

REDRESS

Ending torture, seeking justice for survivors

April 2024

JUST REPARATION

Strengthening the community of practice for reparations by sharing topical developments in the field



Hello!

Welcome to Just Reparation, our new roundup of news on reparation curated by the REDRESS legal team. Each month, we will aim to keep you up to date with the latest developments on reparation for torture and other human rights violations, including judgments, implementation of decisions, reports, and other news. Just Reparation aims to contribute to a strong global community of practice through sharing the insights and experiences of human rights lawyers, survivors' groups, practitioners, and others working towards ensuring reparation in cases for torture victims.

We can't wait to receive your feedback on content and contributions. Please use the form below to do so, or if you would like to unsubscribe from this update, click [here](#).

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BIG STORIES



UGANDA

ICC Issues its Largest Reparation Order in Dominic Ongwen's Case

On 28 February 2024, the International Criminal Court (ICC) issued its reparation [order](#) in the case against Dominic Ongwen, a former commander in the Lord's Resistance Army (LRA) convicted of war crimes and crimes against humanity committed in northern Uganda between 1 July 2002 and 31 December 2005. The Trial Chamber found Ongwen liable for 52,429,000 euros in reparation in favour of 49,772 victims, making this the largest reparation order in the ICC's history. The reparation Chamber ordered:

- Collective, community-based reparation focused on rehabilitation;
- Individual symbolic (not compensatory) monetary awards of 750 euros to each of the approximately 49,772 victims identified by the Court; and
- Community-based symbolic or satisfaction measures, including apologies, memorials, and ceremonies.

These measures were deemed most appropriate given the large number of victims and the varied harms they suffered.

The Trial Chamber addressed several key issues pertaining to victims' rights. For instance, it amended the principles on reparation to appropriately address child victims' rights, clarify that non-proportionate payments can only be considered as symbolic, and recognise satisfaction and non-repetition measures as appropriate modalities of reparation. It also acknowledged the transgenerational harm suffered by victims, and the specific needs of victims of sexual and gender-based crimes. Further, it decided to prioritise victims in urgent need of assistance to survive, then "vulnerable direct participating victims", and finally other vulnerable victims.

The Trust Fund for Victims (TFV) is now tasked with implementing the order, in consultation with victims, taking into account victims' views and proposals. Given that Ongwen was declared an indigent person, significant fundraising by the TFV will be required to cover the cost of the order. The Trial Chamber encouraged States, corporations, and private individuals to support the TFV's mission.

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CHAD

First Steps Taken to Deliver Reparation for Survivors of Habré's Crimes

On 23 February 2024, Chad announced that victims of former Chadian dictator Hissène Habré will finally begin receiving compensation, eight years after the judgment delivered in 2016 by the Extraordinary African Chambers (EAC), an ad hoc African Union-backed Senegalese Court. Habré was convicted of crimes against humanity, war crimes, and torture, including sexual violence and rape. The EAC [awarded individual financial compensation](#), totalling 136 million USD, and other forms of reparation to victims.

The EAC judgment followed a previous domestic trial in Chad in March 2015 in which 20 Habré-era security agents were convicted of murder and torture. The Chadian Court awarded nearly 125 million USD in reparation to 7,000 victims and ordered the building of a monument and a museum to honour victims. However, due to the Chadian Government's failure to provide reparation, in November 2017 victims took the [case](#) to the African Commission on Human and Peoples' Rights, which is now due to decide on its merits.

While the recently announced payments by the Chadian Government appear to be a step in the right direction, they amount to less than 10% of the compensation awarded in these cases to the thousands of victims who fought for 25 years to receive justice and reparation. Further steps will be required to ensure that victims receive the full amount awarded by the courts, and the Chadian Government is still bound to implement the other pending reparation measures ordered by the Chadian Court in 2015.

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COLOMBIA

Reparation for Human Rights Defenders awarded by the Inter-American Court of Human Rights

On 18 March 2024, the Inter-American Court of Human Rights (the IACtHR) issued its [judgment](#) in the case of Members of the José Alvear Restrepo Lawyers Collective (CAJAR) v. Colombia, finding Colombia responsible for violating the human rights of members of a human rights non-governmental organisation and their relatives. The IACtHR found that, since early 1990s until at least 2005, Colombian State authorities conducted illegal intelligence, intimidated, and attacked members of the CAJAR due to their work as human rights defenders (HRDs) in Colombia. In its decision, the IACtHR found violations of the rights to life, right to privacy, freedom of association, and the right to defend the human rights of the members of CAJAR and their families, among other violations.

The IACtHR awarded reparation to over 50 victims, noting that other victims may also be eligible to receive reparation in this case since the State's investigation could reveal other individuals whose rights had been violated.

The IACtHR ordered a comprehensive list of reparation measures, ordering the Colombian Government to, among other things:

- Investigate violations to identify, prosecute and punish those responsible;
- Provide compensation and medical psychosocial care to victims;
- Implement measures of satisfaction such as public apologies and a documentary on the role of HRDs in Colombia; and
- Adopt guarantees of non-repetition, including (i) the delivery of a national campaign to raise awareness of the violence, prosecution, and stigmatisation faced by HRDs; (ii) the establishment of a national database to record cases of violence against HRDs; and (iii) the creation of a specific fund to finance prevention, protection and assistance programmes to HRDs.

