



YEARS

REDRESS

Ending torture, seeking justice for survivors

BULLETIN

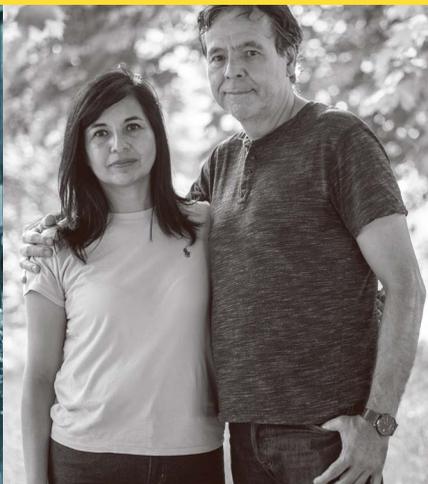
No. 7



WHOSE JUSTICE?

SURVIVORS' PERCEPTIONS

OF JUSTICE IN FOCUS



DIRECTOR'S LETTER

Next December, on Human Rights Day, REDRESS will celebrate 30 years. Over that time REDRESS has had the privilege to support hundreds of survivors of torture as they seek justice. In our new ground-breaking report *Whose Justice* we ask some of those survivors to explain what that process means to them, how it has impacted their lives, and also to explain the frustration it brings.

This bulletin highlights some of the many other achievements of REDRESS in the last four months. We have continued to work for justice for survivors of torture in the UK and elsewhere, including successfully campaigning for the release of British-Iranian hostage Nazanin Zaghari-Ratcliffe, along her husband Richard Ratcliffe, after six years of arbitrary detention in Iran. We have developed new cases to seize the assets of perpetrators of torture and repurpose them for victims, including in response to the Russian invasion of Ukraine. We have worked to document the widespread torture of pro-democracy dissenters in Belarus as part of an innovative civil society-led effort, the International Accountability Platform for Belarus (IAPB).

We have put the issue of enforced disappearance in Africa as a form of torture on the agenda of regional and international human rights bodies, successfully advocating for the adoption of the first African instrument aimed to eradicate and prevent enforced disappearances, and to improve the situation of victims. We have raised attention about the problem of LGBTIQ+ torture and made proposals for reform in Latin America and Africa. We have continued to support survivor-centred approaches to justice and reparation, more recently undertaken substantive research into survivors' perceptions of justice and reparation in the UK.

Despite the recent challenges of the global Covid-19 pandemic, REDRESS has progressively built its team, adding new capacity to enable us to deliver our strategy, respond to urgent developments and develop innovative projects, while maintaining our core programmes. We have recruited new staff to deliver policy advocacy and engage with survivor communities, enhancing the way that we work with exciting plans for the future.



© Kelsey Peden. REDRESS staff at a recent staff meeting.

“REDRESS has progressively built its team, adding new capacity to enable us to respond to urgent developments and develop innovative projects, while maintaining our core programmes.”



Rupert Skilbeck,
Director of REDRESS

Follow Rupert on Twitter [@RupertSkilbeck](https://twitter.com/RupertSkilbeck)

Nazanin is Finally Home with Her Family

By **Eva Sanchis**, REDRESS Head of Communications

Follow Eva on Twitter on @sanchis.e

On 16 March 2022 Nazanin Zaghari-Ratcliffe, a victim of torture and hostage-taking in Iran for nearly six years, was finally allowed to leave Iran and return home to her husband and seven-year-old daughter in the UK.

REDRESS, which has acted as legal representatives for Nazanin and her husband, Richard Ratcliffe, since 2016, celebrated the end of a terrible ordeal that started when she was detained at Tehran airport on 3 April 2016 after visiting family with her then one-year-old daughter.

Nazanin was tried and convicted twice in Iran of unfounded charges, and despite being innocent, she spent four years in prison in poor conditions of detention, including more than eight months in solitary confinement, and a year under house arrest with an ankle tag.

While celebrating her release, we must not forget the deep injustice perpetrated by Iran. The systematic hostage-taking of innocent foreign nationals for diplomatic leverage by Iran and other states must not be allowed to continue. Six years is a devastatingly long time for a family



© Free Nazanin. First Zaghari-Ratcliffe family selfie after they were reunited.

to be separated, and it is concerning that it took so long for the UK government to secure Nazanin's release.

