WHOSE JUSTICE?

REFLECTIONS FROM UK-BASED SURVIVORS OF TORTURE
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Torture aims to dehumanise survivors through calculated acts of cruelty to remove the survivors’ dignity and make them powerless. It is a very serious human rights violation and an international crime. It is also a crime under UK national law, no matter where the torture was committed. Torture is forbidden under all circumstances and can never be justified.

As of June 2022, 173 States including the UK have ratified the UN Convention against Torture, and a further four States have signed the Convention. Yet, torture continues to be used around the world, often with impunity.

In 2001, following increased international recognition for survivor-centred approaches to justice and reparation, REDRESS undertook substantive research into survivors’ perceptions of reparation. That research undertook a multi-sectoral literature review of existing evidence on reparations, as well as a series of informal interviews with 15 ‘gatekeepers’: those who worked directly with survivors of torture in medical, legal, or other advisory capacities.

The research found that, too often, presumptions have been made as to what justice and reparation mean to survivors of torture. At the same time, the voices, experiences, and perspectives of survivors themselves have been left out of conversations around the meaning and implementation of justice, reparation, and redress. This suggests there may be a significant misalignment between ‘justice’ as understood by existing legal and reparative mechanisms, and survivors’ own perceptions of what justice means to them in practice. Where misalignment exists, there is a significant risk that pursuing ‘justice’ for survivors can be traumatic and promote ongoing victimisation rather than empowerment.

Further research subsequently undertaken by REDRESS with UK-based survivors of torture identified the challenges they face in the UK, including access to services, the asylum-seeking process, and integration and rehabilitation.

Work by organizations such as REDRESS consistently demonstrates that survivors of torture are not a homogenous group. Survivors represent all sections of society and come from varying socio-economic backgrounds with distinct experiences, perspectives, and needs. There is no ‘one size fits all’ approach to justice, and it is therefore vital that survivors themselves are placed at the heart of justice initiatives and reparative processes, so that their needs and wishes are prioritized, and they are treated with dignity and respect.

This report contributes to addressing these issues by initiating a dialogue with survivors of torture on what justice means to them in practice, why it is important, and what the key barriers are to achieving it within the UK. Whilst justice itself is a very personal and individual endeavour, this report also seeks to draw out common views, and equally, key differences of opinion. For all of us working with survivors of torture the perspectives and lessons that flow from their voices are a critical opportunity to support access to accessible, meaningful, effective and survivor-centred justice and reparations.
INTRODUCTION

This report aims to demonstrate the importance of putting survivors of torture at the centre of discussions about the delivery of justice and reparations, recognising that justice to one survivor of torture may look entirely different from the perspective of another.

JUSTICE FOR TORTURE IN INTERNATIONAL LAW

International law requires States to provide redress to survivors of torture or ill-treatment. Article 14 of the United Nations Convention Against Torture requires every State party “to ensure in its legal system that the survivor of torture obtains redress and has an enforceable right to fair and adequate compensation”. This is a dual obligation on States: a substantive obligation (to provide reparation) and a procedural obligation (to provide an effective route to seek a remedy).

The Committee against Torture defines five forms of reparation in relation to torture: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. These should be seen as complementing each other, rather than as alternatives.

Access to justice is a key measure of satisfaction for survivors of torture. This right includes access to justice and fair and impartial proceedings for survivors.

The aim of justice as well can be a barrier if the objective is set by somebody else. If there is a different type of justice to survivors, it would be good to understand when asking survivors – which type of justice are you willing to seek? Then more people may be able or willing to seek it.

– Anonymous survivor

1 The UN Convention against Torture distinguishes ‘torture’ from ‘ill-treatment’. Ill-treatment is not defined under the Convention but generally means any other cruel, inhuman or degrading treatment or punishment which does not necessarily require the intentionality and purposefulness of the act or does not reach the level of severity to amount to torture. It is beyond the scope of this report to explore this distinction in detail. This report generally refers to ‘torture’ to include both torture and other ill treatment.

2 UN Committee against Torture, General comment no. 3, 2012: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: implementation of article 14 by State parties, 13 December 2012, available at: https://www.refworld.org/docid/5437cc274.html
of torture.\(^3\) It requires the criminalisation of torture in domestic law, and providing survivors with avenues to seek and obtain redress.\(^4\) Perpetrators of torture should be either prosecuted or extradited. Crucially, States have a duty to investigate cases of torture.

In addition, mechanisms to seek relief should be made known and accessible to survivors of torture.\(^5\) This includes setting up adequate protection mechanisms and ensuring that any system to obtain reparation does not deter survivors from making use of it (e.g. through excessive fees, or other obstacles).\(^6\) These mechanisms must be non-discriminatory and gender-sensitive, and the survivor must have the right to participate in the proceedings, which itself may contribute to rehabilitation.

While a detailed explanation of all the possible routes to obtain justice is beyond the scope of this report,\(^7\) the main mechanisms by which UK-based survivors of torture may be able to access an effective remedy are:

- the domestic courts in the State in which the torture or ill-treatment occurred;

- the relevant regional human rights mechanisms (for example, the African Commission on Human and Peoples’ Rights, the Inter-American Commission on Human Rights, or the European Court of Human Rights);

- one of the UN Treaty Bodies (for example, the Committee against Torture, the Human Rights Committee, or the Committee on Elimination of Discrimination against Women) provided the State concerned has accepted the powers of the relevant body;

- the UN Special Rapporteur on Torture (or one of the other UN Special Procedures);

- by using the concept of ‘Universal jurisdiction’ which allows the UK courts in some circumstances to investigate and prosecute perpetrators of torture regardless of where the crime was committed and the nationality of the perpetrator or the survivor.

### THE PREVALENCE OF TORTURE

Global data on the estimated numbers of survivors of torture worldwide or by country does not currently exist. Between January 2009 and May 2013, Amnesty International received reports of torture in 141 countries from every region of the world. Academic research into asylum-seeker and refugee populations in the EU suggests that between 5% and 35% have suffered from torture or serious violence.\(^8\) A systematic review of existing evidence on torture in forced migrant populations living in high-income countries estimates that torture prevalence varies between 1% to as high as 76% amongst certain ethnic groups, with a median of 26% prevalence across the entire sample.\(^9\)

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4 UN Committee against Torture, General comment no. 3, 2012, para 19
5 UN Committee against Torture, General comment no. 3, 2012, paras 23 and 25
6 UN Committee against Torture, General comment no. 3, 2012, para 30
7 Further information is available using the following links: on international justice mechanisms, see https://redress.org/wp-content/uploads/2021/07/Training-Module-08-Forum-Choice.pdf; on UN Special Procedures, see https://www.ohchr.org/en/special-procedures-human-rights-council; on universal jurisdiction, see https://redress.org/universal-jurisdiction/
In the UK, as of mid-2021, the UN High Commissioner for Refugees estimated that there were approximately 223,000 refugees and people seeking asylum in the UK.\(^\text{10}\) Whilst the UK Home Office does not keep data or statistics on the number of asylum claims involving allegations of torture, estimates suggest between 27% and 44% of refugees and asylum seekers in countries like the UK will have experienced torture.\(^\text{11}\) This would indicate that the UK is home to between 60,210 and 98,120 survivors of torture in the refugee population alone. The UK’s Public Accounts Committee reported that by June 2016, more than half of Syrian refugees resettled through the Vulnerable Persons Relocation Scheme were survivors of torture or violence.\(^\text{12}\)

Within the UK’s asylum-seeking population, Iranians have represented the largest number of applicants since 2016, with 9,800 asylum applications in 2021 alone. In the year ending 2021, the top five nationalities seeking asylum in the UK were Iran, Eritrea, Albania, Iraq and Syria. According to Freedom from Torture,\(^\text{13}\) a UK-based NGO that provides specialist psychosocial support to asylum seekers and refugees with experience of torture, the highest number of referrals to them in 2019 related to individuals with experience of torture in Sri Lanka, the Democratic Republic of Congo, Iran, Afghanistan, Sudan, Cameroon, Turkey, Ethiopia, Iraq and Nigeria.

**WHAT DO SURVIVORS IN THE UK WANT?**

All of the survivors of torture that were interviewed for this report stated without exception that they wanted justice for the torture they experienced. When asked why justice was important, almost all emphasised the importance of accountability and prevention. For these survivors, seeking justice is primarily about ensuring that perpetrators cannot torture again, with many survivors saying that they had a sense of duty and obligation to seek justice to protect others.

