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REDRESS

Ending torture, seeking justice for survivors

July 2024

JUST REPARATION

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



Welcome to Just Reparation, our roundup of news on reparations curated by the REDRESS legal team. This edition covers the order for a transnational company to pay compensation to victims of paramilitary groups in Colombia, concerns from civil society and survivors' groups about registration initiatives for CRSV survivors in Nepal, and calls for Japanese companies to contribute to reparation for war crimes in South Korea. It also includes a contribution from Advocacy Forum, sharing their views on Nepal's reparation initiatives.

Please share your feedback at the link below or by contacting Alejandro Rodriguez (REDRESS Legal Officer) at alejandro@redress.org.

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BIG STORIES



Colombia

Chiquita Banana ordered to pay \$38.3m to families of victims for funding far-right Colombian paramilitary group

On 10 June 2024, a jury in Florida found Chiquita Brands, a transnational banana company, liable for financing the United Self-Defense Forces of Colombia, a paramilitary group involved in eight killings, from 1997 to 2004 during Colombia's internal conflict. The jury ordered Chiquita to pay USD 38.3 million as compensation to the victims' families.

The case, which has been progressing through the US court system since 2007, marks the [“the first time an American jury has held a major US corporation accountable for complicity in serious human rights abuses in another country.”](#) With Chiquita facing the risk of similar lawsuits in the coming months, this jury's award of compensation sets an important precedent for reparation for the families of other victims affected by paramilitary groups financed by private companies during the conflict.

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NEPAL

Concerns are raised regarding registration of conflict-related sexual violence victims to receive relief

At the request of Nepal's Ministry of Home Affairs, several local government units started to collect applications from victims of conflict-related sexual violence (CRSV) to provide them with relief and compensation.

However, advocates and survivors' organisations have raised questions and concerns about the legality and confidentiality of these applications. They assert that it is the Truth and Reconciliation Commission (TRC) - not the local government units - that has the authority to receive complaints from victims of sexual violence committed by security forces and Maoist rebels. Advocates also emphasise the importance of safeguarding confidentiality in proceedings due to the stigma suffered by victims of sexual violence. They are concerned that records may not remain confidential once applications are made to local government units.

Survivor's networks are calling for urgent reparation for victims of CRSV, noting that many suffer from reproductive health issues, with some living with cancer or requiring immediate surgery to remove their uterus.

Advocates and survivors' organisations urge the federal government to enact a uniform policy to provide relief to victims, improve coordination between government institutions, and approve a Transitional Justice Bill to start the registration process before the TRC.

See also: ([Purna Maya](#) and [RR](#) case)

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SOUTH KOREA

Korean and Japanese companies are called to donate more towards reparation fund for victims of wartime forced labour

Following the South Korean Supreme Court rulings holding Japanese companies liable for forced labour during wartime, the head of the Foundation for Victims of Forced Mobilisation by Imperial Japan says that South Korean and Japanese companies need to contribute more to the fund to ensure victims are compensated. This third-party reparation mechanism was created to address the refusal of Japanese companies to pay South Korean court-ordered compensation for wartime victims. However, the available funds are insufficient to cover reparation for the victims who have been recognised by the South Korean Supreme Court.

A total payment of KRW 12 billion is needed to compensate the victims, however, after paying KRW 3.8 billion, only KRW 300 million remains in the fund. It seems that the companies that were held liable for compensation by the South Korean Supreme Court have not made contributions to the fund. Despite this, the head of the Foundation insists that the lack of financial resources must not impede the provision of reparations to victims. Such delays can cause frustration to victims, and some have said they want to “bring closure to a long struggle”.

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OTHER STORIES

DEMOCRATIC REPUBLIC OF

CONGO

NGOs request portion of Glencore fines be directed to Congolese victims of corruption

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ARGENTINA

IACHR holds Argentina responsible for failings over AMIA attack

[Read more](#)



COMMUNITY CORNER

This section is dedicated to sharing the perspectives, progress, and insights of lawyers, activists, survivors and others engaged in the field of reparation. If you would like to feature here, we highly encourage you to submit your contributions by

30 July 2024 to alejandro@redress.org. Your experience and input are invaluable to enriching our collective understanding and fostering a meaningful dialogue within the reparation community of practice.

Nepal's 1 billion NPR Reparation Budget: A Step Forward or a Missed Opportunity Without Policy Formation?

Anupa Aryal, Advocacy Forum - Nepal

Nepal proposed a 1 billion NPR (approx. 7.1 million USD) reparation budget to support transitional justice, compensation, economic aid, and reintegration for conflict-affected families. Despite its historic nature, implementation challenges persist.

The pending [Truth and Reconciliation Commission \(TRC\) bill](#), along with the 2015 Constitution, acknowledges reparation as a right for victims.



Historically, reparation initiatives in Nepal have been primarily conceived as monetary compensation and have excluded many victims, such as those of torture and sexual violence. The [Supreme Court's decision](#) to expand reparation beyond monetary compensation has prompted provincial actions. However, a lack of coordination among provinces has led to inconsistent relief schemes, causing feelings of discrimination and dissatisfaction among victims. The Office of the Prime Minister and Council of Ministers is now committed to coordinating with provincial secretaries to develop unified reparation policies, ensuring equitable treatment for all conflict victims across Nepal.

