

# 2012 Annual Report

World Organisation Against Torture

**OMCT**  
SOS-Torture Network

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# Nothing can justify torture under any circumstances

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not only in law but in practice

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## Foreword by the President

### TOWARDS NEW STRUGGLES

The year 2012, with the increasing criminalization of human rights defenders and the difficulties and dramas following the Arab Spring, have reminded us that the struggle for human rights and the fight for the absolute prohibition of torture were constant, yet never definitively won.

After the fall of the Berlin Wall and the breakup of the USSR, we saw civil society become more organised and thousands of non-governmental organisations (NGOs) were created to promote human rights, respect for the environment and a more humane economy. The major conferences organized by the United Nations in the 1990s on the environment, the right to development, population, women, social development and human settlement all included strong references to human rights. They offered the opportunity for NGOs from around the world to meet, exchange experiences and to subsequently share them in their own countries, in complete agreement that the declarations negotiated in Rio, Vienna, Cairo, Beijing, Copenhagen and Istanbul should be materialized. And indeed these organisations have lobbied their governments in this direction, together with local organisations for the defence of hu-

man rights and the fight against torture and other violent and degrading treatment, supported by the OMCT.

Throughout the 2000s, many governments have stopped responding to this pressure. They have created their own organisations known as GONGOs (Government-Operated Non Governmental Organisation) and have taken regulatory or legislative measures to limit the working space of independent persons or organisations defending human rights. In particular, they have made it difficult to access external funding sources by taking control of them, even going so far as to describe those who received this funding as foreign agents. In a pioneering study, entitled *Violations of the right of NGOs to funding: from harassment to criminalisation*, published by the Observatory for the Protection of Human Rights Defenders, the OMCT condemned this repression, which goes against the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the UN in December 1998. Since the OMCT was founded, it has built the SOS Torture Network

in the belief that it is necessary to support local organisations leading the struggle against torture, and has now also made the defence of human rights defenders one of its priorities.

Tunisia, Libya, Syria and Egypt, are four countries that have in the past raised hopes of a victory for human rights. Today, however, there are concerns for Tunisia and fears for the other three countries that violence will not be overcome for several years, including high levels of deliberate torture. The balance in the whole region is threatened by renewed questioning of the borders which were established when the Ottoman Empire was divided up in 1916, and by religious wars which are as persistent as those that tore the Christian world apart in the sixteenth century. In the face of systematic torture in Syria, organisations struggling against torture are powerless to stop this horror. Nevertheless, as demonstrated by the history of Chile and Argentina, expressions of solidarity and support are valuable to those who in these circumstances continue to lead the fight against torture.

As long as these wars continue without a clear winner or there is no international intervention

leading to a cease-fire, torture will continue. We must continue to seek intervention under the auspices of the UN, and to denounce the use of torture as a weapon, but we must also prepare for the future. Here the OMCT has acquired experience in Tunisia and Libya that will be essential. In Tunisia, it has brought together civil society organisations to develop joint recommendations to the government and the Constituent Assembly to ensure that adequate measures are taken to prevent and combat torture. These recommendations have been taken into account. In Libya, the OMCT has also established a dialogue between civil society, the government and some militia groups on the prevention of torture. These successes have encouraged the OMCT to focus its work on mobilizing NGOs to present their cases to the UN Committee against Torture, and on monitoring the recommendations the Committee addresses to specific countries and projects, in countries in transition towards democracy.

**Yves Berthelot**  
President of OMCT

## Introduction by the Secretary-General

### TORTURE CAN AND MUST BE ERADICATED NOT ONLY IN LAW BUT IN PRACTICE

'Nothing can justify torture under any circumstances'. Few universal norms are more established. There is no ambiguity and no exception. Yet we see daily that torture is a reality in most regions of the world and impunity the rule rather than the exception. Despite the unambiguous prohibition states too easily contend themselves with a legal prohibition instead of its eradication in practice. This has to change.

#### Bringing standards home

'Nothing can justify torture under any circumstances'. To hold states to account the international community established the UN Committee against Torture (CAT). For many years OMCT plays a unique role making this mechanism accessible to local actors, in submitting authoritative first-hand information and focusing on the implementation of its recommendations. Our reports are often mirrored in the findings of the UN Committee. In some cases such as Cuba OMCT was the only actor able to provide independent information. But more needs to be done to ensure that states do not forget their commitments when they return home. The OMCT critically engages the authorities through high-level missions and advocacy ranging from Morocco to Mexico, Colombia, Nicaragua, Togo and Ivory Coast and Kenya. This work is showing positive results bringing the debate on anti-torture policies back home and forcing a debate on concrete reform proposals.

#### Mobilizing the public and media

'Nothing can justify torture under any circumstances'. Decisive steps against torture can only succeed if there is societal support and people mobilization against torture. Too often anti-

torture reforms are discussed as technical issues. In times of deepening social tensions and after years of a relativist discourse on torture in counter-terrorism we need to regain public ground. In 2012 OMCT launched a new initiative for media empowerment against torture in partnership with an emerging media organization training journalists on anti-torture standards and using social media to mediatize the sessions of the UN CAT domestically. This has been complemented by OMCT's global campaign against torture implemented with the members of its SOS-Torture Network, including the Ten days of activism, in which we gave a face to those who work on torture in various parts of the world often under difficult conditions on 10 December 2012.

#### Protecting victims including the vulnerable

'Nothing can justify torture under any circumstances' – is above all about the protection of individuals and support to seek justice for them. Case specific intervention and legal, material and social assistance to victims, remained a crucial feature of our work. The results are concrete and tangible often without much public attention. In 2012 OMCT saw also condemnation before the UN CAT of Ivory Coast and Greece and has also submitted the first ever case on Mexico. Long-term projects in Benin and Uruguay are also improving the conditions of children deprived of liberty, often particularly vulnerable to abuse, through civil society access and support to legal reforms and its implementation. End of 2012 also witnessed the launch of a new Violence against Women project aimed at empowering women human rights defenders in the Democratic Republic of Congo in their fight against torture, including sexual violence, against women.

#### Defending the defenders

'Nothing can justify torture under any circumstances' – remains an illusion if human rights activists cannot document and report on torture free from threats. Following the enthusiasm in the Arab Spring we are witnessing a backlash as governments are only too well aware of the force of our cause and criminalize and stigmatize member organizations fighting torture because of their participation in international meetings and financial support from abroad. In Russia as in India, Bangladesh, Pakistan, or Egypt our partner organizations are portrayed as unpatriotic and are facing threats of being closed down. OMCT will make their protection one of its priorities in 2013.

#### Deepening our work and impact

'Nothing can justify torture under any circumstances' – requires a holistic approach unique to the OMCT of assisting victims, working for the prevention of torture and above all the strengthening of local civil society. This has been at the core when opening offices in Tunisia in 2011 and in Tripoli in 2012. Our work is putting anti-torture reforms on the political agenda and we are accompanying local civil society in their fight against torture. In Tunisia we convened the first national consultation against torture leading to the adoption of an action plan against torture, a draft law on the prevention of torture, which, hopefully, will lead to the establishment of a National Prevention Mechanism (NPM). In 2012 OMCT also started work in Libya building the ability of local groups to document and intervene on torture and facilitating coalition against torture resulting in the adoption of a new anti-torture bill. No question – the challenges remain massive – but without anchoring the cause

against torture locally the international community is to fail. The work in the Middle East is also part of a diversification of our tools. In the coming years we will build more programs that combine reactive and protective work with advocacy for effective prevention. In working with our members and anchoring the cause against torture domestically, I am convinced that eradicating torture is possible not only in law, but also in practice.

**Gerald Staberock**  
Secretary-General

# AIDING VICTIMS OF TORTURE AND ILL-TREATMENT AND PROTECTING HUMAN RIGHTS DEFENDERS

## The right of victims to justice and compensation

The rehabilitation of torture victims and the payment of just and adequate compensation are at the heart of OMCT's actions. Since the establishment in 1986 of the Fund for Urgent Assistance to Victims of Torture, OMCT has placed urgent assistance within a global approach to the situation of the victim, convinced that the alleviation of suffering goes hand in hand with the identification, prosecution and punishment of the authors of the violations. The activities developed within this framework aim at the restoration of the right of the victims to see justice done and include medical and social rehabilitation, compensation and reparation at all levels (national, regional and international), which contribute not only to the recovery of the victims' health but also to the fight against impunity.

Representing the interests of the victims within the framework of the quasi-judicial procedures of the United Nations treaty bodies complements the support granted from the OMCT Fund for Urgent Assistance. By way of example, in August 2012, OMCT submitted a complaint to the United Nations Human Rights Committee (CCPR)<sup>1</sup> on behalf of a citizen of the Democratic Republic of the Congo who was tortured during his arbitrary detention by officials of the National Intelligence Agency (ANR). The OMCT Fund for Urgent Assistance had previously provided funds for the lawyer's fees incurred by the submission of the complaint submitted by the family to the Congolese authorities, as well as a subsistence allowance for the victim's wife and children. OMCT then approached the competent authorities of a European country, within the framework of its asylum procedure, in order to corroborate his statements and confirm that there was a risk of torture should he be returned to his country (article 3 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereafter "Convention against Torture")).

During the past year, a special effort was made to follow up on complaints previously submitted to the United Nations Committee against Torture (CAT) and the Human Rights Committee. In this regard, we are pleased to note the decisions of the Human Rights Committee against Greece<sup>2</sup> and against Paraguay<sup>3</sup>. These three decisions send a clear signal to the Greek and Paraguayan authorities that their legislation and practice need to conform more closely to the international standards on the absolute prohibition of torture and ill-treatment.