Beyond prevention, survivors also reflected more personally on the importance of justice to provide acknowledgement and recognition of what happened to them. Many survivors face anything from habitual disbelief to State-run disinformation or smear campaigns to discredit them and their testimony. The importance of justice is therefore central to ‘set the record straight’ for survivors of torture. The process of bringing a complaint to an independent and respected body, which can hear evidence and establish the facts, may itself provide a sense of recognition, vindication, and cathartic relief. Survivors also found the process itself to be important for their empowerment, where the act of seeking justice can provide a form of rehabilitation through recognition, even before a final decision. Interestingly, the role of punishment and retribution was more polarising, with some stating that this was important to their perception of justice, whilst others stating that it was not.

On the question of what justice looks like, survivors predominantly spoke of reparation in the form of ‘satisfaction’, and thought that accountability and truth-seeking were important. However, survivors broadly fell into two groups: those who preferred to establish the truth through prosecution, and those who mainly sought acknowledgement through a meaningful apology. This largely reflected differences in their circumstances and the nature of their cases. Generally, survivors of more

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12 House of Commons Public Accounts Committee, The Syrian Vulnerable Persons Resettlement programme (HC 2016-17, 768)
deliberate and systematic State-led forms of torture felt that there could be no meaningful State-led form of accountability due to a lack of trust in the State where they suffered torture, and instead sought prosecution or establishment of the facts either at an international level or through available domestic mechanisms in the UK.

**Compensation** was also important for survivors, given the significant challenges that many survivors face directly as a result of torture, including health and financial problems, often resulting from their exile and displacement. Notably, many survivors drew a distinction between what justice would look like in an ideal scenario, and what they expected justice to achieve for them in practice. Significantly, compensation was often secondary to accountability, prevention, and acknowledgement, but some survivors felt that States were increasingly using compensation as a way to escape more meaningful accountability and measures of prevention.

**Rehabilitation** was uniformly considered essential to survivors, although a number of survivors did not view this as part of ‘justice’. This was because they recognised that rehabilitation was a significant personal journey and achievement and wanted to make clear this had nothing to do with the perpetrators.

Not all survivors are able to access justice, due to the **lack of available mechanisms**, and many who were able to access justice in some form faced **significant barriers**. For survivors who fled their country of origin to seek refuge in the UK, in practical terms, access to justice is often dependent on there being access for the survivor to one of the international or regional justice mechanisms or relies on the UK implementing its powers of universal jurisdiction over alleged perpetrators of torture. Other barriers included legal fees, the difficulty of obtaining evidence, or the lack of information about routes to justice.

The vast majority of survivors interviewed, including both those who have or have not been able to access justice in some form, felt that the most significant barrier to justice is a **lack of political will** on the part of States. Unsurprisingly, this reflects the disconnect between the State’s obligation to ensure access to justice and the many obstacles that survivors face in reality. Where domestic mechanisms are weak and lack proper due process, survivors just rely on regional or international mechanisms. At the same time, domestic and international political factors lead many survivors to conclude that States, including the UK, are unwilling to risk trade or diplomatic fall-out either by championing international justice procedures, or by the proactive use of universal jurisdiction investigations and prosecutions, or through human rights sanctions.

Survivors of torture based in the UK face also a number of significant **challenges in daily life** as a direct or indirect result of torture. This includes difficulties accessing specialist support and services for physical, psychosocial and mental health difficulties. Many survivors also raised challenges relating to family life, where displaced survivors or those who are still arbitrarily detained are unable to reunite with family members and loved ones, or where those left behind are also at risk of torture or reprisals. Financial challenges were also cited by a majority of survivors, who often live in poverty having escaped persecution abroad and having left their possessions and assets behind. These challenges are exacerbated in many cases by the UK’s ‘hostile environment’ policy towards asylum seekers, which prevents survivors from seeking work or accessing public funds beyond a small weekly allowance. Financial challenges are also compounded by difficulties integrating into society, where language barriers or stigmatization may prevent survivors from gaining meaningful employment.

The following sections explore in more detail the reasons why survivors consider justice to be important and what it means for them, as well as the challenges they face in accessing justice and redress.
In presenting survivors’ own perspectives and views on the meaning and importance of justice, it is essential to stress again that every survivor’s priorities and challenges in relation to justice are individual and unique, and are each valid in their entirety. This report therefore should not be read or understood to be giving priority to one perspective over another. Instead, it seeks to provide greater nuance and contextual understanding of the breadth of the differences across survivor perspectives on justice, highlighting where there is likely to be agreement amongst survivors of torture, and where forms and elements of justice are too individual to be generalised.

Every survivor interviewed asserted that they wanted justice for the torture that they experienced.

At the time of publication, 13 of the 17 survivor participants have sought justice or entered judicial proceedings. Of this number, five participants are currently in ongoing judicial proceedings, six participants have received a judicial decision or judgment and are awaiting implementation of the judgment or decision, and two participants have completed their legal process entirely.

A number of participants remarked on the substantial delays that survivors face in accessing or undertaking judicial proceedings, particularly at regional human rights courts including the Inter-American Commission on Human Rights or the European Court of Human Rights. For example, Olivier Acuña has been waiting almost 17 years for his case before the Inter-American Commission on Human Rights to be decided.
Where survivors have been willing and able to seek justice, it is important to note that completed actions include both positive and negative legal outcomes for survivors, and the completion of the legal process does not necessarily mean that justice has been attained for survivors of torture. Several participants have received positive case outcomes, for example, Magdulein Abaida received a positive legal outcome from the Committee on the Elimination of Discrimination Against Women for the torture suffered in Libya. Whilst 13 participants have started legal proceedings or sought justice in some other way, four participants have not sought any form of justice for the torture they suffered. The predominant reason for this is a lack of formal legal mechanisms available for survivors to pursue justice against torturers and the responsible States. One participant, Nasrin Parvaz, contacted REDRESS in 2001 to seek justice for the torture she experienced at the hands of the Iranian regime. In the absence of any formal legal mechanism at the international or regional level to pursue justice against Iran, Nasrin was warned that seeking justice against Iran would be a long process without any likely positive outcome, and she decided not to pursue justice in these circumstances. Difficulties of pursuing justice are also compounded where there is no independent judiciary in the domestic context where the torture took place, and where power is concentrated in a ruling elite. Three survivors also felt that in cases such as Iran or Bahrain where torture is systemic, pursuing justice against certain individuals (as opposed to the State itself) would be meaningless without targeting the entire system of government or removing them from power.

“Power is entirely in the hands of the ruling family. You aren’t in a position to bring a claim against officials for wrong acts that have been done.”

– Jawad Fairooz
After the fall of Gaddafi, Magdulein campaigned for women’s rights. Not long after, she was abducted in the Libyan city of Benghazi by five men belonging to a militia group affiliated to the Libyan government. Over five days, she received threats, insults, and physical beatings at different compounds run by the government and the militia. After her release, she continued to be harassed and received multiple death threats. Fearing for her life, she was forced to flee Libya and sought asylum in the UK.

In 2013, REDRESS filed a complaint with the Libyan authorities, urging him to investigate this incident, but an investigation was never initiated. REDRESS then submitted her case before the UN Committee on the Elimination of Discrimination Against Women, the UN body that monitors implementation of the main global treaty on women’s rights. Magdulein sought a formal apology from Libya, but also wider institutional reforms to prevent future violations of women’s rights.

On 7 April 2021, the Committee issued a decision stating that Libya had violated Magdulein’s rights by failing to investigate and prosecute her arbitrary arrest and torture. Libya was ordered to provide Magdulein with reparation and to adopt wide-ranging measures to address gender-based violence and discrimination against women committed by public officials and non-State actors in Libya.

This was the first decision from the Committee which dealt with gender-based violence committed against a human rights defender, and the first response to an individual complaint from the Middle East and North Africa region. However, Libya has yet to implement the recommendations made.
Another anonymous survivor remarked on the delays that survivors face in pursuing justice without tangible outcomes, noting that the decision to pursue justice is often a very long and painful process requiring substantial energy and courage. Although pursuing justice could bring peace of mind and a sense of accountability, it could also open a wound that survivors would rather choose to leave untouched. One anonymous survivor remarked that substantial delays in justice processes or accessing reparations even once a judgment has been secured, made them question whether seeking justice was worth it, noting that often in international criminal justice processes, the perpetrator is dead before a verdict can be reached after a full investigation is carried out. An example was given of Slobodan Milosevic, who suffered a heart attack and died in his prison cell four years into his trial before the International Criminal Tribunal for the former Yugoslavia.