REDRESS has urged the UK government to learn lessons from this case and to reassess its policies on consular protection of its citizens tortured or at risk of torture abroad, and on hostage taking. In July, our Director Rupert Skilbeck and barrister Tatyana Eatwell (who supported our work on the case, along with John Dugard SC, and Alison Macdonald QC), gave oral evidence to this effect to the parliamentary Foreign Affairs Committee for their Inquiry into the Handling of State Hostage Situations.

Richard Ratcliffe: We must recognize these cases as “hostage cases”

We spoke with Richard Ratcliffe following Nazanin's release. Below are his reflections on what changes are needed so what happened to Nazanin does not happen to anyone else.

— How are you, Nazanin, and your family all coping since she was released?

Life is obviously much easier now that big battle is done. But also you do only realise when it is over all the different ways in which you were manifesting stress, all the different quirks and coping strategies that need to be laid to rest.

And catching up with each other is still a journey - adjusting all to each other, catching up with the passage of 6 years, and learning to make plans for the future again.

The nightmares haven't gone away, but gradually we are getting back to normal again.

— You have questioned the handling of state hostage situations by the UK. What are three key policy or legal changes you would like to see to protect others?

I think the main three things would be: First, recognition. Recognising cases as hostage cases rather than insisting

on using other words to pretend they are something else. The US government has a list of US citizens held hostage or “wrongfully detained” by foreign governments for leverage. The UK should have the same - with clear criteria. Second, reporting to Parliament: UK hostage policy is very opaque. In the US they report to Congress annually on their progress and trends in hostage cases. I think the FCDO should be doing something similar to Parliament. Third, accountability. At present the UK does not take accountability seriously for hostage cases. It has not used its Magnitsky sanctions powers to challenge state hostage-taking, it does not yet have an equivalent of the Levinson Act in the US, which empowers the government to get people home, but also to go after the bad guys and deal with the moral hazard in hostage-taking. It will need both of these if state hostage-taking is not to continue to grow

— You want to enshrine a right to consular protection in UK law, instead of leaving consular assistance to the discretion of the Foreign Office. Why do you feel this is important?

Because discretionary government is always unfair government. It means that government chooses to help based on lobbyists and media pressure. In the end we were able to generate that pressure and now Nazanin is home. But there are plenty of others you have never heard of who weren't so lucky.

Accountability for LGBTIQ+ Torture in Africa

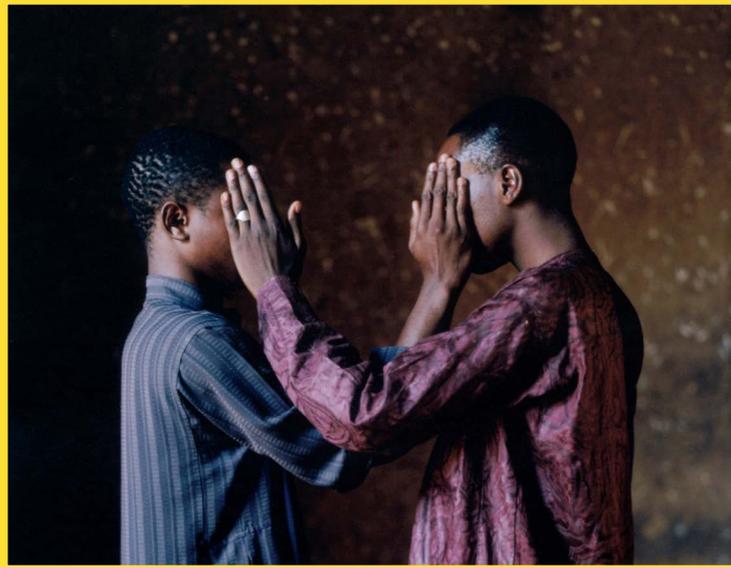
By Renata Politi, REDRESS Legal Officer

Follow Renata on Twitter @PolitiRenata

In many countries in Africa, LGBTIQ+ persons suffer violence because of their sexual orientation and gender identity. This violence can take the form of violent arbitrary arrests, beatings, rapes and other forms of physical and sexual abuse, and often amounts to torture or other ill-treatment.

