

# REDRESS

Ending torture, seeking justice for survivors

## October 2024

### JUST REPARATION

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



*As we mark six months of the Just Reparation bulletin, we would love to hear your feedback. Your input will help us improve future editions.*

*Please click [here](#) to share your thoughts.*

[Just Reparation](#) is a regular roundup of news on reparation curated by the REDRESS legal team. Every month, we share the latest developments on reparation for torture and other human rights violations, including judgements, implementation of decisions and relevant publications.

Through our Just Reparation bulletins, we hope to strengthen the community of practice for reparation by sharing topical developments in the field.

One of the highlights is our Community Corner, where we share perspectives of lawyers, activists, survivors and others engaged in the reparation field. This section covers topics such as the pursuit of reparation through strategic litigation, insights into domestic and international reparation programmes, and the role of civil society in supporting survivors in seeking reparation. If you would like to contribute with a short article, please share it with our Legal Officer, Alejandro, at [alejandro@redress.org](mailto:alejandro@redress.org). Just Reparation is available in English, Spanish and French. If you are interested in receiving regular updates on reparation, sign up [here](#) and read the previous editions [here](#).

This edition covers the passage of two transitional justice bills in South Sudan, the reparation recommendations made by the Inter-American

Commission on Human Rights in a case of torture by Nicaraguan authorities referred to the Court, and a United Nations Special Rapporteur report calling for reparations for victims of North Korean human rights abuses. It also features the views of SAJ, an organisation in the Democratic Republic of Congo (DRC), on the reparation process in the country.

[Give us feedback](#)

## OPPORTUNITIES



**REDRESS is inviting applications for financial partnerships to support litigation workshops, particularly addressing torture in the context of protests and discrimination against LGBTIQ+ persons.**

Priority will be given to applications from Africa and Latin America, but strong applications from other regions will be considered. This support is through the United Against Torture Consortium, which is funded by the European Union.

This call for applications will support litigation workshops specifically aimed at challenging torture against protesters, and LGBTIQ+ persons.

[Find out more](#)

# BIG STORIES



## SOUTH SUDAN

### **South Sudan Approves Transitional Justice Laws to Advance Accountability and Reparation for Conflict Victims**

On 3 September 2024 South Sudan's parliament approved two laws on transitional justice, bringing survivors of the armed conflict that began in 2013 closer to justice and reparation. The bills were passed as part of framework established by the 2015 and 2018 peace agreements aimed at ending the conflict in South Sudan. These laws established two bodies: the Commission for Truth, Reconciliation, and Healing (the Commission) and a Compensation and Reparation Authority (Reparation Authority). According to [Human Rights Watch](#), their approval is the result of sustained pressure of victims, their relatives, and social movements.

The Commission is mandated to investigate, document, and report on the course and causes of conflict, to recommend measures for redress and reparation, including compensation. Importantly, the legislation excludes the possibility of amnesty for those responsible for war crimes, genocide, and gross human rights violations.

Under the 2018 peace agreement, a compensation fund is to be established to provide material and financial support to Sudanese citizens whose property and livelihood were destroyed during the conflict. The Reparation Authority will manage the compensation process; it will receive applications from victims as referred by the Commission, and distribute compensation. However, the Reparation Authority bill primarily focuses on symbolic and collective reparation measures, and it can only recommend individual reparation to the Commission in cases where collective measures are not feasible.

As noted by [Human Rights Watch](#), once these laws are fully enacted, the successful implementation of reparation will require the cooperation between the UN, donors, and South Sudanese authorities to design a sustainable fundraising strategy and establish a rigorous system for monitoring the use of funds allocated to transitional justice efforts.

*Photo by: EU Civil Protection and Humanitarian Aid CC 2.0*

[Read More](#)



**NICARAGUA**

## **Inter-American Commission refers case to the Inter-American Court recommending reparation for acts of torture in Nicaragua**

On 2 October 2024, the Inter-American Commission on Human Rights (IACHR) [submitted](#) a case to the Inter-American Court of Human Rights (the Court), recommending comprehensive reparation in the case of lawyer and public notary Santos Sebastián Flores Castillo, who allegedly died as a result of torture and ill-treatment while in state custody in Nicaragua. These abuses reportedly followed Flores' public denouncement of Nicaragua's President Daniel Ortega's involvement with his sister when she was only 15 years old.