It isn’t easy to do this, to go and push for justice, as all it does is extend that pain and suffering. You can’t move on as it’s always there. There must be an acknowledgement that this raises the stakes for the survivors and their families. You want the case to be taken as seriously as possible.

– Matthew Hedges

Survivors who were willing and able to pursue justice were also asked which mechanisms they had used to do so. Nine survivors had filed claims in domestic courts in the State where the torture had taken place, often as part of a requirement by international or regional human rights mechanisms to ‘exhaust domestic remedies’ prior to filing a claim before a regional or international body.

Seven participants in total had made submissions to the UN Special Procedures mechanisms through the UN Special Rapporteur on Torture (four applicants), the UN Working Group on Arbitrary Detention (two participants), and one to the UN Special Rapporteur on Iran. A further four complaints were made by survivors to the Inter-American Commission on Human Rights which has jurisdiction over human rights violations occurring in 24 States across the Americas. Three survivors were pursuing claims for justice through UK domestic mechanisms including the UK Parliamentary Ombudsman (regarding the UK Government’s use of consular or diplomatic protection), and ‘universal jurisdiction’ through police investigations/prosecutions. One survivor, Magdulein Abaida, had successfully pursued a claim through the Committee on the Elimination of Discrimination Against Women, a UN Treaty Body.

WHY ‘JUSTICE’ IS IMPORTANT TO SURVIVORS OF TORTURE

Accountability and prevention

Almost all of the survivors reflected that the primary aim for seeking justice was to secure accountability for the torture that they had experienced.

I want to get accountability. I do want the guys who did the bad stuff to be held accountable so that there is a disincentive for them to do it to others.

– Richard Ratcliffe

Significantly, these survivors all emphasized that the importance of justice and accountability was not only personal to them, but was also important to ensure through deterrence and prevention that others would not face the same treatment at the hands of the perpetrators. A number of survivors therefore view justice as a means of raising awareness of abuses being committed against individuals or groups and avoiding
Jagtar Singh Johal is a UK national who was hooded and seized by plainclothes Indian police officers from a street in Punjab on 4 November 2017 while he was in India to get married.

Jagtar alleges that he was tortured during the early days of his detention by having electric shocks administered to his ears, nipples and genitals, having his limbs forced into painful positions, and that he suffered sleep deprivation and death threats. However, India has yet to provide him with an independent medical examination despite repeated requests by his lawyers, and has taken no steps to investigate the serious allegations of torture, as far as REDRESS is aware.

On December 2017, REDRESS and Ensaaf submitted an urgent appeal to the UN Special Rapporteur on Torture, urging him to call on the Indian government to ensure that Jagtar was protected from torture and ill treatment, that the allegations of torture were investigated, and that he was provided with medical treatment and legal counsel.

More than four years after his arrest, Jagtar remains in pre-trial detention. He faces a possible death sentence, with the primary evidence against him being a supposed ‘confession’ extracted under torture. Following submissions by Advocate Ximena Vengoechea and Reprieve, the UN Working Group on Arbitrary Detention decided in May 2022 that India had tortured Jagtar, that his detention in India is arbitrary, and called on India to release him.

While the UK government promised “extreme action” in Jagtar’s case in 2017, it has failed to live up to this commitment.
their repetition against others in the future. For Oliviaer Acuña, seeking justice through the Inter-American Commission on Human Rights allows him to call attention to the lack of press freedom in Mexico, “and to see what can be done to help journalists in Mexico…If I obtain justice, it will open an avenue for others who have been tortured to seek and obtain justice as well.” Equally, Nick Tuffney remarked “even when I was chained to my hospital bed, the embassy staff didn’t even bring this up to the officials. Where they are lacking, there is no voice. Nobody is standing up for people’s integrity and rights.”

To me, justice is to ensure that what I experienced should not happen to any human being. What saddens me the most is seeing others continue to go through this. I will continue to do whatever is in my power to assist them to seek justice. It’s a journey for myself, but also a journey that I will take to help others.

– Sayed Ahmed Alwadaei

Within the theme of accountability and prevention, survivors also spoke about a duty they felt to seek justice on behalf of others who are or may experience the same treatment at the hands of the perpetrators if they did nothing. This was paramount where survivors felt a sense of luck or good fortune, either for having survived their ordeal, or in their access to legal assistance through adequate financial assistance or support. For example, Matthew Hedges, who suffered torture in the United Arab Emirates, reflected on his luck in having been able to secure all of the money and legal assistance he needed to bring a legal claim against his torturers.

Fundamentally, because of the luck and support I have from the law firm, I have the ability to do this where lots of others don’t. It’s also about doing it for the principle. They will be able to get away with it without accountability or punishment if I don’t do this. It’s important to me to do what I can.

– Matthew Hedges

The obligation to seek justice on behalf of other survivors of torture also reflected a feeling by some survivors that seeking justice would not change what had happened to them. Gurpreet Johal, the brother of Jagtar Singh Johal who has been arbitrarily detained and tortured in India, noted that “what has happened to him will not change, it’s more about prevention than anything – preventing this happening to others.”

Acknowledgement and recognition

Another strong theme that emerged from survivors’ testimonies was the central and underlying importance of acknowledgement and recognition that is embodied in the concept of ‘justice’. Many survivors mentioned the recurring challenge of being habitually disbelieved or having their stories or testimonies challenged or undermined by the powerful regimes or governments that tortured them. A central element of justice for survivors is therefore the recognition that a judgment or decision acknowledges that torture has occurred, that it was a crime and morally reprehensible, and that the survivor has been believed.

I couldn’t go on with my life knowing that I don’t have any recognition. Recognition that something wrong has happened and that the perpetrators go through the right channels through the justice system and receive what they deserve.

– Magdulein Abaida
Nazanin Zaghari-Ratcliffe is a British-Iranian dual national who was arbitrarily detained in Iran between April 2016 and March 2022 and subjected to torture. Prior to her arrest, she was living in the UK with her husband, Richard and their baby daughter, Gabriella.

On 3 April 2016, Nazanin was arrested at Tehran airport by the Iran’s Revolutionary Guard after visiting her family in Iran. After a secret and unfair trial in August 2016, Nazanin was sentenced to five years in prison on unspecified charges relating to national security. Her legal counsel only had access to her a day before the court session, and was only given five minutes to defend her.

During her detention, Nazanin was held in inhuman conditions in cells measuring 1.5m by 2m, and without windows, natural air or light. She also spent eight and a half months in solitary confinement. The Iranian authorities placed significant psychological pressure on her and made threats to her family. Her treatment severely impacted both her physical and mental health, but she was often denied medical treatment.

REDRESS brought Nazanin’s case before UN bodies and pressed the UK Foreign, Commonwealth and Development Office to assert diplomatic protection on her behalf, which they did in 2019.

In 2020, Nazanin was placed under house arrest in response to the Covid-19 pandemic. However, she remained extremely isolated and had to wear an ankle tag. Although Nazanin’s five-year imprisonment sentence ended on 7 March 2021, she was convicted on 26 April 2021 after a second trial on the unfounded charge of “spreading propaganda against the regime”, and was sentenced to a further one-year prison sentence and travel ban.

There were clear indications that Nazanin was held as diplomatic leverage by Iran against the UK government due to an unpaid debt from a 1970s arms deal. However, this was denied by the UK. On 16 March 2022, Nazanin was allowed to return to the UK. At the time of her release, the UK had paid their debt to Iran.
Rahima Mahmut, UK Director of the World Uyghur Congress, said: “Disinformation campaigns have been led by the [Chinese] government, even after the survivors gave evidence in the US Congress and at the Uyghur tribunal. The Chinese government released videos of their relatives condemning them, branding them as liars. This was very traumatic for people who have already suffered so much. I think that is extremely hurtful and painful for the survivors. The comfort that they get is that every time they are believed, they feel that there are people listening to them and believing them, even though the Chinese government and its propaganda machine is so powerful. A lot of time people ask us ‘really, are you sure, did it really happen?’ This makes them very angry.”

For some survivors, the importance of recognition and acknowledgement is paramount to attaining a sense of justice. The central element of justice here is a meaningful apology and recognition of wrongdoing by the State concerned, which would provide survivors with a sense of peace or hope that mistakes would be rectified and were unlikely to be repeated in other cases. For Matthew Hedges, ‘justice’ would ideally involve an acknowledgement that mistakes were made in his treatment and torture. However, survivors also raised significant scepticism as to whether any recognition of wrongdoing and a corresponding apology by the State would be sincere, and that this was therefore an idealistic outcome that many survivors were pessimistic about achieving.

