

# REDRESS

Ending torture, seeking justice for survivors

## December 2024

### JUST REPARATION

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



[Just Reparation](#) is a regular roundup of news on reparation curated by the REDRESS legal team.

This year we have shared several news around the work with the latest developments on reparation including judgements, implementation of reparation, transitional justice process, submissions, among others. We have also shared the practical experiences and views of national organisations on their work within their countries to promote the realisation of the right to reparation. If you have any feedback, comments, or contributions, please complete [this form](#). Your input will be invaluable in helping us improve this project.

This edition discusses a **US decision against a government contractor, mandating compensation for victims of torture during the Iraqi occupation**. It also highlights the confirmation of the **reparation order in the Ntaganda case** by the International Criminal Court, **challenges in implementing reparation orders in Kosovo**, and **delays in the execution of the African Court on Human and Peoples' Rights decision awarding reparation to the Ogyek community**. Additionally, it includes contributions from the Darkur Network, offering their **perspectives on the reparation process in the context of the ongoing conflict in Sudan**.

If you would like to contribute a short article for our Community Corner section for next year's editions, please share it with our Legal Officer, Alejandro Rodriguez, at [alejandro@redress.org](mailto:alejandro@redress.org)

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## BIG STORIES



### IRAQ

#### **Private government contractor held liable for torture in Iraq, ordered to pay \$42 million in damages**

On 12 November 2024, a federal Jury in the United States ordered CACI International, a private government contractor, to pay \$42 million in damages to three Iraqi men tortured at Abu Ghraib in 2003-2004 during the U.S. occupation of Iraq. Each plaintiff was awarded \$3 million in compensatory damages and \$11 million in punitive damages.

CACI was hired by the U.S. government to provide interrogation services at Abu Ghraib. The victims in [this case](#) were tortured at the so-called “hard site” in Abu Ghraib. During their detention, they were subjected to various forms of physical and psychological torture and other ill-treatment. The victims were eventually released without any charges.

This landmark ruling, the first of its kind to reach trial, establishes that private military and security contractors can be held accountable for involvement in torture. It also provides a rare measure of justice to survivors of torture in the context of the US ‘war on terror’ post 9/11. As [mentioned by one of the victims](#): “This victory isn’t only for the three plaintiffs in this case against a corporation. This victory is a shining light for everyone who has been oppressed and a strong warning to any company or contractor practicing different forms of torture and abuse.”

*Photo by: Daquella Manera CC 2.0*

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## KOSOVO

### Challenges in securing reparation for Kosovo War Victims: The case of Pjetër Shala

On 29 November 2024, Trial Panel I of the Kosovo Specialist Chambers in the Hague issued a [Reparation Order](#) in the case of The Specialist Prosecutor v.

Pjetër Shala. Pjetër Shala, a former Kosovo Liberation Army (KLA) fighter, was ordered to pay EUR 208,000 to eight victims as compensation for the physical, mental and material harm caused by his crimes during the Kosovo conflict. Individual compensation ranged from EUR 8,000 to EUR 100,000, with seven victims also collectively awarded EUR 50,000.

The Trial Panel noted that Shala lacks the resources to comply with the order. It suggested that Kosovo's Crime Victim Compensation Program could offer an avenue for partial compensation, although its maximum award is lower than the amounts granted in the Reparation Order. The Panel also observed that Kosovo has yet to take concrete steps to ensure effective reparation for victims of crimes under Specialist Chambers' jurisdiction. It urged Kosovo to pass the necessary legislation and establish a reparation mechanism. Additionally, the Panel highlighted the existence of a Trust Fund under the Specialist Chambers, which can receive voluntary donations without affecting Kosovo's and Shala's responsibilities to provide reparation.

On 16 July 2024, the Trial Panel [found](#) Shala guilty of war crimes, including arbitrary detention, torture and murder, and sentenced him to 18 years in prison. The crimes were committed in 1999 at the Kukës Metal Factory in north Albania, then used as a KLA Headquarters. Due to the ineffectiveness of reparation orders in Kosovo, [experts](#) have recommended the establishment of appropriate regulations for their implementation.

*Photo by: Adam Jones CC 2.0*

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## KENYA

### Kenyan government delays implementation of the reparation for the Ogiek with approval from the African Court

On 12 November 2024, the African Court on Human and Peoples' Rights (ACtHPR) postponed hearings on the implementation of the Ogiek community's favourable [judgment](#). The delay followed a request from the State Counsel for additional time to demonstrate progress, citing challenges in enforcing aspects of the judgment. The ACtHPR granted a three-month extension for the government to submit a report to the Cabinet and finalise an implementation plan.

