to justice to victims of torture and ill-treatment.

It also called on Greece to provide more information about the reopening of the disciplinary proceedings against the coastguards responsible for Necati's rape, in particular, the continued employment of those responsible.

The Greek authorities will have to inform the Committee if written apologies to Necati and the other victims in these cases have been issued by the head of the services involved in their torture and ill-treatment.

Greece continues to be a major point of entry of migrants and asylum seekers to Europe. The Council of Europe's Committee for the Prevention of Torture (CPT) has highlighted in recent months the "inhuman and degrading" conditions in which migrants and refugees in Greece are living at the country's camps.

The fight to bring Nazanin home

By Josie Fathers, REDRESS' Advocacy Officer

🐦 Follow Josie on Twitter on @JosieFathers

For more than three years Nazanin Zaghari-Ratcliffe has been arbitrarily detained in Iran, separated from her now five-year-old daughter Gabriella and husband Richard, who is in London.

Nazanin's health has severely deteriorated since her arrest at Tehran airport in April 2016. She has suffered from blackouts, panic attacks, post-traumatic stress disorder, difficulty moving her arms and hands, and suicidal thoughts. Yet Iran has refused her much-needed medical treatment.

During her detention, Nazanin has spent more than eight months in solitary confinement in tiny cells without windows. In January 2019, Nazanin went on hunger strike for three days in protest against being denied access to medical treatment. More recently, Nazanin and Richard conducted simultaneous hunger strikes in prison and outside of the Iranian Embassy in London for two weeks to demand her release.

REDRESS has acted for Nazanin and Richard since 2016, bringing her case to the United Nations and advocating to the UK Foreign and Commonwealth Office to take action and to assert diplomatic protection on her behalf. In March 2019 the Foreign Secretary did so, meaning that the government recognises her as predominantly British, and that her ill-treatment and continued arbitrary detention is now a dispute between the UK and Iran. This is the first time that the UK has ever done this in a human rights case.

Despite this progress, more needs to be done to bring Nazanin home. For survivors of torture and ill-treatment who are detained, the most important form of reparation is to obtain their release. Nazanin needs all the help we can give her, and it is vital that we continue to put constant pressure on the UK and Iran to set her free.

REDRESS has launched a crowdfunding campaign on JustGiving to raise funds to continue our legal and advocacy work on Nazanin's case, and cases like hers. Please consider donating and sharing our JustGiving page with your friends, family and on social media.



To find out about how you can also help Nazanin, please visit the Free Nazanin Campaign on Twitter [@FreeNazanin](https://twitter.com/FreeNazanin) and our crowdfunding campaign on JustGiving at [justgiving.com/campaign/help-bring-Nazanin-home](https://www.justgiving.com/campaign/help-bring-Nazanin-home).

“Life will be happy again, the sun will come out. We will get through the rain and the grey clouds. Let us trust this dream will come true soon.”

Nazanin Zaghari-Ratcliffe, detained in Iran since April 2016.

Time to realise victims' rights to reparation before the International Criminal Court

Our new report *No Time to Wait: Realising Reparations for Victims before the International Criminal Court* draws attention to the challenges that victims face in realising their right to reparations in relation to cases before the International Criminal Court (ICC) in The Hague.

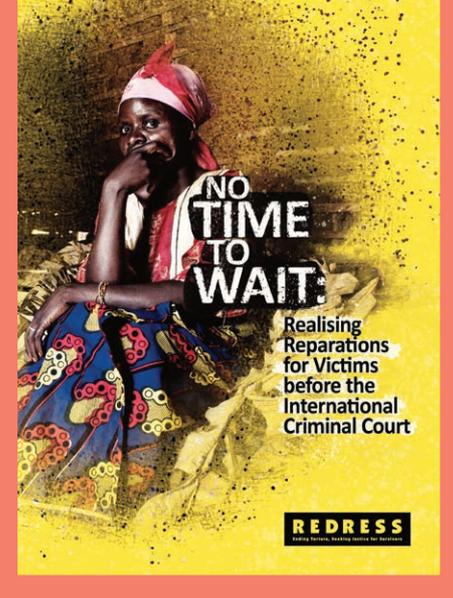
With reparations awards made in three cases before the ICC (Lubanga, Katanga and Al Mahdi) and submissions on reparations in the Bemba case prior to his acquittal last year, the report finds that despite the ICC's best efforts, delivering reparations for victims has become a complicated and protracted process that has yielded little tangible results for victims.

REDRESS' findings point to a combination of factors that have impeded the ICC's ability to deliver promptly reparations to victims. These include inconsistent judicial approaches; capacity and planning challenges at the Trust Fund; lack of court-wide strategic direction on reparation; and the absence of comprehensive guiding principles binding on all Chambers that help

to foster a coherent and consistent approach to reparations.