Discriminatory torture is prohibited under international law and it is a crime in some countries in Africa. However, recent research undertaken by REDRESS found that many states in Africa afford little legal protection to LGBTIQ+ persons and often fail to treat LGBTIQ+ violence as torture. As a result, states frequently do not prevent torture, hold perpetrators accountable, and afford justice and reparation to victims.

Some countries also criminalise same-sex conduct or fail to recognise the full spectrum of sexual orientations and gender identities. In recent years, there has also been a resurgence in legislation which targets, rather than protects, LGBTIQ+ persons. This has resulted in an increase in violence against LGBTIQ+ persons and rampant impunity.



© Robin Hammond. In 2013, Nigerian citizens Ishmel (left) and Gabriel (right) (not their real names) were taken from their homes by a vigilante group aligned to Bauchi City Sharia Courts who suspected them of being gay. They slapped and beat them with electric cables. They were held in prison for over 40 days and made several appearances at the Sharia Court. They were lashed 15 times with a horse whip but then acquitted of committing homosexual acts as there were no witnesses to the crime. Sodomy was punishable by death under Sharia Law but required four witnesses.

As part of our Discrimination programme, REDRESS is working to increase accountability for discriminatory torture perpetrated against LGBTIQ+ people in African jurisdictions, and identify opportunities for legal and policy reform.

In May, we published a new report, [UNEQUAL JUSTICE: Accountability for Torture Against LGBTIQ+ Persons in Africa](#), which examined the extent of the problem in 11 countries in Africa – Algeria, Angola, Botswana, the Democratic Republic of the Congo, Ghana, Kenya, Malawi, Morocco, Mozambique, Uganda and South Africa.

The report outlines specific proposals to states, African human rights bodies, and civil society to improve the current situation.

Nepal Found Guilty of Killing and Torture of Girl during the Civil War

In May, the UN Human Rights Committee issued an [important decision](#) in one of our cases, which could have repercussions for other victims of sexual violence during the conflict. It found in May that Nepal violated the human rights of Reena Rasaili, a 16-year-old girl who was tortured, including by being raped, and shot dead by army officers during the Nepalese Civil War.

REDRESS and Advocacy-Forum Nepal brought the case on behalf of her parents, who found their daughter's body in a cornfield in their village in 2004, after she was dragged from her home on the night of 13 February by around 20 armed soldiers of the Royal Nepalese Army.

The Committee found that Nepal was responsible for Reena's arbitrary arrest; torture, including rape; and execution. It urged Nepal to conduct a thorough and effective inves-

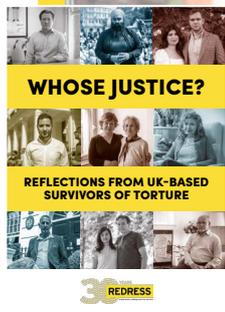
tigation into the facts, and to hold those responsible accountable. It also ordered Nepal to provide rehabilitation to Reena's parents, and to offer an apology and build a memorial for Reena. In addition, it called once again on Nepal to align its statute of limitations for the crime of rape with international standards.

REDRESS is currently [working on a project](#) to identify priorities for delivering reparations to survivors of conflict-related sexual violence, including in Cambodia, Bangladesh, Myanmar and Chad.



© Voices of Women Media. Photo of Reena Rasaili.

Whose Justice? UK-based Survivors of Torture Share Their Views on Justice



© Dianne Magbanua, María Elena Klug and Elena García, respectively, the daughter and wife of the late Leopoldo García Lucero, photographed beside a portrait photo of Leopoldo, who was tortured under the Pinochet regime for being a supporter of the democratically-elected President Salvador Allende.

By Lo Riches, REDRESS Policy and Advocacy Officer

Follow Lo on Twitter on @Lo_Riches

Torture causes severe suffering and often leaves scars that last a lifetime, but despite states' obligations to provide justice and reparation to survivors, many barriers still stand on the way of survivors to obtain both.

In the UK, some studies estimate that there are between 60,000 and 98,000 survivors of torture in the refugee population alone. In a 2019 joint civil society report, REDRESS highlighted the many challenges faced by survivors in obtaining justice, with no access to public funding for legal claims, and different forms support.

Following on from previous research done by REDRESS in 2001, 2004 and 2009, to identify survivor-centred approaches to justice and reparation, this year REDRESS has undertaken substantive research into survivors' perceptions of justice and reparation in the UK for the report *Whose justice? Reflections from UK-based survivors of torture*.