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UKRAINE

UK Government urged to resolve the impasse with Chelsea FC and contribute to reparation in Ukraine

On 21 February 2024, a coalition led by REDRESS, comprising 60 Ukrainian and international organisations and individuals sent a letter to Prime Minister Rishi Sunak, urging the UK Government to swiftly resolve the impasse over the £2.5 billion sale of Chelsea Football Club and honour its commitment to use the proceeds to support victims of the war in Ukraine.

In March 2022, Roman Abramovich announced his willingness to sell Chelsea Football Club and use the proceeds worth £2.5 billion “for the benefit of all victims of the war in Ukraine”. Shortly after, he was sanctioned by the UK Government due to his “close relationship” with Putin’s regime.

With his funds frozen, the sale of the Chelsea Football Club was made possible by a licence granted by the Office of Financial Sanctions Implementation (OFSI) on 24 May 2022 to create a foundation with “exclusively humanitarian purposes supporting all victims of the conflict in Ukraine, and its consequences”.

Two years on, the process remains at a stalemate, with neither the Foreign, Commonwealth & Development Office (FCDO) nor those tasked with creating the foundation taking decisive action to progress the matter. REDRESS understands that a bureaucratic hurdle and a dispute between the Government and the foundation over whether the funds are to be directed

exclusively to Ukraine or Ukrainian victims, or for broader purposes, is causing this impasse.

The UK Government has failed to utilise this unique opportunity to use frozen assets to provide reparation to victims of the conflict in Ukraine. The total cost of reconstruction and recovery in Ukraine has been estimated at US\$ 411 billion and close to 10 million people are internally displaced or living as refugees abroad. The signatories called on the UK Government to break this impasse and consider different avenues to repurpose the funds, for example by channelling them into existing mechanisms such as the Trust Fund for Victims of the International Criminal Court and the Register of Damages to receive and distribute the funds fairly to victims in urgent need.

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COMMUNITY CORNER

This section is dedicated to sharing perspectives, progress, and insights among partners engaged in the field of reparations. We highly encourage you to submit your contributions no later than 30 April 2024 to alejandro@redress.org. Your input is invaluable to enriching our collective understanding and fostering meaningful dialogue within the community of practice.

Making Reparation Processes Survivor-centred
by Camila Marin Restrepo, REDRESS' Communities Officer

The act of seeking reparation and holding perpetrators to account is one of immense bravery that can come at a cost to survivors and their families. It is often a lengthy process, where feelings of hope, excitement, disillusion, and frustration can all co-exist. In addition, the legal process is often impersonal, cold, and uncertain. It requires the retelling of traumatic experiences and can result in an elevated risk of reprisals to the survivor and their family.



Whilst the outcome of litigation is crucial as it can provide survivors with the necessary compensation, rehabilitative support, or public acknowledgement that they deserve, it is in the litigation process where the possibility of empowerment exists. The legal process can provide rehabilitative effects when lawyers disseminate legal knowledge to their clients in an accessible manner, prioritise their needs, respect their opinions, avoid using them and ultimately support them to navigate the innate uncertainty of the legal process.

REDRESS has developed nine principles to make reparation processes more survivor-centred. They relate to survivors' needs and priorities, do not harm, non-discrimination, confidentiality, expectation management, and other practices. You can learn more about how to apply these principles in our Practice Note, published in February, on [“A Survivor-Centred Approach to Seeking Reparation”](#).

WEEKEND READS

Repairing from the Bench

This report by ICTJ explores the evolving interpretation of the right to reparation in international law and jurisprudence and how domestic courts have provided judicial reparations at the national level. It provides guidance to HRDs and courts that are trying to respond to victims of such violations in ways that affirm their dignity.

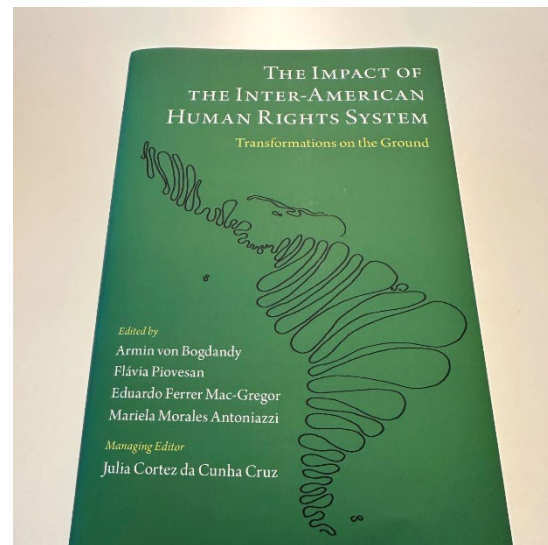
[Read the report](#)



The Impact of the Inter-American Human Rights System

This book by Armin von Bogdandy, Flávia Piovesan, Eduardo Ferrer Mac-Gregor, and Mariela Morales Antoniazzi outlines case studies on paradigmatic issues impacting national societies while also offering a regional perspective. Also, the book critically analyses the impact of the Inter-American System of Human Rights with insights from various disciplines. It includes a chapter written by REDRESS colleagues on the case of [Azul Rojas Marín](#).

[Read the book](#)



Thank you for reading, see you next month!