**“ Thank you for your e-mail informing me that my dossier has been registered with the United Nations Human Rights Committee. We welcome this important stage of this procedure and would like to take advantage of this occasion to express our gratitude to you personally, and to the whole OMCT team. We will follow developments as the procedure continues and remain at your disposal for any further information. Once more, please accept our thanks, Madam, for your support and assistance, the value of which my family and I know only too well. ”**

Torture victim  
from the Democratic Republic of the Congo.

However, if a positive decision in favour of a victim of torture represents an important victory vindicating the validity of her grievances and contributing significantly to her rehabilitation, the implementation of this decision by the State party is the crowning success of the process. Consequently, monitoring the implementation in the State party concerned is crucial not only to obtaining satisfaction for the victim, but also to strengthening respect for the international standards in this domain. In this context, the follow-up missions to the field carried out by OMCT are fundamental to its advocacy with the authorities.

Thus, during a mission to Paraguay in September 2012, OMCT held a fruitful meeting with the Office of the Attorney General, the official responsible for the implementation of the decisions of the treaty bodies. OMCT has since been informed that a working group has been established that includes, besides the Office of the Attorney General, representatives of the Ministry for Foreign Affairs, the Ministry of Finance, the Ministry of Health, and the legislative branch of the Government. A meeting of this group with one of the victims and the NGO partner organisation, the Coordinadora de Derechos Humanos Paraguay led to the conclusion of an agreement between the parties. The draft of the agreement was sent to OMCT for its comments. The agreement is a success, in that it provides for: a public act of acceptance of responsibility on the part of the State; a commitment by the Government to publicise the decision of the Human Rights Committee; the adoption of measures (a) aimed at fighting impunity (investigation, identification of the perpetrators and sanctions); (b) to ensure that the acts are not repeated; and (c) for rehabilitation and assistance to the victims to enable them regain their health; for granting material compensation; and for the adoption of a monitoring mechanism for the implementation of the agreement.

During the past year, OMCT also intervened in cases of strategic and legal importance to matters relating to the right to an effective remedy and to compensation for the crime of torture, and to the obligation to investigate alleged acts of torture.

Thus, following a mission in February to the Mexican State of Guerrero, OMCT submitted a legal opinion on violations of human rights committed against students of the Escuela Normal Rural "Raúl Isidro Burgos" of Ayotzinapa on 12 December 2011 in the city of Chilpancingo, Guerrero. On that day, the federal and state police broke up a peaceful demonstration using extreme violence, leading to the deaths of two students, the arrest of 24 and the torture of several others in an attempt to force them to confess to involvement in the shooting of demonstrators.

In its legal opinion, prepared as a contribution to a special investigation initiated by the National Human Rights Commission of Mexico (CNDH), OMCT recalled and explained the principal international obligations in the field of human rights that CNDH should take into consideration in reaffirming the absolute nature of the prohibition of torture and ill-treatment, as well as the obligation to investigate the alleged facts, identify and punish those responsible and award adequate compensation to the victims. In the present case, OMCT urged CNDH to call for a revision of the Penal Code of the State of Guerrero to include a definition of torture that is in conformity with the international standards. OMCT also requested CNDH to add to its final recommendations a provision for broad participation by the victims in the criminal investigation.

In addition to its work on individual cases, OMCT continues to be actively involved in wider advocacy for the effective implementation of the decisions of the universal and regional bodies for the protection of human rights in order to improve the monitoring process at the national and United Nations levels and, ultimately, to strengthen respect for the international standards. In May, OMCT participated in a meeting with the expert members of the Committee against Torture at which it welcomed the progress achieved in terms of the transparency and visibility of the follow-up to concluding observations. However, it also called for more information with regard to the implementation of the decisions of the Committee concerning individual communications, by means in particular of a dedicated web page providing general information on the cases, specific information on the human rights violations identified, requests for compensation, recommended follow-up, etc.

# 793

people received support directly from OMCT of whom

# 239

received legal, medical and social assistance.



<sup>1</sup> John-Jean Jacques Lumbala v. Democratic Republic of the Congo (communication No. 2214/2012).

<sup>2</sup> Nikolaos Katsaris v. Greece (communication No. 1558/2007).

<sup>3</sup> Eulalio Blanco Domínguez v. Paraguay (communication No. 1828/2008) and Ernesto Benítez Gamarra v. Paraguay (communication No. 1829/2008).

# AIDING VICTIMS OF TORTURE AND ILL-TREATMENT AND PROTECTING HUMAN RIGHTS DEFENDERS

“ I come before your great institution to offer my testimony and my support to your organisation. I am delighted to tell you that your intervention in my case carried great weight.... I would like to thank with all my heart your Geneva team as well as your partners outside.

The year 2013, which is now beginning, is full of hope for me, as I now feel I have the courage to take on the world of work, to be stable, to start my life up again and to continue the fight for others. ”

Torture victim from Cameroon.

### Audio-visual media in the service of human rights defenders

Since 2009, when OMCT made its first film documenting the struggle of the women of Ciudad Juárez, Mexico, against femicide, followed in 2010 by a short film depicting the situation of Congolese women victims of rape and that of the human rights defenders who had joined their struggle, OMCT has incorporated the use of audio-visual products into its core strategy on the protection of human rights defenders. The objective here is to break through of the circle of “specialists” to reach out to the public, the media and the social networks as counterweights to the arbitrary power of States that try to suppress human rights defenders, or at least fail to do all they can to ensure that defenders can carry out their activities under favourable conditions.

In November and December 2011, as part of the “Defend the defenders” project, the Swiss actress Noémie Kocher took part in a mission to Brazil, visiting the Xingu reserve and Amazonia, meeting with human rights defenders Megaron Txucarramae and Davi Kopenawa Yanomami, in order to highlight the situation of Amerindian human rights defenders under threat because of their activities to secure respect for the right of their peoples to their lands and their resistance to the exploitation of the underground riches of the Amazonian forest.

At the end of the mission, Daniel Schweizer, a prize winner at the Film Festival and Forum on Human Rights (FIFDH), filmed two documentaries. The first, titled *Indians on Borrowed Time*, was produced by Radio Télévision Suisse (RTS) and shown in March 2012 on the weekly current affairs programme “Temps present” and on TV5 Monde, and on two evenings organised by FIFDH, the first one attended by Davi Kopenawa Yanomami and Santiago Canton, former Executive Secretary of the Inter-American Commission on Human Rights.

The OMCT film *Amazon Indians on Borrowed Time*<sup>4</sup> was also widely screened, in Switzerland on the sidelines of the United Nations Human Rights Council and abroad. During Davi Kopenawa Yanomami’s visit to Switzerland he met with representatives of the Office of the United Nations High Commissioner for Human Rights and the special procedures, including the Special Rapporteur on the rights of indigenous peoples, and with the Federal Department of Foreign Affairs of the Swiss Confederation. The media coverage of the launching of this documentary and its screening at the International Human Rights Film Festival in Buenos Aires and at the FILMAR Festival in Geneva, as well as in various Swiss cities, brought to the attention of a wider public the threats to the human rights of indigenous populations and their defenders.

The added value of audio-visual media in reaching out to a wider public has been amply demonstrated. OMCT also participated in the production of a documentary by filmmaker Thierry Michel on the Chebeya-Bazana affair in the Democratic Republic of the Congo, titled *The Chebeya Affair: A State Crime*. The film was presented at the 19th session of the Human Rights Council and attended by Floribert Chebeya’s widow, Director of the Congolese association Voix des sans voix and member of the OMCT General Assembly, by the filmmaker and by the Congolese Minister of Justice. It was also screened at FIFDH and at the 51st session of the African Commission on Human and Peoples’ Rights (ACHPR). And finally, on Human Rights Day, 10 December, OMCT collected and posted on its website 10 testimonies from human rights defenders fighting against torture and impunity in the Philippines, the Russian Federation, Togo, Colombia, India, Poland, Kenya, Uruguay, Turkey and Tunisia, to illustrate the challenges and obstacles that confront them, as well as the hopes and disappointments that mark their daily lives.

On the basis of the experience gained from the making of these three documentaries, in carrying out its activities for the protection of human rights defenders OMCT intends in the future to have greater recourse to the use of images as an additional tool to complement the more traditional ones used in carrying out the Organisation’s activities protecting human rights defenders.

<sup>4</sup> The film is available online on the vimeo video platform and had been viewed over 3,000 times as of the end of 2012.

# STRENGTHENING PREVENTION OF TORTURE AND ILL-TREATMENT AND THE PROTECTION OF VICTIMS

## OMCT: more active than ever with the United Nations treaty bodies

OMCT became aware early on of the crucial role that the United Nations treaty bodies could play and of their potential, as it was in 1992 that OMCT submitted its first report to the United Nations Committee against Torture. Ever since, it has worked to strengthen these mechanisms and to support the NGO members and non-members of the SOS-Torture Network in their interactions with them, including by facilitating their travel to Geneva. The year 2012 was exemplary in this respect.

“ Please accept my warmest thanks for having allowed ACAT Madagascar ... to have had, for the second time, the chance to support its alternative report before CAT.... It was a very interesting experience from every point of view, from capacity-building with regard to the treaty bodies to human relations and personal development. This kind of experience gives associations and NGOs a second wind when doubts about the relevance of their work threaten on the horizon... This experience reconfirmed my conviction that, unless we work together, the team and the Network, at the national and international levels, it will be difficult to reach our goals. This is also true for civil society as well as for the State, whose respect for its commitments is a necessity. ”

Maria Raharinarivonirina,  
Lawyer and President of ACAT Madagascar.