For other survivors, the importance of recognition and acknowledgement to justice also involved establishing the truth of what happened through an investigation. Two anonymous family members reflected that, as well as recognising the importance of an investigation into the facts, “it would be nice to feel that they had been fair to us. We have had nothing at all from the Venezuelan government to say that we’re sorry, it should never have happened, and it won’t happen again.” A reluctance on the part of the State to effectively establish the facts of what happened through a meaningful investigation is therefore likely to undermine justice for survivors, particularly where the facts are unclear.

Getting recognised what happened to us is a key part of it. This includes acknowledging the bad stuff that happened and the extent of its severity, but also understanding its rhythm and logic. A big part for us in the battle against injustice was recognition and understanding of the dynamics of abuse. Aside from the obvious solitary confinement and prison sentence, it’s how access to Gabriella or her welfare was used against Nazanin. That recognition is central for making sure that those participants in the abuses are all held accountable. It’s easy to see the abuse for those doing a recognisable bad role, like the interrogators, but for us there was a series of wider actors involved in the structures of abuse. To get justice, we need to understand how this is all integrated. Recognising the patterns of abuse is the starting point.

– Richard Ratcliffe

Furthermore, one survivor, Nasrin Parvaz, emphasized that justice should involve public acknowledgement and recognition of the torture and other grave violations that she and many of her friends have suffered.

“They executed my friends. When they took my friends to be executed at noon, in the evening I heard the sounds of the executions. Some of my friends counted the number
of bullets, so we knew that night that 80 people were killed. I want people around the world to know about these things.

– Nasrin Parvaz

Survivor empowerment and agency

Five survivors also spoke of the importance of ‘justice’ in their re-empowerment, sense of agency, and rehabilitation efforts more broadly.

For Tawanda Mucheziwa, a Zimbabwean survivor of torture and abduction, attaining ‘justice’ would provide him with a sense of peace and confidence in his own country. Tawanda notes that “since the abduction, I have been suffering not only physically but psychologically, I believe that justice would mean that I no longer need to live in fear of my government thus reducing the effects of post-traumatic stress disorder in me.” Attaining justice is likely to have important physical and mental health benefits to survivors of torture beyond its conceptual desirability and should be seen and understood as significant to the process of rehabilitation itself.

[Justice] means having an important role in the fight against torture, or leaving a legacy which later will be looked on as regardless of the suffering I have been through – I have come out of that even stronger, and touched quite a wide group of people otherwise. My own justice would be not to allow my experience to define me and push me through a door which is too small for me to fit in. I have built a bigger door for myself which allows me to enter and to come out the way I wish.

– Anonymous survivor

For other survivors, fighting or campaigning for justice personally and on behalf of other survivors in itself can provide a meaningful form of justice as survivors actively challenge and reject ‘victim’ narratives by using their experiences to seek positive change. For example, Sayed Ahmed Alwadei has continued his activism as the Director of Advocacy at Bahrain Institute for Human Rights and Democracy. Similarly, one anonymous survivor reflected on their ability to impact a wide group of people through their campaigning and activism work.

Punishment and retribution

Only three participants raised punishment as an important element of justice to them. Notably, all three survivors expressing a desire for punishment had suffered torture at the hands of regimes where torture and other human rights violations are both systemic and endemic in nature, including Iran.

One anonymous survivor shared that they still felt significant anger at the regime that had tortured them and many others, and that whilst they understood that other survivors may eventually find peace or ‘move beyond’ a stage of anger, they were not at that point in their journey. They further remarked that they would like to see the perpetrators go through what they went through. The only form of justice that would be satisfactory for some participants would be the total removal of that regime from power.

In contrast, two survivors stated that they did not seek punishment as a form of justice. Jawad Fairooz, a former Bahraini MP who was tortured and made stateless by Bahrain, feels that an apology and recognition that mistakes were made would be a sufficient form of justice, and that he does not need any type of punishment. Another anonymous survivor noted that their relationship with ‘justice’ had entered different phases over time, and that their initial reaction to their treatment had been extreme anger and a desire for justice in the form of punishment, “if I could have put that person in the same treatment
it would have been justice to me”. However, their perspective on this shifted following rehabilitation treatment, and now focuses on ensuring that others do not face the same treatment.

**WHAT ‘JUSTICE’ MEANS FOR SURVIVORS OF TORTURE**

I want justice and I want it bad, but I know that nobody who has the power to bring those perpetrators to justice for me, they don’t support me.

– Anonymous survivor

When participant survivors were asked to say in their own words what justice would look like to them, many chose to distinguish between what justice would look like to them in an ideal world, and the justice that they felt they were more likely to attain. For many survivors, this reflects a reality that justice feels predominantly unattainable, and that in order to obtain some sense of justice, significant compromises are made by survivors in their expectations of what it might deliver. To illustrate, one anonymous survivor acknowledged that the Head of State where she had been tortured would not be brought to court to answer for his systematic abuses including torture, and that he – along with many other dictators and human rights abusers – are essentially protected by international trade and economic considerations and diplomatic agreements or conventions – at the direct expense of survivors’ rights to justice and reparation.

**Restitution**

For five survivors, issues of protection and safety were central to their idea of justice. For these survivors, protection was personal and related to their ongoing fears of persecution by perpetrators who have not yet been held accountable for their crimes. For example, Tawanda Muchehewiwa reflected that justice would include the Presidential spokesperson and the Minister of Human Affairs retracting threats made against him. Another anonymous participant stated that justice to them would mean that they no longer had to live in fear or continuously look over their shoulder (even here in the UK), and would allow them to travel again with greater confidence.

Two survivors also raised the issue of protection specifically in relation to the right to asylum in the UK. Where threats of torture or persecution in the country of origin are ongoing, survivors shared the aspiration that protection through asylum or refugee status in the UK is also perceived as a form of justice, although obviously different from pursuing accountability mechanisms. Equally, survivors raised the issue that the understanding of asylum status as a form of protection was often undermined by the UK government’s willingness to welcome alleged torturers and representatives of the regimes that enable them.

For a majority of survivors, the question of restoration of liberty was not now relevant to them, as many had already been released from detention in order to seek asylum and refuge in the UK. However, all survivors noted that restoration of liberty is an essential priority for those in detention.

**Changes to domestic court rulings**

Most survivors felt that changes to domestic court rulings affecting them in the country in which the torture took place would be ‘very important’ to them.

For some survivors, the need to amend earlier, unsafe or problematic court rulings reflects wider systemic problems in States that carry out torture, including a lack of independent judiciary or the use of so-called ‘kangaroo courts’ which legitimise or overwrite these practices. For example, the importance of overturning judicial proceedings was noted as an absolute priority for Jagtar Singh Johal, where the Indian courts have utilised inadmissible evidence obtained under torture to try to convict him.
Many survivors equally felt that the original court rulings against them were either so corrupt that they could not be viewed as judicial at all, or otherwise that without significant political and democratic reform in these regimes, changes to such judgments were unlikely to have a substantive impact on survivors’ perceptions of whether justice had been attained.

Going back to court and getting a fair ruling in Iran? This will matter more to Nazanin than to me as she has grown up in that system, so it means more to her, and as a convicted criminal now she cannot go back to Iran. For me, it was always more important to highlight that the Revolutionary Court is not a proper court system. The security system has corrupted and co-opted it to give their agendas a judicial veneer of legitimacy. For me, challenging the status of Iranian rulings under UK law matters, as formally the UK currently recognizes Nazanin’s convictions despite its rhetoric of condemnation. But the Iranian court system is a lost cause, and not worth the effort.

– Richard Ratcliffe

Seven survivors raised the importance of compensation as a necessary form of reparation. A number of survivors, including Tawanda Muchehiwa, spoke of the need for financial compensation for ongoing medical expenses to redress the impact of torture on their mental and physical health.

It would mean compensating me financially for all the medical expenses, for the abuse, violations of my freedoms... My life will never be the same.

– Tawanda Muchehiwa

Many survivors interviewed had fled further torture and persecution in their home country, leading them to seek refuge and asylum status in the UK. Two survivors in particular, Jawad Fairooz and Sayed Ahmed Alwadaei, had been forcibly exiled from Bahrain following their detention and torture, rendering Sayed stateless. Each of these survivors raised the significant challenges that displacement and exile had placed on them financially and economically in leaving behind their lives and families in order to seek safety. For María Elena Klug, who was exiled from Chile at the age of 17 along with her father and family, financial compensation would help to reflect the reduced life opportunities that she and her family suffered through the displacement, and the impact of torture on the wider family as survivors in their own right, with their own sets of challenges.