Civil society organisations have been instrumental in [designing programs](#) for conflict victims, highlighting issues with reparative initiative and budget allocations. Victims reported that the government failed to consult them and other civil societies, resulting in misallocated resources and a lack of awareness about budget provisions.

While the Nepalese government has taken significant steps towards addressing the needs of victims of conflict by allocating substantial budgets for reparation, the

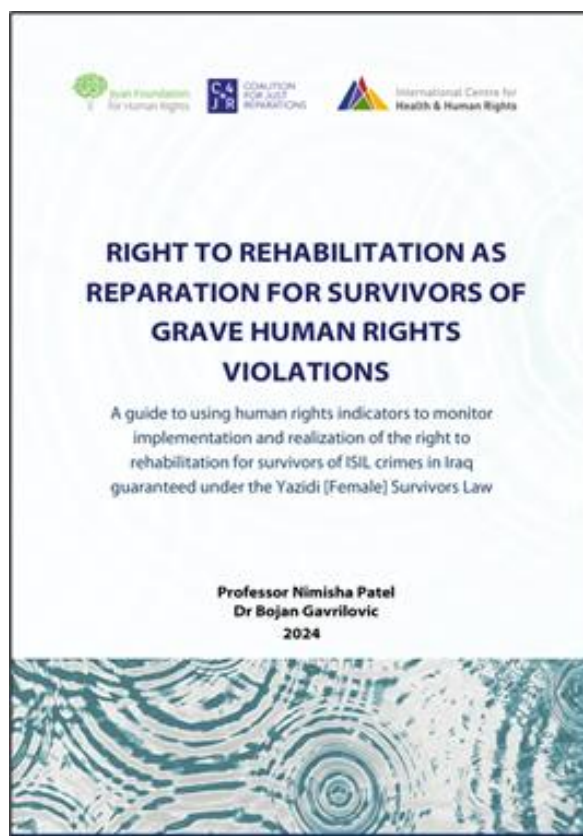
lack of an overarching and cohesive reparation policy has led to underutilization of these funds, resulting in victims' needs remaining unaddressed and resources being frozen.

WEEKEND READS

Right to Rehabilitation as Reparation for Survivors of Grave Human Rights Violations

by The Coalition for Just
Reparations (C4JR) - Jiyan
Foundation for Human Rights
and the International Centre for
Health and Human Rights
(ICHHR)

C4JR's guide is the result of extensive research and consultations led by ICHHR's Professor Nimisha Patel, designed to help monitor and enhance the implementation of the Yazidi [Female] Survivors Law (YSL), ensuring that survivors can access the rehabilitation services they need. The guide - available to download in English and Arabic - addresses the need for systematic monitoring and evaluation of the rehabilitation rights guaranteed to survivors of ISIL atrocities, providing tools for assessing and ensuring the implementation of rehabilitation rights as stipulated under the YSL.



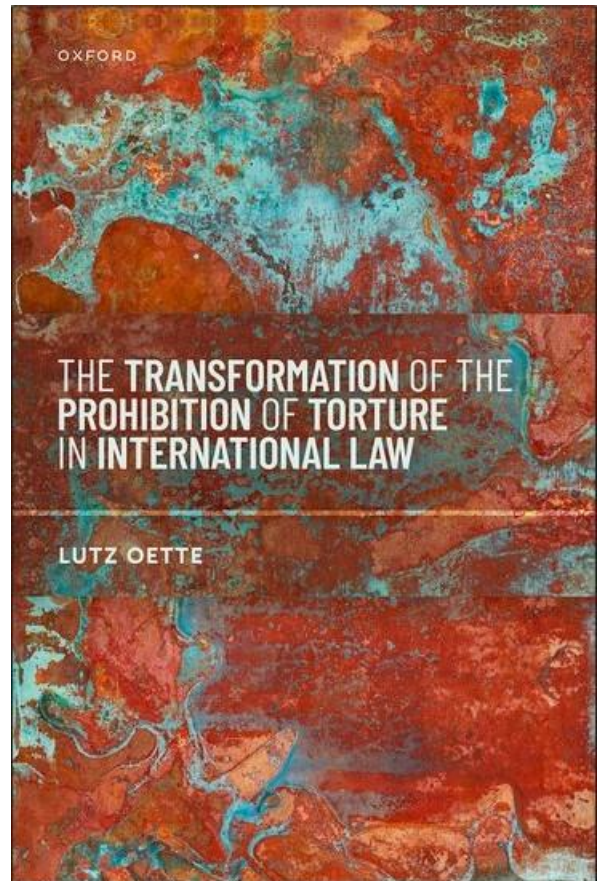
[Read the guide](#)

The Transformation of the Prohibition of Torture in International Law

by **Lutz Oette**

This book charts and analyses the nature, legal consequences, and wider significance of the prohibition of torture and its transformation. It examines under-researched aspects of the prohibition, particularly discriminatory torture. It critiques international law's complicity and blind spots in facilitating and legitimizing widespread and systemic suffering.

[Read the book](#)



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