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REDRESS

Ending torture, seeking justice for survivors

September 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 reparation curated by the REDRESS legal team. This edition covers the progress of the transitional justice bill in Nepal, Liberia's commitment to provide reparation to victims of war crimes, and avenues for repurposing recovered funds of a Russian oligarch to victims of the conflict in Ukraine. Additionally, this edition highlights litigation strategies employed by the Human Rights and Justice Center (HRJC) to promote the implementation of international decisions in Nepal.

Please share your feedback using this [form](#) or by contacting Alejandro Rodriguez (REDRESS Legal Officer) at alejandro@redress.org.

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BIG STORIES



NEPAL

New Transitional Justice Law marks a positive step toward justice and reparation despite some accountability gaps

In August 2024, 18 years after the Comprehensive Peace Agreement was signed between the Government of Nepal and the Maoist Insurgency, the new Transitional Justice Act was finally approved by parliament. This marks a [positive step](#) towards justice and reparation for victims and survivors of the country's 10-year conflict.

The law establishes a separate fund to be supported by all levels of government, with contributions from national and international organisations and individuals. A seven-member team, led by the law Minister, will manage the fund, which will finance investigations, relief efforts, and reparation to victims of the conflict. The federal government has already committed Rs1 billion (USD 7,449,460), and some Western States have also pledged contributions. The dormant [Truth Commission](#), re-enacted by the new Act, “will also oversee mediation and reconciliation efforts, and make recommendations to the Government to provide reparations, relief, and support to the victims and their families.” Notably, this Act explicitly recognises conflict-related sexual violence, which has been historically excluded from previous transitional justice and reparation initiatives.

In 2015, the Supreme Court of Nepal had ruled the previous Transitional Justice Act unconstitutional because it provided amnesty for serious human rights violations. The new Act still classifies crimes into “serious human rights violations” and “human rights violations”, providing amnesty for the latter category of crimes. The [Accountability Watch Committee \(AWC\)](#) in Nepal recognised the important improvements that the law embodies, including sections on reparation. However, they raised concerns regarding obstacles for accessing justice and the narrow statute of limitations for reporting cases.

(See also our Just Reparation [July edition](#): Nepal’s 1 billion NPR Reparation Budget: A Step Forward or a Missed Opportunity Without Policy Formation?)

Photo by: Sandeep Raut CC 4.0

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LIBERIA

Government commits to delivering apology and reparation to victims of war and economic crimes

In August 2024, the Liberian government pledged to provide reparation for victims of the country’s civil wars and move forward with the establishment of a war and economic

crimes court. At a recent meeting with the United Nations Peacebuilding Commission, Liberia's Foreign Minister, Madam Sara Beysolow Nyanti, announced the government's intention to issue a public apology to victims - a symbolic gesture to reinforce the government's commitment to reconciliation and healing. In addition, Liberia's Justice Minister, Cllr. Oswald Tweh, revealed plans for a reparation trust fund for victims of the civil wars, as recommended by the Truth and Reconciliation Commission.

Minister Nyanti underscored the importance of securing international support to advance these transitional justice efforts, calling for a UN General Assembly resolution to mobilise financial and technical assistance for the establishment of the war and economic crimes court. She highlighted the need for support from international partners, civil society, and the people in Liberia to ensure the success of these initiatives.

In her remarks, U.S. Ambassador-at-Large for Global Criminal Justice Madam Beth Van Schaack, expressed support for Liberia's transitional justice, emphasizing the need for victim-centred approaches. She also pointed to examples of other hybrid justice models, such as those in the Central African Republic.

Photo by: UN Photo

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UNITED KINGDOM

Avenues for repurposing funds of sanctioned Russian oligarch Petr Aven for survivors of the conflict in Ukraine

On 29 July 2024, the United Kingdom's National Crime Agency (NCA) announced the recovery of £783,827 under the Proceeds of Crime Act 2002 (POCA), believed to have been held for the benefit of sanctioned Russian oligarch Petr Aven. Aven, a former Director of Alfa-Bank, was sanctioned by the UK Government in March 2022 for his alleged support of the Russian government and close ties with Vladimir Putin. The funds were transferred into a UK bank account controlled by Aven's assistant, just hours before Aven was publicly sanctioned by the EU and two weeks before being added to the UK sanctions list. The NCA suspected that the transactions were made to disguise Aven's ownership and circumvent the UK sanctions.

The forfeiture of these funds is a significant achievement for the NCA, highlighting the importance of sanctions enforcement in the UK's efforts to uphold the integrity of its sanctions regime. Beyond enforcing sanctions, this recovery offers an opportunity to use the funds to provide reparation for survivors of the very violations that the sanctions were designed to prevent.

In August, REDRESS [called](#) on the UK Government to redirect the recovered £783,827 to support survivors of the conflict in Ukraine. The money, currently set to be transferred to the UK's Asset Recovery Incentivisation Scheme (ARIS), could be allocated for reparations through the discretionary powers of the Home Office and NCA.

REDRESS has consistently advocated for penalties from sanctions violations to be repurposed for reparation. This recovery provides a key opportunity for the UK Government to take decisive action in supporting survivors of Russia's war in Ukraine.

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OTHER STORIES

PAKISTAN

Rs5 Million support package announced to families of victims of enforced disappearance

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BRAZIL

The first formal recognition for peasant populations and social calls for reparation

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UGANDA

Former LRA commander, Thomas Kyowole, is found guilty of crimes against humanity and war crimes by national court

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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 September 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.