No fewer than 10 submissions were transmitted to the Committee against Torture and the Human Rights Committee, in close cooperation with members of the Network. Eight representations of member NGOs – from Kenya, Mexico, Togo and the Philippines – were assisted to participate in the relevant sessions of the respective committees. Such participation is a crucial part of the NGOs' advocacy with the expert members of the committees and the governmental delegations and it familiarizes them with the working methods of the procedures. They are also able to share the experience, knowledge and contacts acquired with their colleagues and other representatives of civil society in their countries. The following testimony of a human rights defender illustrates the added value of such participation at both the formal and informal sessions of the committees.

Besides the alternative reports, OMCT has been very proactive in following up the implementation of the recommendations of the Committee against Torture and the Human Rights Committee by submitting follow-up notes containing a thorough evaluation of the implementation of the committees' recommendations by the authorities of the country concerned that are considered to be specifically relevant to the mandate of the Organisation. In this context, two follow-up missions were carried out in 2012, one to Morocco and one to Nicaragua.

The mission to Morocco, led by Dick Marty, OMCT's Vice-President, took place a year after the examination of that country by CAT. The purpose was to submit to the Committee an evaluation of the implementation of the recommendations it had adopted. During its six-day visit, the OMCT delegation was able to meet with the President of the Inter-ministerial Delegation for Human Rights (DIDH), the Director General of the Prison Administration, as well as representatives of the National Council for Human Rights (CNDH), the Minister of Justice and the Minister of the Interior. The meetings took place in a spirit of open-mindedness. At the end of the mission, the delegation noted the progress made in protecting human rights in the framework of the 2011 Constitution, the creation of DIDH and the measures taken towards ratifying the Optional Protocol to the Convention against Torture (OPCAT). However, it also conveyed its concern about serious allegations received from several communities alleging the continuing practice of torture and ill-treatment by the police and other law enforcement personnel and that impunity for violations of this kind continued to be the rule. The information received confirmed the fears expressed earlier in the year by the United Nations Special Rapporteur on torture during his visit to Morocco. This information will be sent on to CAT.

The preliminary conclusions of the mission to Nicaragua, led by Eric Sottas, former OMCT Secretary-General, from 14 to 18 May 2012, had considerable impact on the public; the

press conference called at the end of the mission received wide media coverage. It is also noteworthy that during the working meeting with the OMCT delegation, the national police committed to continuing the implementation of the recommendations of CAT that concerned it, including the actions undertaken to eliminate violence against women. A follow-up note was submitted to the Committee in September 2012 to keep it informed of developments with regard to torture in Nicaragua, in order to maintain pressure on the authorities and to support the mobilisation of the national civil society. The alternative report submitted to CAT by OMCT in 2009 and the follow-up note of 2012 were published and presented to Managua on 13 December 2012.

In 2013, follow-up missions to Kenya, the Philippines, Indonesia, Colombia, Mexico and Chile are scheduled.

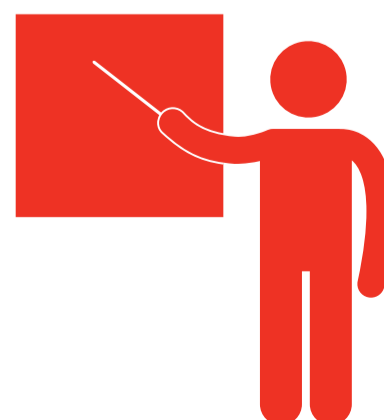
## Strengthening the outreach and impact of the Committee against Torture

NGOs in the field are confronted with certain challenges in their interaction with the Committee against Torture: lack of global coordination; lack of transparency in the State reporting process; difficulty in following the situation in real time during all the steps of the process; inadequate visibility of the work of the Committee. Moreover, NGOs from "difficult" countries often do not have access to this mechanism. OMCT was therefore the only organisation to submit a report on Cuba, along with numerous Cuban GONGOs (Government-organised non-governmental organisations), and was the only organisation to participate in the formal meeting with the members of CAT. Despite progress in raising the visibility of CAT and of its work, the Committee is essentially accessible only to a limited circle of specialists. Travelling to Geneva to participate in the sessions of the Committee also entails considerable cost.

Aware of this situation, and of its role as a privileged partner, OMCT has taken on the mission, on the one hand, of broadening the outreach and the impact of the Committee among the wider public and, on the other hand, of strengthening the involvement of NGOs in the field with this mechanism in order to support their actions to secure effective implementation of the Convention against Torture at the national level.

At the close of each of the sessions, OMCT published its newsletter, OMCT@CAT, to inform not only the Organisation's target public, but also all the men and women who have mobilised for the struggle against torture. Moreover, in partnership with other NGOs, OMCT tweeted the sessions of the Committee, which were also videoed and rebroadcast live at (<http://www.treatybodywebcast.org>).

Its desire to reach out beyond the circle of initiators led OMCT and the organisation GMedia to launch an original initiative aimed at mobilising journalists around the Committee so that they could become more aware and more interested in covering subjects related to torture. A first training on the international human rights standards was held for a dozen Mexican journalists from 29 October to 3 November, on the sidelines of the 49th session of the Committee. The positive reactions of the participants confirmed the soundness and usefulness of this initiative, and other trainings will be organised in 2013.



6  
training seminars for  
158  
human rights defenders.

# STRENGTHENING PREVENTION OF TORTURE AND ILL-TREATMENT AND THE PROTECTION OF VICTIMS

### Benin and Uruguay: protection of children from torture and ill-treatment

Since 2009, OMCT has collaborated closely with two NGO members of the SOS-Torture Network on the protection of children deprived of liberty against torture and ill-treatment in Benin and Uruguay: Enfants solidaires d'Afrique et du monde (ESAM) and the Instituto de Estudios Legales y Sociales (IELSUR). The originality of this cooperation resides in the fact that OMCT and its partners address not only the manifestations of the violence, but also intervene in the causes, whether they be inadequate national legislation, stigmatisation of imprisoned children or lack of knowledge on the part of personnel and other actors in the administration of juvenile justice about children's rights.

The results achieved in 2012 speak for themselves.

In Benin, the training of 12 recently appointed judges for minors and jurists in the rights and protection of children in conflict with the law and deprived of liberty must be cited at the outset. The training, whose participants included Michel Lachat (founding member of the International Institute for the Rights of the Child (IDE) and President of the Minors' Court of the Canton de Fribourg in Switzerland), focused on alternatives to imprisonment (e.g., avoiding prosecution and social rehabilitation) and the ways to ensure that the judicial guar-

antees are applied. According to the evaluation of the training carried out at the end, 90 per cent of the participants said that they had improved their knowledge of juvenile justice and the problems of children deprived of liberty. The workshop, organised for 14 representatives of civil society, ended with the creation of a working group on justice for minors that would seek to enhance the effectiveness of the system of assistance, coordination and monitoring of incarcerated children.

OMCT and ESAM also contributed decisively to the reform of the Code of Penal Procedure that was adopted by the National Assembly in March following recommendations made by the United Nations Subcommittee on Prevention of Torture (SPT). The Code will henceforth be based on the presumption of innocence and include the obligation to inform every person of the charges against him or her and the right to be assisted by a lawyer.

In Uruguay too, OMCT and its partner IELSUR undertook strong advocacy in favour of the rights of imprisoned children, in particular in the context of two draft laws that sought to reinforce repressive measures against such children. The first draft concerned the adoption of a special regime of criminal responsibility for children and the second provided for a regime of imprisonment for the use and/or possession of drugs. In fact, numerous debates over lowering the age of criminal responsibility, increasing the penalties for offences committed by minors and adopting new criteria to justify the detention of children are taking place now in the country.

OMCT and IELSUR have conveyed their concerns to the United Nations Special Rapporteur on torture, in view of his future visit to Uruguay. It should be noted that the issues raised by OMCT and IELSUR were taken up by the Special Rapporteur, who drew attention to the unsatisfactory pace of reforms of the juvenile justice system and the lack of a plan or global programme for the rehabilitation and reintegration into society of these children.

In parallel to their advocacy activities, OMCT and IELSUR organised a training workshop, titled *Monitoring the implementation of human rights: using the mechanisms of the universal system for human rights protection*. It was attended by 20 representatives of civil society organisations. The evaluation carried out at the end confirmed that participants were satisfied, as 92 per cent of them expressed the intention to share the knowledge gained with their colleagues.

Finally, it is important to note that the activities carried out in Benin and Uruguay were complemented by advocacy activities at the international level, during the annual full-day meeting on the rights of the child held at the United Nations Human Rights Council which, at the 19th session, was devoted to the administration of juvenile justice. OMCT and its two partners, who were present in Geneva, were

able to describe to those present the situation of children deprived of liberty in the two countries and elaborate on the good practices identified during the project and the challenges facing the implementation of the international standards in this field.

“ At the end of my visit, I can confirm that the project being carried out in Benin is of major importance for achieving better protection of children deprived of liberty and for confronting the future challenges, which are strengthening the implementation of the recommendations of the international organs for the protection of human rights, such as SPT, and the application of national laws. This project, as conceived, brings together diverse activities and has yielded very positive results at different levels of its realisation. Moreover, focused as it is on the situation of children deprived of liberty and against all forms of violence, including torture and other cruel, inhuman or degrading treatment or punishment, it opens the way for the development of specialised knowledge and the specific targeting of activities.