After his denunciation, Flores was arbitrarily prosecuted on charges of sexual violence and sentenced to 15 years in prison. He spent eight years in detention, during which time he reportedly endured physical and psychological torture, as well as harsh conditions of detention, such as prolonged solitary confinement, inadequate hygiene, and denial of medical care. In 2021, Nicaraguan authorities reported his death, raising concerns about the conditions and circumstances that led to it.

The IACHR concluded several human rights were violated, including the rights to life, personal integrity, a fair trial, honour and dignity, family protection, and judicial protection. It recommended the Court order comprehensive reparation measures for the harm suffered by Flores and his family. These reparation measures include financial compensation and rehabilitation for his family, a thorough investigation into the violations to identify and prosecute those responsible, and guarantees of non-repetition. The proposed non-repetition measures focus on improving detention conditions, and the communication between detainees and their families, avoiding the use of solitary confinement, and ensuring adequate medical care in detention centres.

*Photo by: CortelDH CC 2.0*

[Read More](#)



## NORTH KOREA

### UN Special Rapporteur calls for reparation for victims of North Korean human rights abuses

On 13 September 2024, the Special Rapporteur on North Korea released a [report](#) examining the necessary measures to advance accountability and reparation for victims of severe human rights violations perpetrated by the Democratic People's Republic of Korea (DPRK), in particular enforced disappearance and torture.

The report highlights that “there are thousands of families of enforced disappearances in the Republic of Korea, Japan and other countries, and they are all entitled to the right to reparations.” Victims of human trafficking, including those who endured torture, emphasised the importance of receiving apologies from the responsible States, guarantees of non-repetition, financial compensation, and access to mental health services, such as psychological counselling.

The Special Rapporteur noted that many victims are now residing in countries such as South Korea, Japan, and the United States. Given the ongoing harm faced by these victims and the DPRK's unwillingness to fulfil its responsibilities, the Special Rapporteur urged other States, particularly those hosting the victims, to establish mechanisms for providing reparation. This

approach is based on three key principles: the obligations of States under international human rights law, the urgent need to address the harm suffered by victims, and alignment with international good practices in offering reparation for grave human rights violations. This recommendation does not diminish North Korea's responsibility but emphasises the victims' immediate need for justice and reparation.

The Special Rapporteur urges a comprehensive, victim-centred approach to accountability and reparation, stressing that this can be achieved for example through domestic programmes in hosting States designed to restore survivors' dignity and provide meaningful reparation for the harm they have suffered.

*Photo by: Roman Harak CC 2.0*

[Read More](#)

## OTHER STORIES

### CZECH REPUBLIC

Czech Republic increases its contribution for the benefit of victims of Rome Statue crimes

[Read more](#)



### PHILIPPINES

Museum for Philippine Martial Rule  
Victims, fast-tracked

[Read more](#)



## MEXICO

New Mexican President offers apologies for the 68's student massacre

[Read more](#)



## QATAR

Qatari Agency Attempted to 'Derail' Terrorist Funding Case and Lure King & Spalding London Lawyer, Court Hears

[Read more](#)



# COMMUNITY CORNER

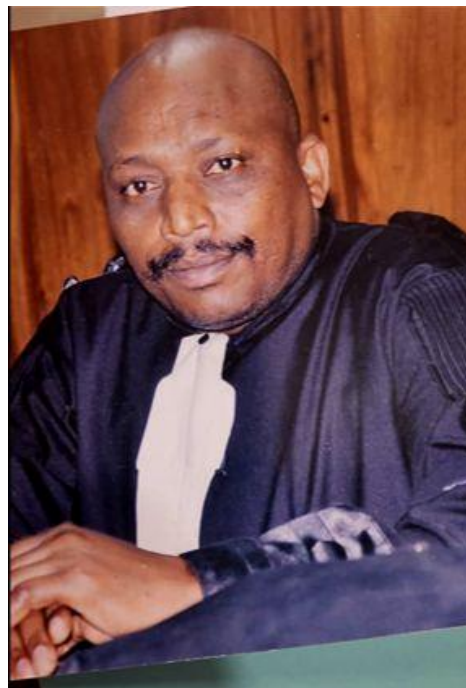
This section is dedicated to sharing the perspectives, progress, and insights of lawyers, activists, survivors, and others engaged in the field of reparation. If you would like to be featured here in the next month issue, we highly encourage you to submit your contributions to [alejandro@redress.org](mailto:alejandro@redress.org). Your experience and input are invaluable to enriching our collective understanding and fostering a meaningful dialogue within the reparation community of practice.