Compensation

I lost everything economically and financially, and even my family at one point. My priority was that I deserved compensation for everything done to me and to seek some way to recover what I had lost.

– Olivier Acuña
María Elena Klug is the eldest daughter of the late Leopoldo García Lucero, a survivor of torture under the Pinochet regime in Chile.

In 1973, after the democratically-elected President Salvador Allende was overthrown by General Augusto Pinochet in a military coup, Leopoldo, an Allende supporter, was arrested. He was held for 635 days in the National Stadium and other concentration camps, where he was tortured. Leopoldo was severely beaten, burned, subjected to electric shocks and death threats against him and his family, and other methods of torture.

Due to the torture he faced, Leopoldo lost most of his teeth, his face was disfigured and his spine and one of his arms was severely damaged, rendering him permanently disabled. In 1975, he and his family were expelled from Chile by a presidential decree. Together with his family, he fled Chile and was forced to live in exile in the UK.

On 20 March 2013, after 40 years, Leopoldo’s case was heard by the Inter-American Court of Human Rights in a case brought by REDRESS.

On 28 August 2013, the Inter-American Court issued a landmark judgment, upholding the right of Chilean torture survivors in exile to justice and reparation. It ordered Chile to pay Leopoldo £20,000 in compensation for the lack of justice in his case and to finalise a criminal investigation into his torture. Leopoldo also received an apology from the Chilean government and payment for medical treatment he received in the UK. However, even now, no-one has ever been prosecuted and punished for his torture.
My life was completely uprooted and totally disrupted; I don’t know what would have been if I had continued living in Chile. Perhaps I would have had a career. Coming to this country was a huge upheaval for all of us. It was a double-edged sword; we were grateful that dad was alive and that we were here with this opportunity, but at the same time, most people have plans for the future. We lost this. ... Only dad got compensation for the torture. We only got recognition for my mother, myself, and my sisters that we were also victims and suffered.

– María Elena Klug

In contrast to compensation for financial losses, survivors were marginally more supportive of compensation for suffering and distress, or ‘moral damages’, arising out of their experience of torture.

For Matthew Hedges, compensation for suffering and distress was more important than compensation for financial losses as it would remedy and reflect pain that had been intentionally caused by the perpetrators.

A significant majority of survivors were not in favour or less in favour of seeking compensation or damages directly from the perpetrators themselves, rather than from the State. Unsurprisingly, this reflects both the legal and practical realities of torture, where the State is almost always the entity legally responsible for the torture, either through its officials who have perpetrated the torture or through acquiescence or consent to the practice. A number of survivors therefore didn’t differentiate between the State and perpetrator.

The whole system is the perpetrator. Not just that individual person. The perpetrator has to pay, but if it is the person who tortured me, you won’t find that person. I am not looking for this. The government can sacrifice that individual as the torturer and scapegoat them – say it was that person, not us.

– Anonymous survivor

On the other hand, where survivors did recognise a difference between the direct perpetrator and those in command, some survivors felt that it was either impractical to target the direct perpetrators who were unlikely to have many financial assets or were unidentifiable, or that it would support governmental scapegoating on the issue of torture. Some survivors therefore felt that it was the proper place of the State itself to pay compensation to survivors of torture.

The perpetrator would have been the person that actually carried out the torture. If we are just pointing to one person who carried it out, and not the people at the top, this is less important. I would in one way like them to pay for it, I know they had orders, but did they not have any empathy or humanity towards what was happening?

– María Elena Klug

One anonymous survivor raised the problem of asking a current State government to pay compensation to survivors of torture for the acts of a former regime, and suggested that in certain circumstances, including where significant corruption has been involved, it would be more just to compensate survivors out of the assets of the former dictator.
Whilst compensation alone as a singular form of reparation is considered insufficient for survivors by international standards, a number of participants noted that compensation was viewed as the only realistic or likely form of reparation that could be expected by survivors of torture. One survivor, Matthew Hedges, raised the issue that compensation may essentially be offered by States to survivors as a way of avoiding more substantive forms of justice, accountability or recognition of wrongdoing, particularly where compensation is offered to a survivor as part of the negotiated settlement of a legal claim.

What will probably end up happening is reaching an out of court settlement. I want to raise the issue as loudly as possible, so that afterwards you won’t be able to do the same thing again to others. Financial compensation is a likely scenario. If it goes far enough in court as no government wants to be put through the mud publicly, they will look for a way to shut it down. This is what will probably happen eventually, but it’s about making it count.

– Matthew Hedges

Matthew’s testimony on the weaponization of compensation by States to avoid accountability is also reflected in the views of Dr Brock Chisholm, who noted that in his substantial experience of assisting over 1000 survivors of torture a year in the course of his work as a clinical psychologist, survivors prioritise criminal accountability or prosecution of the perpetrators, followed by economic reparations. Dr Chisholm noted that whilst the vast majority of survivors seek an admission of wrongdoing, the majority are also facing dire economic circumstances, and often feel that prosecutions and accountability are unlikely. Financial compensation is thus often held out by survivors as a more realistic prospect. Dr Brock Chisholm said: “Everyone would prefer accountability, but this is not a reality and what is left is essentially the money. Very rarely will you get an apology.”

On the other hand, Dr Chisolm also highlighted the difficulties that survivors face in seeking financial compensation where media and political narratives portray them and their lawyers in particular as ‘tank chasers’ in order to diminish their legal claims. Survivors who choose to pursue compensation claims are therefore likely at risk of re-victimisation where harmful and negative public perceptions intersect with the substantial need for survivors of torture to be believed in their testimony and experiences. This potentially risks survivors themselves seeking to forego their legal rights to compensation as a form of reparation in order to meet public perceptions of an ‘ideal survivor’.

Rehabilitation

My life will never be the same. A huge gap of it was stolen by my perpetrators, I need that restored in some ways.

– Tawanda Mucheziwa

Only one survivor specifically raised the importance of rehabilitation, when asked about what justice meant to them. In contrast, when survivors were asked to rate how important specific forms of justice were to them, a significant majority of survivors ranked rehabilitation in terms of access to medical treatment or medication as very important, while the remaining survivors ranked rehabilitation as important.

A number of survivors emphasized that rehabilitation, including treatment and medication to deal with the physical and psychological impacts of tor-
Olivier Acuña is a Mexican journalist who was tortured by police officers in Mexico in 2006 and imprisoned for two years for a crime he did not commit. During his career, he had published articles exposing corrupt authorities and their links to organised crime. As a result of his work, Olivier was threatened by both criminal gangs and the authorities. In 2006, he was arbitrarily detained and tortured for 16 hours by the police. He was subjected to waterboarding, suffocation, and beatings, and was forced to sign a confession which was used to convict him of a crime that he did not commit.

After two years in prison, Olivier was eventually cleared of all charges and released. However, the threats did not stop, and this forced him into exile in the UK, separated from his family. He eventually lost his home and all his possessions. Nobody has ever been arrested or punished for the crimes committed against Olivier.

In 2015, REDRESS took up Olivier’s case against Mexico before the Inter-American Commission on Human Rights. His case is currently pending before the Commission.
ture, is essential to allowing survivors to rebuild their lives and move forwards. However, some survivors also emphasized that they did not view rehabilitation as ‘justice’.

I see this as separate to justice. I see this as myself being able to stand up again. It is me who has to put all the misery behind me. This is another journey to be able to get over what happened and to make peace. I cannot let them take that credit. It doesn’t serve as justice for me.

– Anonymous survivor

For these survivors, rehabilitation reflected survivors’ own courage, resilience and hard work in learning to move on from torture and rebuild their lives. Rehabilitation was therefore something that survivors often had to attain for themselves, particularly given difficulties encountered by a number of them in accessing rehabilitation in the UK. Whilst some survivors have been successful in receiving treatment, rehabilitation facilities and services are widely under-resourced across the UK, leaving charities such as Freedom from Torture and others to fill the gap where possible.

In Olivier Acuña’s case, the NHS initially prescribed medication for post-traumatic stress disorder and advised Olivier to seek specialist support, but appointments were very difficult to obtain. Olivier was eventually supported by Article 19, a charity supporting freedom of expression, who financed 12 sessions with a psychologist, and subsequently by his own employer, who provided psychotherapy services including Rational Emotive Behaviour Therapy (REBT) and Eye Movement Desensitization and Reprocessing (EMDR). Olivier credits the latter with turning his life around over the course of three months.