REDRESS makes a number of proposals of reform, including calling upon the Court to strengthen its processes and to establish a timetable for effective and timely delivery of reparations awards. The report also recommends more effective management and oversight of the implementation phase of reparations and the development of a court-wide strategic framework governing reparations.

The report also calls upon the Trust Fund to improve its internal capacity to better implement reparations awards ordered by the Court and to expand its assistance programmes to other countries where the ICC is active. Finally, the report calls upon Member States to strengthen their support to ensure the Court is able to fully implement its reparation mandate.



Challenging the use of tainted evidence at trials

By **Chris Esdaile**, REDRESS' Legal Adviser

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In many countries around the world, state authorities continue to rely routinely on evidence obtained through torture, despite the fact that international law prohibits its use because it violates the right to a fair trial.

Following the publication of *Tainted by Torture*, a substantive report analysing the practice across the world, REDRESS and Fair Trials filed a third-party intervention before the European Court of Human Rights in the case of *Oleg Sentsov v Russia*.

Oleg, a Ukrainian filmmaker and writer, was arrested in 2014 on suspicion of being a member of a terrorist organisation. Oleg says that he was taken to a local police station where

he was beaten, asphyxiated, electrocuted and threatened with rape. He alleges that he was subsequently convicted of terrorism and sentenced to 20 years in prison on the basis of evidence obtained from a witness who had also been ill-treated.

Our organisations have argued that all evidence obtained by torture should be excluded from use at trial, and that any reliance on such evidence violates the right to a fair trial, whatever the source of that evidence. We have also argued that once a defendant has made a credible claim that evidence was obtained by torture, the burden of proof should then shift to the State to prove that this was not the case.





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Empowering victims of the conflict in Uganda

By Lorraine Smith van Lin, REDRESS' Post-Conflict Justice Adviser
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The 1987-2006 conflict that waged between Ugandan government forces and opposing rebel forces tremendously affected the civilian population in the Greater North region of Uganda. Hundreds of thousands of people were displaced, raped, maimed, killed or abducted by rebel forces, including more than 12,000 boys and girls.

The majority of victims continue to live with the effects of the war with limited initiatives to provide them with redress or specific support. The support received by victims include funds for development and reconstructions plans for war-affected communities in the North, and the limited reinsertion and reintegration support to those formerly associated with the rebel group Lord's Resistance Army (LRA) and other rebel groups, who reported to the Amnesty Commission.

The dire situation of mothers and their children born of sexual violence is one of the most pressing issues, as they have largely been unable to access the limited government support available for war-affected children.

REDRESS is working with two partners in Uganda – Emerging Solutions Africa (ESA) and the Uganda Victims Foundation (UVF)—to strengthen the position of victims in justice and accountability processes in Uganda and to enable their meaningful participation in the design and implementation of transitional justice measures that affect them.

The project aims to foster a better understanding of victims' rights and to empower victims and affected communities to formulate their demands and allow them to make

informed decisions on the nature and the extent of their participation in the transitional justice process.

Since last year, our partners have been holding victims' forums in some of the areas most affected by the war, including the Lango, Acholi, West Nile and Teso sub regions. We have also conducted radio programmes in the local languages to raise awareness about victims' rights, with the aim to create the first national network of survivors and victims of the war later this year.

On 17 June, the Cabinet of Uganda approved a Transitional Justice Policy (TJP) that brought victims a step closer to receiving much needed reparations 13 years after the end of the war. We are now working with our partners ESA and UVF to secure the effective and quick implementation of the policy, to address the urgent issues that affect victims.

“This is a big achievement for victims and survivors, we have all along been waiting for the Transitional Justice Policy. I hope it contains all that will benefit us.”

Grace Acan,
a survivor of the war in Uganda.



Make a difference – Donate today!

Comedian Shappi Khorsandi, who has supported Nazanin Zaghari-Ratcliffe's campaign, at REDRESS' 25th Anniversary Reception.

For over 25 years, REDRESS has worked with and for torture survivors to obtain justice and reparation on their behalf.

Torture remains a constant problem in today's world. Men, women or children continue to be tortured and ill-treated because of who they are or what they believe. We maintain close relationships with our clients and their families and have found

that our experiences together can be both mutually empowering and profoundly moving.

REDRESS strives to make a difference by working with torture survivors so that they can secure their right to justice and move forward with their lives in dignity. Your support is vital for us to continue this important work.

Help us achieve our vision for a world without torture. Donate today!

With your help we can make sure that survivors of torture can get the support they need. By giving **£28 a month** you could help pay for a torture survivor to receive urgent legal support required to build a case.

Please consider starting your monthly donation today at redress.org/donate

Thank you, your support makes a real difference.



REDRESS