Advancing Accountability: HRJC's Strategic Push for National Compliance with the UN Human Rights Obligations

Salina Kafle- Human Rights Lawyer, Human Rights and Justice Center (HRJC)

On 21 April 2022, the HRJC, in collaboration with a coalition of Nepali human rights organisations filed a public interest litigation case before the Supreme Court of Nepal. The petition seeks the establishment of a robust national legislative mechanism to ensure Nepal's compliance with its reporting obligations under international treaties. The proposed mechanism would be equipped with adequate financial, material, and competent human resources and would be mandated to conduct consultations with civil society, human rights organisations, and concerned stakeholders. The petition's hearing is scheduled for September 2024.



This piece of litigation is part of HRJC's broader effort to implement the decisions of the Human Rights Committee (HRCttee), a monitoring body under the International Covenant on Civil and Political Rights (ICCPR). To date, the HRCttee has issued 29 decisions against Nepal for gross human rights violations committed during the country's internal armed conflict and the subsequent post-conflict period. The HRCttee's decisions generally call for impartial investigations, the identification and prosecution of perpetrators, and reparation for victims, including psychosocial counseling, medical support. These decisions also urge preventive measures, such as amending national laws to align with international standards and widely disseminating the decisions in local languages.

These cases were decided between 2008 and 2022 and have affected 92 individuals. Even after successful jurisprudence at the international level, these decisions have been [largely unimplemented](#) domestically. For instance, out of 29 decisions, only 9 have been translated into Nepali, and only 3 victims have received compensation. Worryingly, 6 victims continue to suffer from chronic diseases or are in critical health conditions and 5 victims are over 70 years of age. While the current government commits to providing reparation to the victims of the conflict, it fails to adopt uniform policies. More

importantly, there is no clarity on how other reparation measures recommended by the HRCttee would be implemented. In the meantime, victims and their representatives are forced to navigate complex bureaucratic hurdles, visiting multiple ministries to seek action on the different measures ordered by the HRCttee, often without receiving an adequate response.

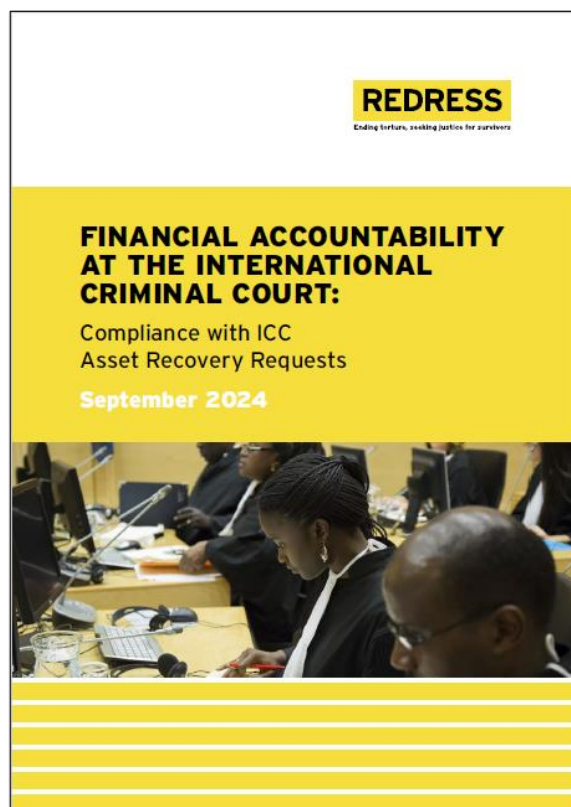
To address these challenges, HRJC has been conducting strategic meetings with government bodies and submitting follow up reports to the HRCttee. In 2022, it also invited Helene Tigroudja, a member of the HRCttee to Nepal in her unofficial capacity to [discuss the implementation](#) with diplomats, academics, National Human Rights Institutions, ministries and other concerned stakeholders.

HRJC remains steadfast in its commitment to ensuring Nepal fulfils its international human rights obligations. Through public interest litigation, and a range of other efforts, we employ a strategic multifaceted approach to secure meaningful accountability and justice for victims of human rights violations in Nepal.

WEEKEND READS

Financial Accountability at the International Criminal Court by REDRESS

This report explores how the asset recovery mechanisms of the International Criminal Court (ICC) can be deployed to obtain financial recovery for survivors of international crimes. It also provides guidance for national stakeholders on how to respond to, and implement, requests for cooperation by the Court to recover the assets of persons accused of international crime. It analyses the legal and institutional frameworks in eight European nations, and the United States, to assess their 'readiness' to respond to asset tracing and recovery requests from



the ICC. The Annexures to the report also examine in more detail the national laws of each of these States.

[Read the report](#)

ICC/DRC: Reparations leave Bogoro victims feeling sore (1/2)

By Claude Sengenya /
JusticeInfo.net

On April 24, the ICC's Trust Fund for Victims announced the closure of part of its reparations programme in the Ituri region, northeast Democratic Republic of Congo. The JusticeInfo.net correspondent travelled to Bogoro, where Germain Katanga's militiamen went on a rampage in 2003. He recounts the experience of victims who have received help from the ICC.

Photo by: Monusco CC 2.0



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Supporting Survivors of Torture and Conflict-Related Sexual Violence in Ukraine: How to improve medico-legal documentation and access to justice

By Physicians for Human Rights

Physicians for Human Rights (PHR) conducted an assessment in Ukraine to identify ways to enhance the medico-legal documentation process, ensuring it prioritizes survivors' well-being, autonomy, and access to justice, while supporting Ukrainian officials, civil society, and international partners in building more effective systems for survivor support.

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