In the light of the knowledge and experience gained in Benin, I support without hesitation this project, which seems to me to be entirely relevant to the question of the protection of detained children, as well as the organisations involved in this area. ”

Michel Lachat, President of the Minors Court, Canton of Fribourg, Switzerland, and founding member and Vice-President of the International Institute for the Rights of the Child in Sion, Switzerland.

### Democratic Republic of the Congo: struggle against violence against women in North- and South-Kivu through the training of local NGOs and support to their activities

The year 2012 was marked by the development of a new project, in close collaboration with the NGO Synergie des femmes pour les victimes des violences sexuelles (SFVS), a member of the SOS-Torture Network based in Goma, whose founder and coordinator, Justine Masika Bihamba, is a member of the OMCT General Assembly.

Its purpose is to contribute to the prevention and eradication of torture of women, including sexual violence, in North- and South-Kivu, by building the capacities of those defending the essential human rights of women (local civil society organisations, lawyers and social workers) to better understand and use the international and regional standards and procedures in place for the protection of human rights in carrying out their activities as well as in their struggle against impunity.

This project is innovative in that it links training and advocacy. In 2013, 20 defenders of the essential rights of women in North- and South-Kivu will take part in two training seminars and in the drafting of a joint report on the prevention of torture of women.

The principal goal of the report is to contribute to political and legal reform, mainly at the local level, by taking stock of the practical measures that will afford women greater protection and strengthening the framework governing investigations, prosecutions, legal sanctions and compensation in cases of violence against women. The report will address the problems encountered, then propose solutions and recommendations concerning, in particular: current policies and practices that guarantee that perpetrators of violence will enjoy impunity, thereby encouraging further violence; the lack of measures to ensure physical protection and assistance to victims, the lack of legal safeguards and of mechanisms allowing women to defend themselves; the catastrophic situation of the police forces, the judicial apparatus and the justice system; the gaps with respect to avenues of recourse and compensation for women who have been abused; the inequality between men and women in law and in practice. The report will be presented to the provincial and national authorities of the Democratic Republic of the Congo during a follow-up mission to Goma, Bukavu and Kinshasa, and at the international level (United Nations Human Rights Council and the African Commission on Human and Peoples' Rights).

“ Having taken an active part in the project during the mission to Benin, I think that the project is very important in confronting future challenges, for example, strengthening the implementation of the recommendations of the international organs for the protection of human rights, in particular the SPT [Subcommittee on Prevention of Torture]. The diverse activities carried out within the framework of this project allow the SPT's recommendations to be implemented by the various actors and organs of the State. Moreover, the fact that the project is focused on the situation of children deprived of liberty allows specialisation to be developed in this field and for more activities to be precisely targeted. Based on the knowledge and experience of the organisations involved in this project, with respect to the situation of children detained in Benin, I have no hesitation in supporting the project, which seems to me to be entirely relevant in ensuring the protection of children deprived of liberty in Benin. ”

Fortuné Gaétan Zongo, International expert and member of the United Nations Subcommittee on Prevention of Torture.

## OMCT in Tunis and Tripoli: side by side with partners in the process of transition

### OMCT's presence in Tunisia

Following a high-level mission in May 2011, OMCT opened its office in Tunis in September that same year, thereby realising the Organisation's desires to work as closely as possible with the member and non-member partners of the Network during the period of transition that was under way, to support that process by bringing its expertise to bear on the reforms aimed at fighting torture, and to make sure that perpetrators of torture are held responsible for their acts by strengthening the institutional and legal framework governing prevention of this scourge.

During the past year, the Tunis office was heavily involved in these activities, alongside civil society organisations and Tunisian authorities.

The first National Consultation on the Prevention of Torture and Ill-Treatment was held in February. It brought together members of the Constituent Assembly, representatives of governmental institutions and of civil society as well as international experts to discuss the reforms necessary for the prevention and eradication of torture and ill-treatment.

At the end of the meeting, recommendations were adopted in connection with, in particular, the development of a plan of action. Among the steps that were identified by the participants as being necessary were the strengthening of the legal and juridical framework for victims of torture; a commitment by the authorities, in cooperation with civil society, to rehabilitation; and the initiation of a process of transitional justice and reform of the justice system to uncover the truth and punish acts of torture committed under the regime of President Ben Ali (see <http://www.omct.org/fr/reports-and-publications/tunisia/2012/04/d21730/>).

The OMCT office in Tunis also took action, alongside the Association for the Prevention of Torture (APT) and the Office of the High Commissioner for Human Rights (OHCHR), in an effort to establish a national prevention mechanism. OMCT and APT thus offered, on several occasions, a platform for discussion and dialogue among their civil society partners, Tunisian decision makers and legislators to encourage the establishment of an operational and independent entity as soon as possible. No fewer than five workshops on setting up such a mechanism were organised between March and September. In January 2013, the two organisations welcomed the finalisation by the Government of Tunisia of a preliminary draft law on the creation of a national institution for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

Finally, 2012 saw the European Commission agree to a two-year project, to be managed by the Tunis office, whose objective is to improve access by victims of torture and ill-treatment to justice and to encourage the creation of a system that provides effective prevention and protection against these scourges. The expected results are the improvement, on the one hand, of the access by victims to specialised assistance through the creation of a structure for

their rehabilitation, in particular in the regions, and, on the other hand, improvement in the ability of local actors to document cases of torture and defend the victims at the national and international levels. It is also expected that this project will lead to legal and political reforms that will improve the prevention of torture and ill-treatment. The project will be implemented beginning in 2013.

### OMCT's presence in Libya

Also in 2012, OMCT was able for the first time to act in a decisive manner to influence respect for human rights and the absolute prohibition of torture in Libya. With funds from the European Union (EU), OMCT, in partnership with the International Rehabilitation Council for Torture Victims (IRCT), developed a project to build the capacities of the men and women (human rights defenders, lawyers, judges, representatives of civil society) who work with victims; to advocate for anti-torture reforms as an integral part of the political transition process so that a national legal framework that respects the international standards in this field can emerge; to facilitate the access of victims to justice; and to sensitise public opinion on the absolute prohibition of torture.

An evaluation mission and a high-level mission were carried out, in April and October respectively. The evaluation mission allowed OMCT to assess the gravity of the situation of torture in Libya and, in particular, its persistence since the revolution, and to identify the local actors with whom it needed to collaborate in order to implement the project. At the end of this mission, OMCT opened an office in Tripoli.

The objectives of the high-level mission were, first, to identify the obstacles and difficulties encountered by the victims of torture and other forms of violence in exercising their right to an effective remedy and to adequate compensation, and to evaluate the will of the Libyan authorities to engage in the reforms necessary to eradicate torture and ill-treatment. Three major problems characterising the situation of human rights in Libya were identified.

The first problem is the fragility of the State structures and its inability to control the various armed militias that have formally been integrated into the Ministry of the Interior and the Ministry of Defence following a decree promulgated by the National Transitional Council in September 2012. At present, members of these militias are loyal only to their chiefs, not to the responsible officials in the respective ministry, rendering the "integration" more fiction than fact: the State has no effective control over these armed groups, which have their own agendas established in accordance with their own political and religious interests. The second problem is the isolation of the victims of torture, in particular those who have been displaced, with respect to recourse to justice and the securing of compensation. The delegation, comprised of representatives of OMCT, including the Secretary-General, and of IRCT, was extremely disturbed by the slow pace of the justice system at the national level, the lack of legal guarantees, and the allegations that acts of torture and ill-treatment continued to be perpetrated by the police and other law enforcement personnel, with total impunity. The absence of a coordinated policy for the management and supervision of detention centres was the third problem. Despite the transfer, in June 2012, of 33 prisons away from the authority of the criminal investiga-

tion department and the transfer of a military prison in Benghazi, housing 380 prisoners, to the authority of the Ministry of Defence, the existence of detention centres that are outside the de facto control of the State and the dysfunctional Libyan prison system are sources of grave concern.

During the mission, the delegation reiterated its commitment to the Libyan public authorities and the civil society to accompany them in the difficult process of transition. It established valuable contacts with representatives of the Ministries of Justice, Health and Defence. In this regard, it is noteworthy that the Ministry of Justice expressed its willingness to hold a round table in 2013 with civil society to discuss the necessary legislative reforms.

Two training seminars were organised in Tripoli during the past year. The first workshop, held in partnership with the Libyan Judges Organisation, was devoted to the prohibition of torture and ill-treatment within the justice system. The workshop, attended by Libyan judges, prosecutors and lawyers, was the first time that members of the legal community were able to hold discussions on the conformity of the national legislation with the international standards; gaps in the legislation with regard to the criminalisation of torture; the need for judicial guarantees to protect arrested, charged and detained persons; the role of the legal community in respecting the right of victims to compensation and rehabilitation; and measures aimed at creating a secure and confidential system of access to justice, in particular for victims of sexual violence. The second seminar, organised in collaboration with the Libyan Group to Monitor Human Rights Violations, dealt with the investigation and documentation of cases of torture and ill-treatment and gathered participants from all over the country: lawyers, social workers and a Member of Parliament. This training, which was unique in that its programme combined workshops, group discussions, role-playing and a visit to a prison, was led by international human rights law experts. The participants pronounced themselves very satisfied with this new and interactive approach to training.

OMCT is convinced that the combined effect of its training, advocacy and awareness-raising activities among the public will help to generate a consensus around the absolute prohibition of torture and ill-treatment.



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urgent interventions, either of a general nature (including economic, social and cultural rights) or on behalf of specific victims (children, women and human rights defenders).