This marks a [delay](#) of more than 12 months since the government filed its initial compliance report. Representatives of the Ogiek community opposed the rescheduling of the hearing, citing continued violations due to the government's failure to implement the decision

The case stems from the ACtHPR 26 May 2017 [judgment](#), which found that the Kenyan government had violated the Ogiek community's rights, including their right to life, property, natural resources, development, religion, and culture. In a reparation ruling on 23 June 2022, the ACtHPR [awarded](#) the Ogiek compensation for material and moral harm. It

also ordered the government to issue the community a collective title to their ancestral lands and implement measures to prevent further violations.

[Liz Alden Wily](#), an independent land tenure and governance specialist who served as an expert witness in the case, described the delay as a significant setback. She criticised it as unprofessional, emphasizing the substantial costs and efforts involved, particularly the travel of 55 Ogiek representatives to Arusha, the expenses of convening all 11 judges of the Court, the participation of the African Commission on Human and Peoples' Rights, and the dedication of those supporting the Ogiek community.

Noteworthy, the hearing would have been the first such public session organised by the ACtHPR to monitor compliance with its decisions, which would have marked an important precedent for the Court.

*Photo by: Queen Asali CC 2.0*

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## GUATEMALA

**IACtHR orders Guatemala to implement comprehensive reparation for enforced disappearances of human rights defenders**

On 14 November 2024, the Inter-American Court of Human Rights (IACtHR) found Guatemala responsible for multiple human rights violations, including the enforced disappearance of four human rights defenders and the severe suffering inflicted on their families. The IACtHR concluded that, during Guatemala's internal armed conflict in 1989, State security agents targeted the victims due to their work defending human rights. This persecution forced the victims to relocate and culminated in their enforced disappearance in April 1989.

The Court recognised the profound mental and emotional suffering experienced by the victims' families, particularly children, who were deeply affected by the disappearance of their loved ones.

To address the violations, the Court ordered Guatemala to implement a series of comprehensive reparation measures, including (i) removing barriers to justice and conducting a diligent search for the victims; (ii) establishing a national strategy or mechanism to locate individuals who disappeared during the internal armed conflict; (iii) developing a normative framework to protect human rights defenders; (iv) issuing public apologies for the crimes committed; and (v) providing full reparation for the material and moral damages suffered by the victims and their families.

This judgment underscores the importance of accountability and robust measures to ensure justice and reparations for victims of grave human rights violations.

*Photo by: CortelDH*

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## OTHER STORIES

### RWANDA

**Kabuga's Trial and Struggles: A Complex Path to Justice and Reparations**



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## DRC

Congolese NGOs are demanding 150 million in compensation from Glencore

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## UGANDA

Victims seek to participate in Joseph Kony's ICC trial

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## CANADA

Calls for the ICC to investigate the historic disappearance of children in Canada and to establish a reparations framework

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## BELGIUM

Belgian Court Ordered to  
Compensate for Colonial Abuses  
Against Children

[Read more](#)



## COMMUNITY CORNER

We love to include the perspectives and insights of lawyers, activists, survivors, and others engaged in the field of reparation in **Just Reparation**. Alongside updates on progress in specific cases, your contributions are invaluable for enriching our collective understanding and fostering meaningful dialogue within the reparation community of practice. If you would like to feature in the next edition of **Just Reparation**, we encourage you to submit your contributions by 15 January 2025 to [alejandro@redress.org](mailto:alejandro@redress.org).

### Pushing Justice and Reparation in Darfur

By Ikhlass Ahmed, member of the Darfur Advocacy Group

The ongoing conflict in Sudan has left deep scars on the people of Darfur, where human rights violations and atrocities continue to devastate lives. As a member of the Darfur Advocacy Group (DAG), I have witnessed firsthand the pain and resilience of survivors.

Our work focuses on documenting these violations, advocating for justice, and ensuring that reparation becomes a reality for



those who have endured  
unimaginable suffering.

I recall meeting a 17-year-old survivor during one of our documentation efforts. She was raped during an attack on her home by the Rapid Support Forces (RSF). The trauma has left her physically and emotionally scarred, with no access to medical care or psychological support. Her family, displaced and living in a camp, struggles to meet basic needs. Her story is not unique and serves as a stark reminder of the urgent need for justice and reparation. At DAG, we believe reparation is a cornerstone of justice.

Based on our detailed documentation of violations, we build evidence for accountability mechanisms. We work closely with survivors to amplify their voices, ensuring their needs are at the center of all reparation processes. This involves advocating for compensation, rehabilitation, and guarantees of non-repetition, such as disarming militias and rebuilding communities. We also engage in advocacy at international and regional platforms, sharing survivor stories and highlighting the systemic failures that allow impunity to persist.