Families of survivors also struggle to access any psychosocial support despite their own vicarious traumas, and the significant roles that they play in supporting survivors of torture once they return home.

Sharing your story in public

Survivors were asked to rate how important ‘sharing their story in public’ was to them as a form of justice, and they expressed a very wide range of feelings on this issue.

For some survivors, including Gurpreet Johal, sharing Jagtar’s story has been invaluable in highlighting the injustices that Jagtar and others are still being subjected to. For Richard Ratcliffe, telling his and Nazanin’s story has had a therapeutic aspect which he believes can help survivors of torture – and their families – channel their anger. Nick Tuffney also said that sharing his own story through recording and reporting on his experiences of torture in Panamanian prisons has supported both his own mental healing and has helped to raise public awareness of these issues.

I think this is part of helping you to move on. It’s been chapter of our lives, which we lay out, but which can help us move on to other things. It can help us lay it to rest. The campaigning the past six years helped me get the injustice off my chest because I talked about it regularly, and I was less bitter because of this. It is a part of justice as well as setting the record straight to tell your story... We don’t want this experience to define our lives. It is part, but we want to move on and have a normal life afterwards. Paradoxically, my sense is that telling your story is part of the journey back to nor-
Nick Tuffney is a UK national who spent 16 months in several Panamanian detention facilities in 2013-2014 on charges which he always contested, and which were eventually dropped.

Nick was held in extremely poor and over-crowded conditions, forced to strip naked in front of other prisoners, and subjected to abuse at the hands of those charged with his care. He was later hospitalised and handcuffed to a hospital bed. Despite witnessing this ill-treatment, UK Embassy staff failed to raise it with Panamanian authorities, and provided insufficient support to him during his detention.

Even though the charges against him were eventually dropped, he was expelled from Panama in 2014, forcing him to leave behind his young children, whom he has not seen since.

A criminal complaint against the state officials allegedly responsible for his ill-treatment was dismissed in 2018. Following this dismissal, he brought his case before the Inter-American Commission on Human Rights, where it remains pending.

After his return to the UK, REDRESS helped Nick to submit a complaint about the Foreign, Commonwealth & Development Office ("FCDO") to the Ombudsman, which investigates complaints of poor or unfair service from government departments and other public organisations.

In 2019 the Ombudsman upheld Nick’s complaint and found multiple examples of maladministration (mishandling of the case) by the FCDO. It found that Embassy staff failed to promptly and adequately respond to his allegations of ill-treatment, and could and should have done more to remedy other welfare concerns. As recommended by the Ombudsman, the FCDO later apologised to Nick, and provided him and his family with financial compensation.
mality. Of course, sharing what has happened is not easy and can be re-traumatising and needs to be done in a way that is safe and feels recuperative rather than voyeuristic.

– Richard Ratcliffe

Equally, some survivors said that whilst sharing their stories and raising awareness is important, many felt that they were personally unable to do this. For some survivors, this was because they wanted to remain anonymous to help them move forwards with their lives. Other survivors spoke of their wariness at being perceived publicly as ‘victims’, and the importance of controlling their own stories and narratives in the public domain.

Since my story became clear, I prefer to raise the stories of others. I do think about public perception as well. I can’t change the fact that I was tortured. But I don’t want to be seen as a victim. I don’t see myself as a victim, but as someone who is trying to make things right and to hold those accountable.

– Sayed Ahmed Alwadaei

Satisfaction

Accountability is to accept what happened and to acknowledge it.

– Nick Tuffney

Given the importance that many survivors attached to accountability, acknowledgement and recognition, many participants hoped for justice in the form of an apology or an acceptance of guilt. This reflects the significance that many survivors place on recognition of their story and the need to be believed in the form of acknowledging that what has happened to them is torture; that torture is a crime and it is morally wrong.

[We want] some form of statement or letter from the Venezuelan authorities to say sorry. We have had nothing official whatsoever.

– Anonymous family members

However, a number of survivors raised significant caveats on the use of apologies in order to make them meaningful to survivors in attaining justice. For some survivors, a total lack of faith and trust in the regime that carried out the alleged torture would render any apology meaningless; no apology in these circumstances could be accepted or believed by survivors. Other survivors also felt that an apology would be meaningless to them as an apology cannot ‘undo’ the torture.

It’s happened – an apology will not change the fact that it has happened. A sorry wouldn’t actually mean sorry.

– Gurpreet Johal

One anonymous survivor said that, whilst a court decision is more important in proving their story and allegation of torture, an apology would be more meaningful if a government chose to apologise without being taken to court.

Other survivors focused on the importance of removing those individuals or regimes from power and of securing meaningful political and democratic reforms in order to ensure respect for human rights and prevention of torture. Jawad Fairooz particularly emphasized the need for meaningful political
Jawad Fairooz is a former member of Bahraini parliament. During Bahrain’s popular uprising of 2011, Jawad and other fellow members of the al-Wefaq party resigned in protest at the violent repression by the authorities of the protests, during which seven protesters died.

Jawad’s house was attacked by Molotov cocktails. He was taken from his home by masked men and held in solitary confinement for more than 43 days. He suffered other forms of torture and ill-treatment. He was questioned about his political activities, and subjected to blindfolding, stress positions, beatings, sexual assault and humiliating acts and insults. His wife was also questioned by police for several hours.

Jawad was prosecuted on charges that violated his freedoms of expression and opinion, and freedoms of peaceful assembly and association. He was sentenced to a suspended prison sentence in an unfair trial. He was stripped of his Bahraini citizenship while on a trip to the UK in 2012.

Since leaving Bahrain, Jawad has yet to receive reparation or an apology from the Bahraini government. REDRESS has raised his case before the UN and Bahraini authorities.
reforms to ensure that any preventive measures to respect, protect and fulfil human rights in Bahrain are embedded sustainably within the State’s political culture and institutions.

“We need] a clear vision towards a continuous type of human rights reform, which I believe cannot be guaranteed without political reforms. If you don’t have an independent judiciary or any type of observatory role for parliament to be able to question the government, or a free press that can bring facts to the public, you cannot guarantee any type of claimed human rights reforms.

– Jawad Fairooz

It would mean that those responsible for the torture would be held to account. The Minister responsible remains in post.

– Sayed Ahmed Alwadaei

Some survivors, including two anonymous family members, noted that establishing the truth of what happened to their daughter would help answer questions that have continued to elude them over many years.

“We want to know why she died. The regime has now changed, it was such a long time ago. The people in charge of the prison probably didn’t have the skills to do this job.

– Anonymous family members

Establishing the truth also supports survivors whose testimony has been challenged and is essential to providing recognition and acknowledgement of the torture and injustices that have been suffered.

“The most important thing is to have recognised the abuse and injustice that have happened, and to unpick the various levels of cover-up that surround that... We always felt during the campaign that sunlight is the best form of disinfectant, and all the more so afterwards.

– Richard Ratcliffe

Investigation and prosecution of the perpetrators

A substantial majority of survivors viewed investigation and prosecutions as being ‘very important’ to their perception of justice. For Magdulein Abaida, the desire to see the perpetrators prosecuted and brought to justice in Libya is complicated by the current conflict and absence of any rule of law.
I’d like to see the perpetrators be prosecuted, but I live with the knowledge that it is not going to happen or at least in the near future because of the conflict and there is no rule of law in the country. I hope in the future when Libya builds the justice system and becomes a country that upholds the rule of law, I can be there and seek justice through prosecution of the perpetrators.

– Magdulein Abaida

Whilst all survivors remarked upon the value of prosecutions in prevention and in establishing facts, setting out evidence and allowing survivors to prove what had happened to them, many equally reflected that they felt prosecutions were either hard to carry out or could lead to governmental scapegoating of low-level perpetrators.

In my case, justice would mean prosecuting the security forces who abducted, severely tortured and sexually assaulted me.

– Tawanda Muchekiwa

For some survivors, it was impossible to identify the immediate or ‘direct’ perpetrator that had carried out the torture. Whilst this was important to some survivors to achieve accountability at all levels, others such as Matthew Hedges felt that a focus on low-level perpetrators could allow governments to single out those individuals as ‘bad apples’, whilst failing to recognise command responsibility and an entire system of torture and abuse that is authorised from the upper echelons of government.

Several survivors noted the specific need for decisions to come from judicial bodies in particular, which reflected survivors’ trust and confidence in independent judiciaries and the rule of law both internationally and in the UK.

However, for many survivors it is extremely important that court decisions on their case are made by independent judicial bodies outside of the country where the alleged torture occurred.