REDRESS sought the views of survivors and their family members on what justice meant to them in practice, why it was important, and what were their key barriers to achieving justice within the UK. REDRESS also interviewed professionals who work with survivors of torture.

The research confirms that UK-based torture survivors are not a homogeneous group, and their views on the mean-

“The aim of justice as well can be a barrier if the objective is set by somebody else.”

Anonymous torture survivor.

ing of justice can differ greatly and it does not exist a 'one size fits all' approach to justice, while there is also some common ground. This is why it is crucial to put survivors' voices and experiences at the heart of processes to deliver justice and reparations to survivors, so they can access justice in a meaningful way and their needs are met.

As Juan Méndez, the former UN Special Rapporteur on torture and a survivor of torture, who is currently a Patron of REDRESS, notes in the Foreword of the report, where there is a misalignment between 'justice' as understood by legal and reparative mechanisms, and survivors' own perceptions of what justice means to them in practice, "... there is a significant risk that pursuing 'justice' for survivors can be traumatic and promote ongoing victimisation rather than empowerment."

The report also seeks to promote survivors' voices, raise awareness of their priorities and the barriers they face, and develop recommendations for the UK government to improve access to justice.



Listen to survivors reflect on the meaning of justice

Fighting Impunity in Belarus

By Dianne Magbanua, REDRESS Communications and Digital Assistant

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Since the fraudulent presidential election in 2020, the human rights situation in Belarus has remained critical. The Lukashenko regime has continued to crack down on persons perceived as a threat to the government and has liquidated the majority of civil society organisations. Thousands of pro-democracy dissenters have either been detained, tortured, died in unclear circumstances, or forced to live in exile as the regime has attempted to hold to power and suppress any opposition.

While the Belarusian authorities bear the main responsibility for stopping the serious human rights violations committed on their territory and providing redress for all victims, the international community can play an important role to ensure that these violations are halted and do not go unpunished.

In March 2021, the International Accountability Platform Belarus (IAPB) was established by a coalition of 18 Belarusian and international independent non-governmental organisations to collect, consolidate, verify and preserve evidence of gross human rights violations allegedly committed by Belarusian authorities and others in the context of the 2020 presidential election and its aftermath.

A year after its launch, it has gathered over 20,000 documents, including victim and witness statements, and



© Alamy Stock photo. Protest of Belarusian activists.

500,000 items from open resources on gross human rights violations committed in Belarus.

The information and evidence collected will assist independent and fair criminal investigations and prosecutions. The IAPB has also provided support to the UN High Commissioner for Human Rights' Examination of the Human Rights Situation in Belarus and to criminal justice authorities in several countries.

REDRESS is currently co-leading the IAPB with DIGNITY (Danish Institute Against Torture), the Human Rights Centre "Viasna" and the International Committee for the Investigation of Torture in Belarus.

In June, the mandate of the IAPB was extended for further 15 months, with solid backing from 14 States and the European Union. This will allow the IAPB to continue working to meet its objectives and to respond to increasing requests for support from criminal justice authorities in several countries to progress prosecutions under the principle of universal jurisdiction.

Ukraine War: Repurposing Russian Assets for Victims

REDRESS has continued to use legal and advocacy avenues to challenge the financial impunity that some high-profile perpetrators of torture enjoy, by taking action to seize their corrupt assets and, where possible, use them to provide reparations to their victims.

As part of this work, in March REDRESS wrote an open letter to the UK government urging it to engage civil society, including victim and survivor groups, in the repurposing of £2.5 billion following sanctioned Russian oligarch Roman Abramovich's sale of Chelsea Football Club.

A subsequent briefing published jointly with CiFAR, International Lawyers Project, RUSI, and Spotlight on Corruption,

estimated that the amount of Russian assets frozen within the UK to date is likely to be at least one hundred times the £400 million the UK has so far committed in support to Ukraine. This presents a unique opportunity for the UK to have a profound impact on the lives of victims, ensuring their right to reparations is upheld.

Our organisations have made a series of recommendations to the UK government, and have advocated for changes in UK law, as UK law does not provide the tools needed to confiscate and repurpose most of the Russian assets frozen under sanctions. We have also called for the UK government to be transparent about frozen Russian assets.