**Accessing reparations remains a persistent challenge for victims of conflict-related sexual violence in the DRC, despite a new law enacted on 26 December 2022 to facilitate their claims.**

By Eugène Buzake, coordinator of the Synergy for Legal Assistance to Victims of HumanRights Violations in North Kivu (SAJ) in the DRC



Gaining access to reparation remains a near-constant challenge for victims of conflict-related sexual violence who are seeking justice in the DRC. A new law aimed at facilitating their claims was finally enacted on 26 December 2022.



To date, no compensation has been paid to victims of mass crime in the DRC, despite multiple rulings ordering the delivery of reparation at the expense of the Congolese state. The same applies to cases of sexual violence, suffered by tens of thousands of victims.

To address this failure and advance reparation efforts for victims, the 2022 law established a new public body designed to collect and mobilise financial resources for the purpose of reparation payments owed to victims of conflict-related sexual violence and other crimes.

Despite concerns around the supposed impartiality of the new institution, signs are positive. The fact that reparation claims will be examined through an administrative process, as opposed to a judicial one, is particularly promising, as it means that claims will no longer rely on a guilty verdict or even on the identification of perpetrators. This is a significant step in the right direction given that cases of sexual violence are rarely brought before the courts due to the numerous challenges in accessing justice in the DRC.

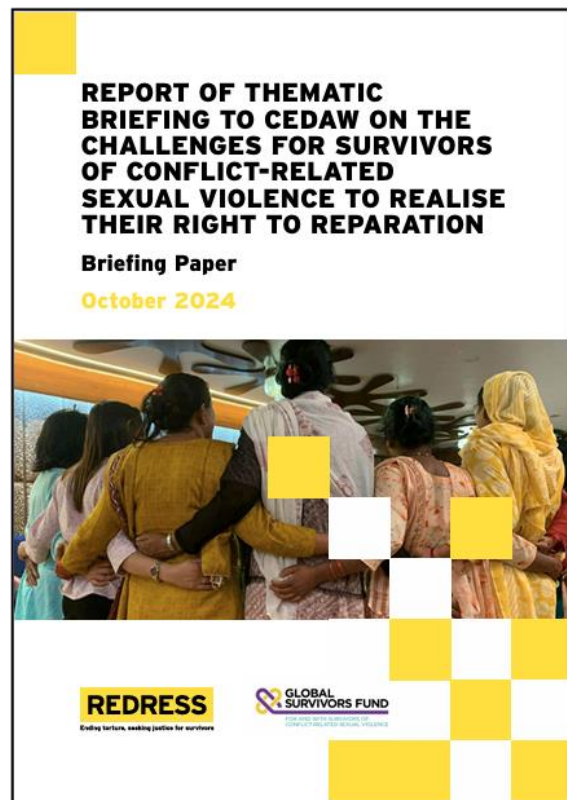
Only the future will reveal the impact of these measures, but the current context of positive political will and the promise of dedicated resources in the government's budget are encouraging, as are the institutional changes being made to advance reparation processes. These developments have the potential to both empower the countless victims that were impacted, and the entire Congolese population.

**WEEKEND READS**

## Briefing Paper on the CEDAW Framework related to Reparation for Survivors of Conflict-related Sexual Violence

by REDRESS and GSF

This publication builds on the discussions from a thematic briefing on reparation for survivors of conflict-related sexual violence held by REDRESS and the Global Survivors Fund during the 88th session of the UN Committee on the Elimination of Discrimination against Women (CEDAW). It highlights the challenges faced by survivors and the existing gaps in law and practice that hinder the fulfilment of their right to reparation. After analysing the relevant practice and jurisprudence from CEDAW, it also presents recommendations to this UN body to further support survivors in obtaining reparation.



[Read the report](#)

## Reports That Transform: Reporting Truth and Making Impact By ICTJ

This report serves as a practical guide for those working in truth commissions and investigative mechanisms to convert large amounts of data and information into a final report. The manual is based on real experiences from multiple truth commissions and includes excerpts and examples of operational documents. This document is intended to be an indispensable guide for researchers and report writers working first-hand on large-scale investigations.



[Read the article](#)

Thank you for reading, see you next month!

Take a look at our previous editions [here](#).

If someone has forwarded you this newsletter, please subscribe [here](#).