# STRENGTHENING CAPACITIES AND SUPPORT TO THE MEMBERS AND PARTNERS OF THE SOS-TORTURE NETWORK

## “Nothing can justify torture under any circumstances”

### Mobilisation of the members of the SOS-Torture Network

OMCT took advantage of the commemorations of 26 June and 10 December to highlight its international media campaign, launched in June 2010 by Kofi Annan, former Secretary-General of the United Nations, and symbolised by the OMCT Manifesto, *Nothing can justify torture under any circumstances*, signed by Nobel laureates Martti Ahtisaari, Jimmy Carter, Jean-Marie Gustave Le Clézio, Rigoberta Menchú, Adolfo Pérez Esquivel, José Ramos Horta, Joseph Stieglitz and Desmond Tutu. As of 2012, more than 4,676 individuals in 105 countries have signed onto the campaign, which is regularly posted on the social media (Facebook and Twitter) and is permanently on the OMCT website (<http://www.omct.org/international-campaigns/campaign-prohibition-torture/>).

The events to commemorate **26 June** included a three-minute spot featuring members of OMCT General Assembly: Jahel Quiroga Carillo (Colombia), Dick Marty (Switzerland), Panayote Elias Dimitras (Greece), Oumar Diallo (Senegal), Nassera Dutour (Algeria), Aminata Dieye (Senegal), Claudia Samayoa (Guatemala), Rosemarie Del Rosario Trajano (Philippines), Olga Sadvovskaya (Russian Federation) and Mokhtar Triffi (Tunisia), each of whom was asked to say a few words about the International Day in Support of Victims of Torture. The spot, posted on the OMCT website ([www.omct.org](http://www.omct.org)), was widely viewed on social media, Facebook and Twitter, as well as on the online video platform Vimeo where it had been seen and shared some 1,300 times as of the end of 2012.

OMCT also sent out a press release titled *“Victims’ rights must be centre stage in global fight against torture”*, which stressed the obligation of States to provide victims with effective remedies and compensation for torture suffered, and expressing concern about the impunity that prevails in many regions of the world.

On the evening of 26 June, OMCT and FIFDH organised a film showing and debate titled *What life after torture?*, with a screening of the film *After Life* by the Finnish filmmaker Mervi Junkkonen, which traces the journey of four men, victims of torture in their own countries. The debate was attended by health specialists, a female victim of torture from Tunisia and the Deputy Secretary-General of OMCT. The debate can be watched on the OMCT Vimeo webpage: <http://vimeo.com/omct>.

On that day the OMCT office in Tunis also took part in joint activities with the Organisation Against Torture in Tunisia (OCTT), the Danish Institute Against Torture (Dignity), ACAT (Action by Christians for the Abolition of Torture) France and the APT, a first in the history of Tunisia. On 25 and 26 June, at the Maison de la culture “Ibn Kouldoun” in Tunis, artists drew graffiti expressing their views on torture and a photo exhibition by the photographer Augustin Le Gall was opened to the public. The film *Handhal*, by Mahmoud Joumni, was screened,

followed by a debate between lawyer Radhia Nasraoui, Dr. Zeinab Abroug and the filmmaker. The musical groups Empire, Nouveau Système, Yasser Jraidi and Badia Bouhriz gave a concert. The Tunisian Association of Young Lawyers (ATJA) set up a tent on Bourguiba Avenue where information was handed out to the public on protection against torture and other ill-treatment. Finally, a colloquium on the role of lawyers in the prevention of torture and ill-treatment during preliminary investigations was held on 27 June, in cooperation with the National Order of Lawyers in Tunisia, ATJA, APT and OMCT.

Another first in the history of Libya was the organisation by OMCT, in partnership with the Libyan Judges’ Organisation and the Libyan Group to Monitor Human Rights Violations - of a panel titled *“The prohibition of torture in Libya: why, how and when?”*, in which Professor Salah Al Marghani, Libyan Minister of Justice; Roberto Garretón, Chilean human rights lawyer and member of the United Nations Working Group on Arbitrary Detention; and Tunisian judge Kalthoum Kennou, President of the Association of Tunisian Judges, participated. The debate lifted the veil on a question that had been hidden for decades.

OMCT used the commemoration of **10 December** to start a campaign, titled *“10 days of activism against torture and impunity”*, to illustrate the challenges and obstacles confronting 10 human rights defenders in various parts of the world in their daily work, their hopes and their disappointments. The 10 defenders, whose portraits were posted daily, one by one from 1 to 10 December on the OMCT website (see <http://www.omct.org/fr/human-rights-defenders/events/2012/12/d22055/>) for the first, are: Edeliza P. Hernandez, Executive Director, Medical Action Group (MAG), Philippines; Igor Kalyapin, Founder and Chair, Inter-regional NGO “Committee Against Torture”, Russian Federation; Pierre-Claver Dekpoh, Secretary-General, ACAT Togo; Franklin Castañeda Villacob, President, Committee in Solidarity with Political Prisoners, Colombia; Kirty Roy, Secretary, MASUM, India; Adam Bodner, Board Vice-President, Helsinki Foundation for Human Rights, Poland; Saida Ali, Executive Director, Coalition on Violence Against Women, Kenya; Luis Pedernera, Child Rights Coordinator, Institute of Legal and Social Studies (IELSUR), Uruguay; Yavuz Binbay, Founder and President, SOHRAM-CASRA (Centre for Social Assistance, Rehabilitation and Readaptation for Victims of Torture), Turkey; Radhia Nasraoui, President, Organisation Against Torture in Tunisia.

The campaign was launched on 1 December in Geneva by a flash mob, which gathered together activists in the fight for the absolute prohibition of torture and which was joined by passers-by, called upon by the OMCT Secretary-General to participate.

The outcome of the OMCT international media campaign on these two dates was found to be positive as it succeeded in assembling and mobilising members of the SOS-Torture Network around the absolute prohibition of torture and ill-treatment and the right of victims to compensation. The use of audio-visual material was clearly helpful in reaching out to a wider public beyond the circle of “specialists”; the same could be said of the film-debate co-organised with FIFDH. The enthusiastic response to the events held in Tunis and Tripoli was an extremely positive sign.

“Thank you very much, and [I am very proud] to be included in the 10 prominent human rights defenders of the OMCT SOS-Torture Network. Again, I would like to express my utmost gratitude for the trust and recognition that the OMCT SOS-Torture Network have given me and to MAG’s work in the fight against torture in the Philippines.”

Edeliza P. Hernandez,  
Executive Director, MAG.

“Many thanks to you for your work and for your recognition of our organisation.”

Franklin Castañeda, President, Committee  
in Solidarity with Political Prisoners.

### Geneva Forum: for an international plan of action against torture

On 4 and 5 May in Geneva, OMCT invited 40 members of the SOS-Torture Network, international experts and prominent human rights defenders involved in coordinating the international media campaign from the following countries: Algeria, Argentina, Azerbaijan, Bangladesh, Brazil, Chile, Colombia, Democratic Republic of the Congo, El Salvador, Equatorial Guinea, Guatemala, Georgia, India, Iran (Islamic Republic of), Japan, Kenya, Lebanon, Mexico, Morocco, Palestine, Peru, Philippines, Senegal, Tunisia and United States of America.

These partners, international experts and human rights defenders examined the strategies developed and implemented by OMCT to strengthen the absolute prohibition of torture and ill-treatment, and in particular the failure to implement the international standards in this area and the difficulties in ensuring respect for the obligation to determine responsibility for violations of human rights.

Workshops were devoted to the following specific themes and situations: the structural obstacles (legal, institutional and practical) to the exercise of the right to a remedy by victims; the implications of security measures on the obligation to determine accountability; the opportunities offered by transition for achieving respect for that obligation and the emerging challenges to maximising such opportunities; the problems posed by the privatisation of security; respect for the right of persons especially vulnerable to torture to exercise their right to a remedy and to compensation.

The discussions on how to improve the strategies were centred on the following:

- The litigation procedures available at the United Nations, including questions related to the difficulties of documentation; the lack of legal recourse and effective investigations at the national level; the strategic approach in selecting the cases and the mechanisms to which they will be submitted; and the implementation of the resulting decisions;
- The strategies needed vis-à-vis the conventional and non-conventional human rights mechanisms to strengthen respect for the obligation to determine accountability (rehabilitation and prevention), with a particular focus on strengthening the advocacy and the media outreach of the Committee against Torture and on the implementation of its recommendations;
- A discussion on the approaches and means available for mobilising public opinion (social networks and modern communications techniques) and reflection on the nature and content of the messages aimed at the public.

During the two days of meetings the participants took part in animated and constructive exchanges, producing an in-depth analysis of the major challenges and opportunities in engaging today in the struggle against torture and ill-treatment and efforts to strengthen the absolute prohibition of torture. The discussions helped to clarify thorny legal and political questions; allowed for an exchange of good practices in advocacy and in documenting cases of torture; strengthened relationships with NGOs in the field in reaffirming the absolute prohibition of torture; and allowed OMCT to identify the recommendations that will guide it in carrying out its activities in the future, in particular the submission of individual complaints, the use of the conventional mechanisms, in particular the Committee against Torture, and the continuing international media campaign for the absolute prohibition of torture.



## Support to the NGO members and partners of the SOS-Torture Network

Support to the NGO members of the SOS-Torture Network and building their capacities is at the heart of OMCT's strategy. It includes support to these NGOs in their advocacy with the national authorities for implementation of the recommendations/decisions adopted by the international mechanisms for the protection of human rights and support in their interactions with those mechanisms; it also includes the organisation of trainings in the field.