A New Tool Against Enforced Disappearances in Africa

By Julie Bardeche, REDRESS Legal Advisor

Follow Julie on Twitter @JulieBardeche

Enforced disappearances have been prevalent in Africa since colonial governments used them to suppress local populations. Currently state and non-state actors continue to use it as a tool to suppress dissent and political opposition, as well as in the context of migration and mass displacement.

Put outside the protection of the law, victims of enforced disappearances are frequently tortured and often killed. Their families are left behind suffering, without knowing what happened to their loved ones.

States' denial of their use and a lack of official data makes it hard to know the full magnitude of this practice on the continent. However, data gathered by the UN Working Group on Enforced and Involuntary Disappearances provides an indication of the extent of the problem. The UN body has, since 1980, received over 4,000 claims from victims in Africa.

In May, the African Commission on Human and Peoples' Rights (ACHPR), Africa's main human rights body, announced the adoption of the first African instrument aimed to eradicate and prevent enforced disappearances, and to improve the situation of victims. The Guidelines for the Protection of All Persons from Enforced Disappearances in Africa were adopted at the ACHPR's 71st Ordinary Session in Banjul, The Gambia.

The adoption of the Guidelines follows efforts of REDRESS and partner organisations working in Africa (Zimbabwe Lawyers for Human Rights, MENA Rights Group, Lawyers for Justice in Libya and the African Centre for Justice and Peace Studies) to bring the issue of enforced disappearances



© Alamy Stock photo. Photos of the disappeared during the Algerian Civil War.

to the attention of key stakeholders, including the need to do more to secure justice and accountability to victims.

As part of a [project on enforced disappearances](#), our organisations have published several detailed reports with recommendations for legal and policy reforms. Over the last three years we also supported the work of the African Commission by convening several expert workshops and events, in which many regional and international experts participated.

The new guidelines are not intended to replace existing standards and obligations contained in relevant international treaties and instruments. On the contrary, they seek to reinforce those international treaties and instruments and encourage African Union Member States to ratify them as a positive measure to prevent enforced disappearances on the continent.

REDRESS Co-leads Update of Global Standards for the Investigation and Documentation of Torture

An [updated version](#) of the Istanbul Protocol, which provides critical guidance to States to fulfil their obligations to investigate, prosecute, and punish torture was published in June.

REDRESS co-led the process to update the UN guidance on the investigation of torture, a key element of reparation, together with three other civil society organisations (Physicians for Human Rights, the International Rehabilitation Council for Torture Victims, the Human Rights Foundation of Turkey) and the four core United Nations anti-torture bodies. The updated version was the culmination of a six-

year process, and it involved contributions from more than 180 anti-torture experts from 51 countries.

The updated version reflects advances in the global understanding of the practices and effects of torture and ill-treatment as well as the practical experiences learnt in using the Istanbul Protocol during the past 20 years. It also seeks to help prevent deliberate misuse of the Istanbul Protocol standards by states.

REDRESS's Legal Advisor Chris Esdaile participated in the launch event in Geneva.

30 Years of REDRESS



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Since 1992 REDRESS has worked to deliver justice and reparation for survivors of torture - many targeted because of discrimination or to suppress dissent - and to promote solidarity in the anti-torture movement.

Supporting REDRESS means helping us bring legal claims for survivors and the prosecution of perpetrators. It also means standing with marginalised individuals and

movements challenging injustice by supporting us challenge torture that is used to suppress these groups. You will also be strengthening the anti-torture movement, as we work in collaboration with local partners around the world, many of whom operate in extremely difficult circumstances.

As we celebrate 30 years, we are growing our programmes, and you can support this important work.

Become a regular supporter

It is the vital contributions of REDRESS's supporters that enable us to continue to redress torture where and whenever it occurs. In order to maintain ongoing casework to represent individuals detained or targeted for their identity or activism, we rely heavily on donations that can support our legal team.

Litigation of this nature often takes several years to reach a judgement, so sustained support allows us to see these cases through to fruition, supporting survivors with the

assistance they need to pursue justice. Your contributions also help us to strengthen the global anti-torture movement.

We are constantly striving to strengthen resilience within communities affected by torture and the organisations assisting them, increase awareness and advocate for judgements that will prevent further abuses from taking place. Supporter donations facilitate this work to realise our vision of a world without torture.

Support our work: redress.org/donate