Reparation, for me, is not just about addressing past harms; it's about restoring dignity and building a future where survivors can live free from fear. Through DAG's efforts, we aim to ensure that the voices of Darfur's survivors are heard, their rights are upheld, and their healing is supported. Justice may be delayed, but we remain steadfast in our commitment to achieving it.

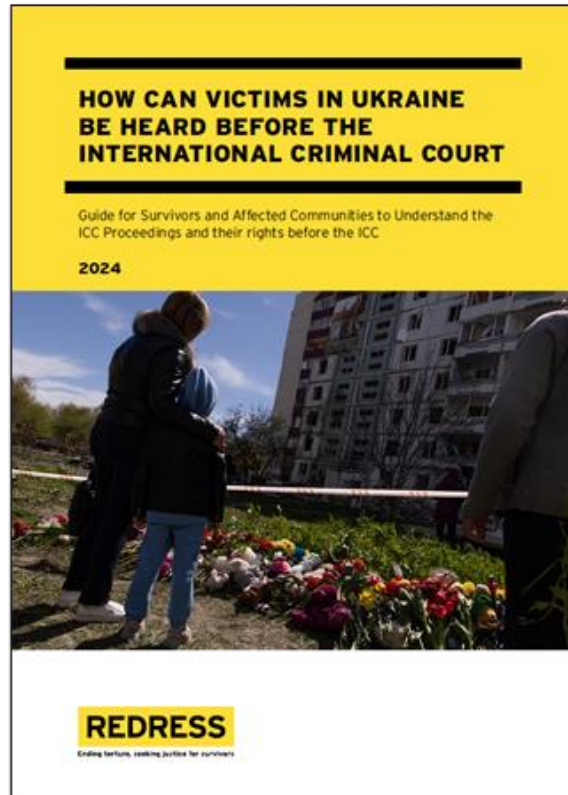
## WEEKEND READS

## How Can Victims in Ukraine be Heard before the International Criminal Court: Guide for Survivors and Affected Communities

by REDRESS

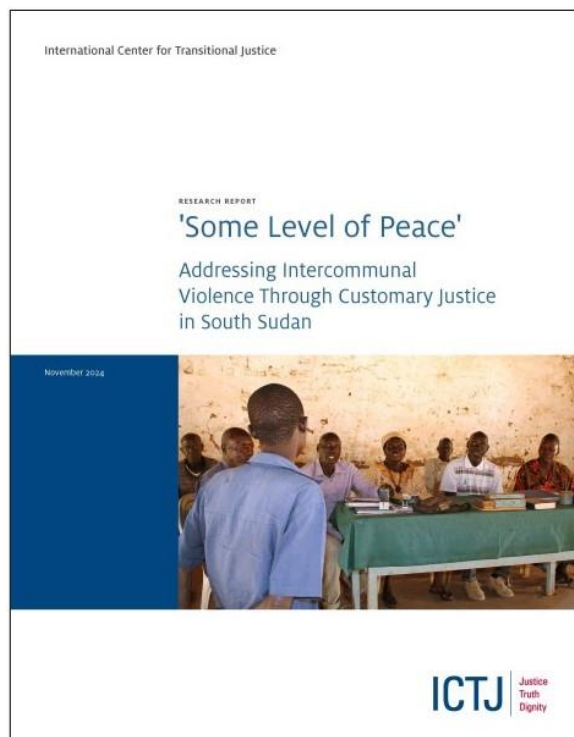
This Guide aims to help victims and affected communities in Ukraine navigate the International Criminal Court (ICC) proceedings and gain a better understanding of how they can participate in these proceedings. It explains, for example, what is the role of the ICC in Ukraine, what are the different phases of ICC proceedings, in which stage is the Ukraine situation, the rights of victims before the ICC, and the type of reparations they are entitled to.

[Read the guide](#)



**'Some Level of Peace':  
Addressing  
Intercommunal Violence  
Through Customary  
Justice in South Sudan**  
by ICTJ

Torture is a widespread and systematic practice in Egypt, arguably amounting to a crime against humanity under customary international law and Article 7 of the Rome Statute. At the regional level, the African Commission on Human and Peoples' Rights, has confirmed in four cases that torture occurs in Egypt. Focusing on the African Commission's recommendations in the case of Mohammed Abderrahim El Sharkawi v. Egypt, this briefing explores the steps that the Egyptian government should take at the domestic level for the implementation of the reparations issued.



[Read the report](#)

Thank you for reading and contributing to the newsletter during 2024. See you in February 2025 with more big stories and contributions from our partners.

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

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