### Regional training workshops

In 2012, OMCT organised two regional training workshops on the judicial and quasi-judicial procedures, one in Côte d'Ivoire and the other in Mexico, for 34 jurists and lawyers. These workshops were part of the "training by doing" strategy developed by OMCT, according to which the training is seen not as a simple transfer of academic knowledge, but as an effort to respond to the questions and difficulties which come up in the daily work of those struggling to achieve better respect for human rights in the field. As OMCT views the immediate putting into practice of the knowledge acquired as synonymous with the appropriation of that knowledge, following up on the workshops is crucial.

For example, since the end of the workshop in Côte d'Ivoire, one of the participants, a representative of an NGO partner of the SOS-Torture Network, submitted, with the help of OMCT, two complaints to the Court of Justice of the Economic Community of West African States (ECOWAS) on behalf of two victims, one from Benin and the other from Togo. Another participant, a member of an NGO in Guinea, requested technical assistance from OMCT concerning a draft law against torture being prepared by members of civil society. OMCT sent its comments, which were taken into account by a number of civil society actors at a national validation workshop. The text was defended before the political and judicial authorities, and a public meeting about it took place between the organisation concerned and the Minister for Human Rights and Civil Liberties. The text is currently being studied in the Cabinet of the Minister of Justice of Guinea. The same organisation also asked OMCT for help in finalising a training programme for officials of the judicial police with the theme "*Human rights and preliminary investigations in the services of the police*". OMCT sent back its suggestions, along with questions and a practical exercise. Finally, one of the participants from the Democratic Republic of the Congo requested OMCT's comments on a draft monitoring report to the authorities (central and provincial Governments and judicial authorities) on arbitrary arrests and illegal detentions and on documented acts of torture in the areas of Rutshuru and Nyiragongo.

The participants in the two workshops judged the quality of the trainers to be excellent and expressed appreciation for the diversity of the participants selected by OMCT, which facilitated an exchange of views and experiences with jurists from other countries, in particular on the ways to fight effectively against torture and other cruel, inhuman or degrading treatment or punishment. The participants stated that the workshops would certainly influence their strategic approach to working with their respective

Governments to fight torture and cruel, inhuman or degrading treatment. They also expressed appreciation for the practice cases that were offered and indicated that they would organise meetings to share their new knowledge with their colleagues.

### Support to a member of the SOS-Torture Network

Beyond strengthening the competencies of the NGO members and partners of the Network, OMCT is also committed to supporting its members structurally as they emerge from the fall of an arbitrary regime. Throughout 2012, the OMCT office in Tunis was actively involved in strengthening the capacities of the l'Organisation contre la torture en Tunisie, a member of the Network. Declared illegal under the Ben Ali regime<sup>5</sup>, OCTT was finally allowed to register after it fell in March 2011 and to operate without hindrance. OMCT and OCTT are together involved in the process of consolidating the NGO by providing organisational and structural support.

“ My competencies in terms of drafting individual requests have significantly improved. I now have the necessary ability to draft a formal individual complaint to the African Commission on Human and Peoples' Rights as well as to the Human Rights Committee and the Committee against Torture. ”

A participant, Côte d'Ivoire workshop.

“ At the OMCT workshop I had the opportunity to acquire valuable tools for the selection, drafting and presentation of cases to the different United Nations treaty bodies, in addition to very useful advice from those who have already made use of that system. Without doubt, it is very important for the organisation to which I belong to know how to take action in defence of human rights, taking into consideration that each time the challenges we face with regard to the mechanisms for denouncing human rights violations get bigger. ”

Kairin Peñaloza, International Coordinator, Observatorio Venezolano de Prisioneros, Participant, Mexico workshop.

“ To participate in the workshop organised by OMCT and CMDPDH [Comisión Mexicana de Defensa y Promoción de Derechos Humanos] was an enriching experience. As a human rights lawyer in Peru, it is necessary to be able to have reliable information about the international bodies that can be approached to satisfy the needs of the victims of grave violations who seek truth, justice and compensation. In this context, the papers, practice cases, statements by other participants and documentation about the United Nations system given to us at the workshop were valuable for the kind of litigation work that I undertake. I express my sincere thanks for the opportunity to participate in a well-organised event with content of such high quality. ”

Gisela Astocondor, Lawyer, Asociación Pro Derechos Humanos, Peru, Participant in the Mexico workshop.

<sup>5</sup> Also known as the Association de lutte contre la torture en Tunisie.

### IN BRIEF



#### Urgent assistance and support for the submission of complaints in favour of victims of torture

- Provision of **legal, medical and/or social assistance** to **177 torture victims** (45 individual cases and one group case) in close collaboration with members of the SOS-Torture Network and partner organisations in the following **16 countries**: **Cameroon, Chile, Congo Brazzaville, Cuba, Democratic Republic of the Congo, Guatemala, India, Iran (Islamic Republic of), Lebanon, Peru, Russian Federation, Saudi Arabia, Senegal, Sri Lanka, Syria** and **Turkey**.
- Issuance of **89 urgent interventions** (urgent appeals, press releases and letters addressed directly to the authorities) on behalf of **124 individual victims** and **6 groups** in the following **30 countries**: **Azerbaijan, Bangladesh, China, Colombia, Cuba, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, France, Guatemala, Honduras, India, Iran (Islamic Republic of), Israel, Malaysia, Mauritania, Mexico, Moldova, Nepal, Peru, Philippines, Russian Federation, Senegal, Sri Lanka, Sudan, Switzerland, Syria, Togo, Tunisia** and **Venezuela**.
- Submission of **four complaints**, three to the United Nations Committee against Torture and one to the Human Rights Committee, on behalf of seven victims of torture and ill-treatment from the **Democratic Republic of the Congo** (one victim), **Mexico** (four victims), the **Islamic Republic of Iran** (one victim) and **Sri Lanka** (one victim), in close cooperation with organisations, members and non-members, of the SOS-Torture Network.
- Follow-up of **six complaints** submitted to the Human Rights Committee against **Côte d'Ivoire** (one victim), **Cameroon** (one victim) and **South Africa** (one victim) and to the Committee against Torture against **Tunisia** (three victims).
- Judgements against **Greece** (one victim) and **Paraguay** (two victims) in cases involving **three complaints** submitted to the Human Rights Committee.
- In partnership with member and non-member organisations of the SOS-Torture Network, submission of an amicus curiae brief to the Supreme Court of the **United States**, under the Alien Tort Statute, as part of a collective action undertaken by a group of individuals from the Ogoni region of Nigeria against the Royal Dutch Petroleum company.
- In partnership with member and non-member organisations of the SOS-Torture Network, submission of an amicus curiae brief to the Supreme Court of **Spain** in the so-called "Bush Six" case.
- Submission of two legal opinions, one to the National Commission for Human Rights of Mexico in connection with the repression by the Mexican police of a peaceful demonstration by students in the State of Guerrero in December 2011, the other in support of a legal initiative to criminalise torture in Guerrero, in **Mexico**.

#### Protection of human rights defenders

- Provision of **material assistance** to **62 human rights defenders** and their families, as well as to **2 NGOs**, in the following **11 countries**: **Algeria, Belarus, Cameroon, Colombia, Democratic Republic of the Congo, Ethiopia, Mexico, Syria, Thailand, Uzbekistan** and **Viet Nam**.
- Publication of **336 urgent interventions** (urgent appeals, press releases, open or confidential letters to the authorities, of which 186 (55.4 per cent) were follow-up communication, on behalf of **669 human rights defenders** and **52 NGOs** and other associations in the following **53 countries**: **Algeria, Azerbaijan, Bahrain, Bangladesh, Belarus, Burundi, Cambodia, Cameroon, Chad, Chile, China, Colombia, Cyprus, Cuba, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Gambia, Greece, Guatemala, Haiti, Honduras, India, Iran, Israel/Occupied Palestinian Territory, Kazakhstan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mexico, Morocco, Nepal, Pakistan, Peru, Philippines, Republic of Korea, Russian Federation, Senegal, Spain, Sri Lanka, Sudan, Syria, Tajikistan, Tanzania, Thailand, Togo, Turkey, Uzbekistan, Venezuela, Viet Nam** and **Zimbabwe**.
- Carrying out **12 judicial observation and defence missions** in favour of **53 human rights defenders** in **Bahrain** (September, October, November and December), **Belgium** (October), **Cyprus** (June), the **Democratic Republic of the Congo** (October), **Spain** (January) and **Turkey** (March, July, November and December 2012).
- Carrying out **three fact-finding missions** to **Egypt** (February, in association with the Euro-Mediterranean Human Rights Network (EMHRN)) to demonstrate the concern provoked by the growing legal and practical obstacles to freedom of association and the activities of Egyptian civil society and to provide visible support to Egyptian civil society, to **Bangladesh** (November) to evaluate the situation of human rights defenders in the country and to the **Philippines** (November 2012) to draw attention to the situation of human rights defenders fighting for recognition of the right to their land and for environmental rights.
- Publication of the **report** of a judicial observation mission to the **Russian Federation** (February) and of four reports of fact-finding missions to **Egypt** (March, in association with EMHRN), **Turkey** (June), **Colombia** (July) and **Zimbabwe** (November 2012).
- Release, in conjunction with the publication of the report on the fact-finding mission to **Turkey**, of an **audiovisual report** of the mission.
- Submission of two **communications** to the United Nations Committee on Enforced Disappearances and to the Human Rights Committee on behalf of two human rights defenders in **Mexico** and one in **Belarus**.
- Convening in Geneva of the fourth **inter-mechanisms meeting** (March), at the invitation of OHCHR, gathering international and regional actors engaged in the protection of human rights defenders, with a view to strengthening a concerted approach to the protection of defenders and to identify responses to the challenges in carrying out this task.
- Within the framework of the **sponsorship project "Defend the defenders"**, production of a documentary film by Daniel Schweizer titled *Amazonian Indians on Borrowed Time*<sup>6</sup>. The film focused on the indigenous peoples defending their habitat, which is under threat due to economic development in Brazil (a DVD of the film is available, with subtitles in English, German, Portuguese and Spanish). The film was screened at the 10th International Film Festival and Forum on Human Rights in Geneva, the International Human Rights Film Festival in Buenos Aires, and on Swiss television and TV5 Monde. The film was widely shown in Switzerland (Bern, Sion and Geneva, at the FILMAR Festival).
- Advocacy and awareness-raising activities for the public on the protection of human rights defenders in Switzerland and with OHCHR.