Getting a court judgment

Most survivors felt that getting a court or tribunal judgment in their favour was ‘very important’, whilst some survivors felt neutral about this form of justice.

For survivors that did feel that a judgment was important to their perception of justice, such a decision represented an official recognition of the torture committed by the perpetrator and was therefore closely tied to survivors’ sense of being believed. This was exceptionally important to survivors whose testimonies of torture had been challenged or undermined by the government responsible for the alleged abuse.

Courts have tools and resources to build evidence. It isn’t just about me giving my testimony, it is about building the case, building the evidence. Evidence is going to be talking, the facts will talk. The judge will then make the determination. It doesn’t matter to me what court, as long as I feel that the court is independent and there to follow and uphold the law. If I feel that the court I am facing is independent, I am happy with that.

– Anonymous survivor
Survivors who expressed neutrality about the importance of a court/tribunal judgment were unsure what such a judgment would mean in practice, highlighting whether any judgment would be meaningfully implemented by the State. Importantly, two anonymous survivors emphasized that, whilst a court decision would be helpful, they considered it more important that the recognition and apology came from the State authorities. This highlights an important distinction for some survivors between an acknowledgement from an independent adjudicating body, and from the State as a perpetrator itself.

Likewise, most survivors felt that publication of a court judgment or decision in their favour was ‘very important’, in order to recognise their experience of torture, and act as a precedent on which other survivors could rely.

The perpetrators serve a prison sentence

A majority of survivors felt that the perpetrators serving a prison sentence was ‘very important’ to them, as a form of deterrence and sending a clear message. For others, an investigation into what happened was more important than a custodial sentence for perpetrators, although such a sentence would not be objected to if the facts subsequently proven justified it.

On the other end of the spectrum, some survivors are not actively seeking prison sentences and distinguish between what they view as vengeance and more restorative forms of justice. Again, survivors spoke of the importance of distinguishing between direct, low-level perpetrators and those at a more senior level who ordered or directed the torture, and noted that prosecution for the latter, although more important, was probably unattainable.

Individual criminal prosecutions are not something we have ever pushed for. Of course, the key lead interrogator, judge, or even the key negotiator all merit it. I would happily see all of them in prison. But they are the tip of the iceberg. The problem is a system of abuse, not just a couple of anomaly bad individuals. Of course, it would be a much broader act of justice if we were able to get even one judge locked up for a bit, but practically it is too remote a possibility and is not the measure for us. Aspirations are tempered by reality. First, we push for other things.

– Richard Ratcliffe

We are not seeking vengeance; we are seeking justice. We want recognition of our suffering. These people have spent 14-16 years in Guantanamo Bay without trial.

– Moazzam Begg

Banning the perpetrator(s) from coming into the UK

Survivors had more mixed opinions on banning perpetrators from entering the UK. It was important to survivors who could either identify the perpetrators or who sought this form of sanction on the leaders of governments responsible for torture, such as Iran and the United Arab Emirates.
On one side, justice to me means feeling safe in the UK as a refugee. At the same time, those responsible continue to receive red carpet treatment by the UK government.

– Sayed Ahmed Alwadaei

One survivor raised an objection to the use of such sanctions, particularly where they target the perpetrator’s family or children if they have not committed any crime, and stated that sanctions must support overall prevention and accountability efforts but should not be seen as the main goal of justice.

Taking the perpetrators’ assets away from them

Survivors were less supportive of measures to freeze or remove perpetrators’ assets as a form of justice in comparison to other forms of justice.

Survivors tended to support asset freezes where perpetrators are heavily tied to positions of power in regimes that systematically enable and encourage the practice of torture and other human rights violations, noting that the acquisition of the assets in question are unlikely to have come about either legally or without substantive human rights violations involved. Other survivors were supportive of asset freezes as a measure of prevention and accountability.

We do need to focus on the perpetrators’ perspective. Bad stuff should cost them. If someone is involved directly in real cruelty, then that involvement later having a very direct cost on you is a very valuable thing for changing considerations. But it needs to go high enough up the food chain. You don’t want accountability efforts to get too focused on just the little guys literally holding the stick, but also those further up at the apex of the pyramid of abuse. It is further up where the asset freezes can be remarkably powerful.

– Richard Ratcliffe

On the other hand, some survivors raised the lack of a meaningful distinction between State and perpetrator where torture is involved, and the problem of freezing government assets. Survivors also raised concerns that asset freezing would be an ineffective tool for the direct perpetrators of torture, who are unlikely to have many assets, and raised the wider problem of command responsibility and governmental scapegoating of low-level actors.

Other recognition by the State of what happened

Survivors were asked whether any other form of State recognition for the torture they suffered would be of importance to them, with examples being given of public ceremonies, memorials, or establishing plaques in honour or memory to survivors. Only half of the survivors felt that such activities would be ‘very important’ to them as a form of justice, whilst some felt that it would not be important, reflecting a significant divergence of views amongst survivors here.

Survivors were more likely to be supportive of these types of measures where torture and other significant or grave human rights abuses were either systemic in nature or directed against groups rather than individuals, for example in Iran, or for Uyghur Muslims facing genocide in China’s Xinjiang province. For those survivors, memorialisation or commemoration would provide a form of public recognition of suffering and acknowledgement of the truth of events.
This is less important for me in particular but is more important for the community that has suffered. It provides recognition.

– María Elena Klug

Guarantees of non-repetition

Almost all survivors ranked improvements to prison conditions as ‘very important’. This reflects the significant majority of survivors who suffered torture whilst in prison or detention, and often where prison conditions themselves were one of the key elements of the torture.

For Nick Tuffney, prison conditions in Panama were so abhorrent that he feels that demolishing and rebuilding certain prison facilities is an important way to achieve the justice he is seeking.

Additionally, survivors broadly endorsed the idea of educational initiatives for the general public to support the prevention of torture and guarantees of non-repetition, with many survivors feeling that it is ‘very important’.

For Richard Ratcliffe, educating the public and raising awareness of Nazanin’s case was essential to mobilizing public support to pressure the government into acting to protect her. For other survivors, awareness raising is also about supporting the general public in the UK to rethink harmful media stereotypes of survivors and refugees and to engage with survivors as human beings.

Further, survivors were broadly supportive of capacity building initiatives to support prevention efforts, including training for public officials such as police or judges in the countries in which torture took place. Capacity building was particularly important in cases where torture had arisen due to lack of police knowledge or training, including on adequate provision of medical care in detention settings, in addition to international standards around detention, prison conditions, and human rights more broadly.

On the other hand, some survivors felt that capacity building was ‘not important’, because it would be a waste of time and resources, or at worst, allow the receiving governments to baselessly claim a false commitment to change.

It’s a question of political will – are they able to reform, and would support just allow them or aid them to commit their harms? If governments want to do this, they should test the political will of the States by allowing UN Special Rapporteurs to have access to the country. If they say no, they should not be assisted.

– Sayed Ahmed Alwadaei

Similarly, more than half of the survivors ranked changes to domestic laws as ‘very important’, whilst some felt neutral about this form of justice, and a small number felt that it was ‘not important’.

All of Nazanin’s convictions were illegal under Iranian law. Most hostage convictions are. The law on paper isn’t I think the problem. Certain legal powers of the Iranian security services are problematic — for example, it’s illegal to get a forced confession, but once you have it, you can use it – so legal loopholes could be tightened. But the problem is not the law in theory but the fact that the law has been co-opted for other agendas. It’s a performance, which provides a fig leaf in public, but there’s no sub-
stantive consideration of justice. The Judge gets his orders also.

– Richard Ratcliffe

A considerable number of survivors emphasized that torture is always illegal under international law, and that no State was likely to have a law that specifically promoted the use of torture. Survivors therefore felt that the key problem was not with the domestic law itself, but a failure to apply or abide by the rule of law in general.
CHALLENGES FOR SURVIVORS IN THE UK

Survivors were asked about any significant challenges that they had faced in the UK as a result of being a survivor of torture. Their responses have been collectively grouped into thematic categories and analysed below.

Family life

Torture has substantial effects on the families of survivors who also live with the consequences and often provide support and care to the survivors. The majority of the survivors identified family problems as one of the most significant challenges that they face. Many survivors and their families spoke of being robbed of a future together, or of the time and memories that they could have created if not for the act of torture. Others highlighted the difficulties created by the separation of families due to periods of detention, or due to having fled to the UK to seek asylum, leaving family members behind. Even when families are later reunited, there can be ongoing challenges, due to the disruption of family life and the trauma that comes with family separation.