<sup>6</sup> The solidarity mission to Brazil, during which the documentary was filmed, took place in November 2011.

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## Strengthening prevention of torture and ill-treatment and protection of victims

### Strengthening the implementation of international human rights standards and mechanisms

- Carrying out three **preparatory field missions** to **Mexico** (30 January - 3 February), **Togo** (28 May - 1 June) and **Paraguay** (10-13 September 2012), in order to collect information and coordinate the preparation of alternative reports to the Committee against Torture and the Human Rights Committee.
- Carrying out **follow-up field missions** to **Nicaragua** (14-18 May) and **Morocco** (9-14 December 2012) to evaluate the implementation of the recommendations adopted by the Committee against Torture and the Human Rights Committee concerning those countries and to begin a dialogue with State authorities and civil society on the effective prevention of torture and more effective accountability for acts of torture and ill-treatment.
- In partnership with members of the SOS-Torture Network, submission of five reports to the Committee against Torture on **Togo** (one report), **Cuba** (one report) and **Mexico** (three reports) and one report to the Human Rights Committee on **Kenya**.
- In partnership with member and non-member organisations of the SOS-Torture Network, submission of two follow-up notes on **Nicaragua** (Committee against Torture and Human Rights Committee), one follow-up note on **Mexico** to the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) and a follow-up note on **Greece** (Committee against Torture), and advocacy for the implementation of recommendations.
- Submission of comments on a draft law in **Guinea** that would provide for the criminalisation of torture and ill-treatment; provision of technical assistance with the content of a national training workshop for members of the police on the absolute prohibition of torture.
- Inviting a representative of an NGO from **Kenya** to participate in the 105th session of the Human Rights Committee, including the formal briefing of the experts.
- Inviting a representative of an OMCT member organisation in the **Philippines** to participate in the 106th session of the Human Rights Committee, including the formal briefing of the experts.
- Inviting two representatives of NGOs in **Togo** and three representatives of NGOs in **Mexico** to participate in the 49th session of the Committee against Torture, including the formal briefing of the experts.

### Strengthening the impact of the reports submitted under the treaties

- **Broadcasting the sessions of Committee against Torture on the Web**, in partnership with other international NGOs, and use of modern technologies to inform the debate resulting from the discussions (e.g., using social media).
- Publication of two versions of the **e-bulletin OMCT@CAT**, in English and in French, providing information to civil society organisations, government representatives, specialists and researchers on the Committee against Torture sessions of 2012.
- Holding a pilot **training** - the first of its kind - for **Mexican journalists** on the Convention against Torture and on the role of journalists in preventing torture, in partnership with the GMedia Center, during the November session of the Committee against Torture.
- In the context of the **reform of the treaty bodies**, active participation in advocacy activities with a view to improving and strengthening the system and the effectiveness of the implementation of the decisions taken by the international and regional mechanisms for the protection of human rights: meetings with the Committee against Torture experts on the follow-up of individual complaints and the implementation of its decisions at the national level.

### Advocacy with the Commission on the Status of Women, the Human Rights Council and the General Assembly of the United Nations

- Continuing to work closely with the **Special Procedures of the Human Rights Council**: daily alerts by means of the systematic submission of all urgent interventions, all briefing notes and all OMCT reports; submission of a joint letter to the annual meeting of the Special Procedures in 2012 containing suggestions for improving the follow-up mechanism with a view to ensuring more effective implementation of views/decisions and recommendations; submission of information to help in the preparation of field missions by the competent Special Procedures; enhancing the level of knowledge and use of the United Nations human rights mechanisms by human rights defenders; submission of communications to the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances on behalf of human rights defenders in **Bahrain, Belarus, the Islamic Republic of Iran and Syria**.
- Co-sponsorship of a joint event on the sidelines of the 56th session of the **United Nations Commission on the Status of Women** (CSW) organised to support the right of all women to participate in the Commission, highlighting the case of the Islamic Republic of Iran.

- Delivery of **five statements**, written and oral, at the 19th session of the United Nations **Human Rights Council** on various items of its agenda that came within the mandate of OMCT, in cooperation with member and non-member organisations of the SOS-Torture Network: presentation of the report on the visit to Mexico by the Working Group on Enforced or Involuntary Disappearances; participation in the interactive dialogue with the Special Rapporteur on torture; participation in the interactive dialogue with the Special Rapporteur on the situation of human rights defenders; participation in the examination of Libya by the Universal Periodic Review (UPR) and of the situation in the Democratic Republic of the Congo.
- Organisation, logistical support and co-sponsorship of **eight side events** during the 19th session of the United Nations **Human Rights Council** on the following subjects: the Bangkok Rules; the accountability of States for violations of human rights in the context of national security and the fight against terrorism; the Plan of Action against torture and ill-treatment in Tunisia; enforced disappearances, impunity and human rights defenders in Colombia; the implementation of the recommendation of the UPR on Indonesia; the situation of human rights defenders in India; the situation of journalists, defenders of land rights and of young people; screening of a documentary film by Thierry Michel on the Chebeya-Bazana affair in the Democratic Republic of the Congo and holding of a round table.
- Submission of a joint written and oral **statement** at the 21st session of the United Nations **Human Rights Council** in the context of the panel discussion on the issue of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights.
- In the framework of the **UPR**, following the examination of the following countries in cooperation with members of the SOS-Torture Network and in the context of OMCT's activities in those countries. This took the form of the submission of a joint report for the second cycle (**Colombia, Sri Lanka and Switzerland**); submission of a joint follow-up note for the first cycle (**Nicaragua**); and organisation of a joint side event (**Philippines**).

- Organisation of a parallel event on capital punishment and human rights at the **United Nations General Assembly** at the invitation of the Special Procedures Branch of OHCHR, Penal Reform International (PRI), the Center for Constitutional Rights (CCR) and Human Rights Watch (HRW).

- Submission of a written statement at the first session of the **Forum on Business and Human Rights of the United Nations Human Rights Council**, urging it to include in its work the question of defenders of environmental rights.

### Advocacy with regional intergovernmental organisations

- Participation in a restricted workshop organised by the **European Union** on an EU programme on the temporary relocation for human rights defenders at risk (February 2012).
- Submission of two written and oral statements on the situation of African human rights defenders at the 51st and 52nd sessions of the **African Commission on Human and Peoples' Rights** (ACHPR).
- Screening of the documentary film by Thierry Michel on the **Chebeya-Bazana affair** in the Democratic Republic of the Congo at the NGO Forum during the 51st session of ACHPR.
- Participation in the first meeting of the **ACHPR Study Group on Freedom of Association**, held in Lomé (Togo) in May 2012.
- Follow-up of an **individual complaint** submitted to ACHPR on the arrest, torture and ill-treatment of three human rights defenders in Sudan.

- Distribution among members of the OMCT network and its partners of a call for contributions on the challenges and needs confronting women human rights defenders in Africa, in order to be able to provide information for a report that the ACHPR Special Rapporteur on Human Rights Defenders will submit to the Commission in 2013.

- Submission of a written and oral statement at the 2012 Human Dimension Implementation Meeting of the **Organisation for Security and Cooperation in Europe** (OSCE) on the situation of human rights defenders in the region (September 2012).

- Continuing close cooperation with the **regional protection mechanisms**, in particular ACHPR, the Inter-American Commission on Human Rights (IACHR), OSCE, the Council of Europe, as well as with institutions of the EU, notably by systematically transmitting all urgent interventions, all briefing notes and all reports issued by OMCT.

## Activities carried out in 2012

### IN BRIEF

#### Mobilisation and strengthening of NGO members of OMCT SOS-Torture Network through trainings

##### Support to the SOS-Torture Network

- Support to local members of the SOS-Torture Network in their advocacy activities in Geneva and Brussels by facilitating meetings with the UN and EU, holding information and bilateral meetings, and disseminating joint statements and letters urging action.

##### International campaign and mobilization

- On **26 June**, mobilisation of members and partners of the SOS-Torture Network via: (a) the production of a three-minute TV spot highlighting the absolute prohibition of torture (<http://vimeo.com/44444662>); (b) organising an event, in cooperation with FIFDH, in conjunction with the debate on the subject "What life after torture" that followed the screening of the documentary *After Life* (<https://vimeo.com/49443898>); (c) issuance of a press release titled "Victims' rights must be centre stage in global fight against torture". OMCT also posted on its website and on social media events and/or campaigns undertaken by the member organisations of the SOS-Torture Network on the occasion of this special day.
- On **10 December**, mobilisation of the members and partners of the SOS-Torture Network by introducing on its website, during 10 days of activism leading up to Human Rights Day, a page in English, French, Spanish and Arabic displaying portraits of human rights defenders engaged in the fight against torture and impunity (<http://www.omct.org/human-rights-defenders/events/2012/11/d220511>); organisation of a flash mob to launch the 10 days of activism against torture and impunity and to mobilise a wider public (<https://vimeo.com/57124430>).