Ill-health

Torture has long-lasting psychological and physical health impacts on survivors, even after they are released from detention and the act of torture ends. The majority of the survivors cited health problems as a significant challenge following torture. All of the survivors suffered from mental health and psychosocial problems, and some from Post-Traumatic Stress Disorder (PTSD). Some also identified significant and long-lasting physical health problems as a result of torture. At the same time, a number of survivors have faced significant challenges in accessing rehabilitation and support services for torture within the UK, especially for mental health and psychological therapy. A number of survivors emphasized that rehabilitation is a long and difficult process, and that the experience of torture will always remain with them.
Isolation

Most of the survivors cited difficulties with integrating (or reintegrating) into UK society following torture, and spoke of challenges in carrying on with day-to-day life or readjusting to it, including feelings of isolation, dislocation and a lack of support for integration. For refugees and asylum seekers, there is often a sense of being ‘thrown into the deep end’ upon their arrival in the UK, with little to no support, and with no easy access to information to help them tackle the range of challenges which they face. These challenges are exacerbated by the racism and harmful media stereotypes often faced by survivors, particularly for non-white survivors.

Financial hardship

Many of the survivors (including British survivors returning to the UK) had faced substantial financial difficulties as a direct and indirect result of torture. Many refugees and asylum seekers who arrive in the UK having abandoned their personal possessions to escape persecution, face various financial challenges, along with difficulties accessing housing, welfare benefits, and employment. Governmental assistance given to refugees and asylum seekers is insufficient to help them get back up on their feet and to build a new life in the UK, which leaves many survivors living in poverty.

Resolving immigration status

Some survivors raised challenges that they have faced as a result of their asylum or refugee status, including broader issues such as access to family visas and statelessness. The asylum system in the UK is defined by the ‘hostile environment’ policy, elements of which have been shown to re-traumatise survivors, not least through their detention without adequate safeguards to recognise their vulnerability.\(^{14}\) The asylum system remains the biggest hurdle for many survivors, due to delays in the system, lack of legal aid and scarce support, which together can exacerbate mental health problems. Even where survivors have managed to secure asylum in the UK, many face additional difficulties in securing visitation visas for their families.

Stigma

Some survivors identified either real or perceived stigmatisation as a result of their torture. These survivors spoke primarily of the reputational damage that they had endured as a result of their detention and subsequent torture, which has affected their job prospects – not least those who have been forced to admit their guilt in exchange for their freedom. Others feared a lack of support from the general public due to having been tortured by States perceived by many as ‘unlikely’ to torture people.

Obstacles to justice

Many survivors do not have access to justice. Where survivors are fortunate enough to be able to pursue legal claims, delays in such processes weigh heavily on survivors and the families that fight for them.

- **Justice in the State which perpetrated the torture:** The vast majority of survivors felt that accessing justice domestically in the State in which the torture had occurred was ‘very unlikely’. Some felt that this was because the regimes that perpetrated the alleged torture are usually still in power, and others emphasized problems with corruption and a general failure of the rule of law in those States.
• **Justice in international tribunals/mechanisms:** Whilst such mechanisms do not exist in some regions, and other such bodies do not have jurisdiction over all States, some survivors felt more optimistic about accessing justice internationally. However, they had reservations about the effectiveness of international systems of justice, and expressed concerns about:

  - delays in these procedures
  - a perceived lack of political will on the part of States to hold so-called ‘friendly’ States accountable for torture and other human rights violations
  - a lack of information about available justice processes
  - difficulties in obtaining legal advice for those who have not been fortunate enough to obtain it free of charge
  - their ability to obtain compelling and comprehensive evidence in order to substantiate a claim for torture
  - the fear of reprisals
  - the additional barriers created by the ongoing trauma of the torture and its psychological impact.
The purpose of this report is to consult directly with UK-based survivors of torture on what justice means to them in practice. REDRESS undertook a series of semi-structured, informal interviews with survivors that were identified both through REDRESS’ client base and by word of mouth through professionals, civil society groups, and survivors themselves. This was then complemented with an online survey that was publicised through social media and email campaigns in order to reach a wider audience outside of our immediate networks.

In identifying and conducting outreach to these groups and individuals in a survivor-centred and trauma-informed manner, REDRESS used an accessible version of the definition of torture used in the UN Convention against Torture, and asked survivors to agree that they meet this definition:

By ‘torture’ we mean:
1. severe pain or suffering (physical or psychological), which
2. is caused intentionally, and which
3. is done for a purpose, and which
4. somehow involves a State official.

REDRESS recognises that torture has significant impacts on both the direct survivor, and on their wider family. In our definition of ‘survivor’, we have included and sought the views of both direct survivors and their families and do not distinguish between

15 In this report we generally refer to ‘survivors’, though we recognise that some survivors will prefer to be referred to as ‘victims’.
the two in our analysis. In this way, we recognise that families of survivors of torture are themselves survivors in their own right.

In order to conduct the interviews and survey, we developed a questionnaire which was kindly reviewed by Survivors Speak OUT in order to ensure that the question set was survivor-centred and trauma-informed in approach. In total, we received 21 responses both through interviews and the survey, including 19 responses to interviews and two through the survey. We therefore accept that this research cannot be representative of the views of all survivors of torture within the UK. Out of all participants, 12 (57%) were direct survivors of torture, whilst five (24%) were family or relatives of direct survivors, leading to 17 survivor interviews in total (81%). Of the 17 survivor participants, 71% were

![Ages of survivor participants](chart)

![Survivor nationalities](chart)
male and 29% were female. Survivor participants varied in age ranges from 18-30 up to 71-80 years of age.

A further four interviews (19%) were also conducted with professionals with significant experience of working directly with survivors of torture.

Whilst the research did not seek to gather information about participants’ experiences of torture itself, participants were asked to share the country in which the torture took place. Torture had been experienced by the 17 survivors and/or family members in 13 different countries/places: Bahrain, Chad, Chile, India, Iran, Libya, Mexico, Panama, United Arab Emirates, Venezuela, Zimbabwe, The Philippines, and in US custody across Guantanamo Bay and Afghanistan. Three participants experienced torture in Iran, and two participants experienced torture in Bahrain. Two family members referred to the same experience of torture in Venezuela.

Thank you

REDRESS is grateful to all the survivors of torture who were willing to share their stories, perspectives, and expertise with us for the purposes of this research report. We are also grateful to those who provided their professional expertise in working with survivors of torture, and to civil society organisations and survivor and community groups, including Survivors Speak OUT!, that supported community and survivor outreach to enable the production of this report. The participants included the following:

Magdulein Abaida – Libyan survivor of torture and Gender Equality and Social Inclusion Lead at Konung International.

Olivier Acuña – Mexican and Spanish survivor of torture in Mexico.

Sayed Ahmed Alwadaei – Former Bahraini (made Stateless) survivor of torture and Director of Advocacy, Bahrain Institute for Rights and Democracy.

Moazzam Begg – British survivor of US torture at Guantanamo Bay, Bagram and Kandahar, and Director of Outreach at CAGE.

Jawad Fairooz – Former Bahraini (made Stateless) and British survivor of torture, and Chair of SALAM for Democracy and Human Rights.
Matthew Hedges – British survivor of torture in the United Arab Emirates, and Postgraduate Teaching Assistant at the University of Exeter.

María Elena Klug – Daughter of the late Chilean survivor of torture, Leopoldo García Lucero.

Tawanda Muchehiwa – Zimbabwean survivor of torture and abduction.

Nasrin Parvaz – Iranian and British survivor of torture in Iran and Author.

Nick Tuffney – British and American survivor of torture in Panama.

Richard Ratcliffe – Husband of Nazanin Zaghari-Ratcliffe, survivor of torture in Iran.

Gurpreet Johal – Brother of Jagtar Singh Johal, a British survivor of torture currently subjected to arbitrary detention in India.

Dr Brock Chisholm, Consultant Clinical Psychologist at Trauma Treatment International.

Tracy Doig - Head of International Advocacy and Accountability, Freedom from Torture.

Rahima Mahmut - UK Director, World Uyghur Congress.

We also thank those participants and survivors who chose to remain anonymous.

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About the photos

All the pictures in this report (except when noted) where taken by Dianne Magbanua, Communications and Digital Assistant at REDRESS, in June and July of 2022. The survivors photographed were asked to choose a place, person, or an item of significance in their search for justice. During the photographic session, they were also asked a question about what justice meant for them. The audio clips are available on the REDRESS YouTube channel.