##### Geneva Forum against Torture and OMCT General Assembly

- Convening the **Geneva Forum on the Fight against Torture**, a two-day conference held in May 2012 for 40 members of the SOS-Torture Network, lawyers, UN experts and others, in order to evaluate the strategies that have been developed and implemented to strengthen the absolute prohibition of torture and ill-treatment.

##### Capacity building and training

- Organisation, in cooperation with a member of the SOS-Torture Network, of a **regional training workshop on the quasi-judicial procedures in Côte d'Ivoire** (19-23 March 2012), in which 14 persons from Burundi, the Central African Republic, Chad, Côte d'Ivoire, the Democratic Republic of the Congo, Guinea and Togo participated.
- Organisation, in cooperation with a member of the SOS-Torture Network, of a **regional training workshop on the quasi-judicial procedures in Mexico** (10-12 December), in which 19 persons from Bolivia, Chile, Colombia, Ecuador, Guatemala, Honduras, Mexico, Paraguay, Peru, Uruguay and Venezuela took part.

#### TV Spot - 26 June 2012

<http://vimeo.com/44444662>




Flash mob in Geneva - 10 December 2012  
<https://vimeo.com/57124430>



# 10 PORTRAITS AGAINST TORTURE AND IMPUNITY


10 December 2012

«Labag sa batas ang tortur»



**1 Edeliza P. Hernandez** / The Philippines  
Executive Director  
Medical Action Group

«Ничто не может оправдать пытки»



**2 Igor Kalyapin** / Russian Federation  
Founder and Chair  
Interregional NGO «Committee Against Torture»

«Nude kpekpe mu demon na fugna fugna wowo ame o!»




**3 Pierre-Claver Dekpoh** / Togo  
Secretary General  
ACAT - Togo

«Ninguna circunstancia permite tolerar la tortura»



**4 Franklin Castañeda Villacob** / Colombia  
President  
Committee in Solidarity with Political Prisoners

«Nothing can justify torture under any circumstances»



**5 Kirity Roy** / India  
Secretary  
MASUM

«Nic nie usprawiedliwia tortur»



**6 Adam Bodnar** / Poland  
Board Vice-president  
Helsinki Foundation for Human Rights

«Mateso sio haki!»



**7 Saida Ali** / Kenya  
Executive Director  
Coalition on Violence Against Women

«Ninguna circunstancia permite tolerar la tortura»



**8 Luis Pedermera** / Uruguay  
Child Rights Coordinator  
Institute of Legal and Social Studies of Uruguay

«Hiçbir Hal ve Sart iskenceyi hakli gösteremez»



**9 Yavuz Binbay** / Turkey  
Founder and President  
SOHRAM-CASRA

«Nulle circonstance ne permet de tolérer la torture»



**10 Radhia Nasraoui** / Tunisia  
President  
Organisation Against Torture in Tunisia

## Strengthening prevention of torture – specific advocacy on one country or theme

### 1. Projects in the Middle East and North Africa

#### Tunisia

- Organisation of a **two-day national consultation on the prevention of torture and the protection of victims** (9 and 10 February 2012) focusing on the reforms needed to prevent and eradicate torture and ill-treatment in the country, with the participation of government representatives, members of the National Constituent Assembly and human rights activists from civil society. The meeting led to the adoption of a series of recommendations, which were widely disseminated among the public.
- Carrying out a study on the legal and other obstacles that have been found to be in the way of independent and impartial investigations and the awarding of damages in cases of alleged torture and ill-treatment (as follow-up to the recommendations adopted by the National Consultation).
- Organisation of **five workshops/round tables** between March and September 2012 for different groups (State and non-State actors) with correspondingly different objectives, from general awareness-raising, to the absolute prohibition of torture and ill-treatment, to work on concrete recommendations for a draft law on the establishment of a national prevention mechanism (MNP) in Tunisia.
- Support for the process of drafting a law on the establishment of an MNP, including by creating a platform for discussion between government and civil society representatives, within the framework of closer coordination between the partners.
- Within the framework of a meeting of the civil society on the development of a national project for Tunisia, held in Monastir in December 2012, holding of a **workshop on the reforms necessary for the fight against torture** to move forward. The meeting was organised in partnership with member and non-member organisations of the SOS-Torture Network.
- On **26 June**, organisation of numerous activities (25-27 June) in commemoration of the International Day in Support of Victims of Torture. The programme included a press conference; a photo exhibition of black and white portraits of victims of torture and ill-treatment; the screening of a documentary film (*Handhal*) followed by a debate; a graffiti campaign conducted by artists from Gafsa; a concert by young popular musicians; the distribution of information material along Bourguiba Avenue, the main street of Tunis; and a seminar for lawyers on the right of victims to have access to a lawyer following their arrest.
- On **10 December**, partnership with the Human Screen Festival, the principal Tunisian human rights film festival, and activities aimed at the general public: organisation of a public debate on the impact of torture on individuals and their families, with human rights activists in Sbitla; organisation of a photo exhibition of black and white portraits; distribution of information material on article 5 of the Universal Declaration of Human Rights and participation, at the invitation of the President of Tunisia, in a ceremony honouring international and Tunisian personalities and organisations that supported Tunisian citizens under the Ben Ali regime. At the ceremony, OMCT received special recognition for its sustained support.

#### Libya

- Carrying out two field missions to **Libya**: one evaluation mission (20-27 April) and a high-level political mission (12-18 October 2012).
- On **26 June**, organisation of a round table on the subject *“The prohibition of torture in Libya: why, when and how?”*; This was the first event of its kind ever held in Libya.
- Holding a **two-day workshop** on the subject *“The prohibition of torture and other forms of ill-treatment in the justice system”* (Tripoli, 27-29 June), for **Libyan judges, prosecutors and lawyers from all over the country**.
- Holding a three-day workshop titled *“Effective investigation and documentation of torture and other cruel, inhuman or degrading treatment”* (Tripoli, 29 September – 1 October) for **lawyers, social workers and members of the Libyan parliament**.

### 2. Democratic Republic of the Congo/Violence against women

- Development and planning of new projects to be undertaken by OMCT in North-Kivu and South-Kivu, with a view to preventing and eradicating violence against women, including sexual violence, in those provinces, by strengthening the capacities of women human rights defenders (staff of civil society organisations, lawyers and social workers) to apply the international and regional standards and procedures in the field of human rights in responding to cases of violence against women and in their fight against impunity. The goal is to actively promote the development of women’s abilities and a more equitable environment in terms of gender issues.

### 3. Benin and Uruguay/Protection of children deprived of liberty

#### Benin

- Carrying out a total of **20 monitoring visits**, without prior notification, to places where minor are detained in Benin, including unlimited, unhindered and private access to individual children; meetings to advocate with the authorities.
- Organisation of a **two-day training workshop** for the **10 judges for minors who had recently been appointed** and **two lawyers** (May).
- Organisation of a **two-day training workshop** for **14 representatives of civil society** on the monitoring visits to the places where children are detained and the implementation of United Nations recommendations (September).

#### Uruguay

- Carrying out a total of **18 monitoring visits** to places where minors are detained in Uruguay, including unlimited, unhindered and private access to individual children; meetings to advocate with the authorities.
- Organisation of a **one-day training workshop** for **20 representatives of civil society** on using the universal system for the protection of human rights, in the framework of human rights monitoring (August).
- Holding a **seminar** titled **“Children and violence in the judicial system: monitoring and response mechanism – the case of Uruguay”** for **81 participants**, including representatives of civil society, journalists, specialists, etc.
- Submitting a written analysis of two draft laws on a special regime governing criminal responsibility of children, and on guidelines for penalties for the use and possession of drugs.
- Sending a confidential letter to the Uruguayan authorities on well-founded allegations of ill-treatment and torture of children by police officials and acts of corruption taking place inside places where minors are detained.

### 4. Philippines

- Sending a letter to the legislative authorities of the Philippines on a draft law aimed at lowering the minimum age of criminal responsibility.

### 5. Advocacy with the European Union

- Participation in a meeting of the European Parliament Human Rights Subcommittee on the *practice of secret detention*, chaired by its President, which focused on the need to protect human rights in the fight against terrorism.
- Facilitating access by the members of the SOS-Torture Network to the institutions and processes of the EU, including advocacy, and distribution of pertinent information to the members.



# DONORS AND BODIES

## Non-governmental organisations

American Jewish World Service  
Brot für die Welt  
Comité Catholique  
contre la Faim et pour le Développement  
Fondation de la Banque Pictet  
Fondation Hans Wilsdorf  
Fondation Oak  
Fondation Reiniciar  
Sigrid Rausing Trust  
Women Human Rights Defenders Coalition

## International or intergovernmental organisations

European Commission  
Special Fund of the Optional Protocol to the United Nations Convention against Torture  
United Nations Fund for the Victims of Torture

## Swiss cantons

Geneva

## Governments

Denmark  
Germany  
Liechtenstein  
Netherlands  
Norway  
Switzerland

## Swiss communes

Geneva  
Troinex

## Others

Dues from members of the SOS-Torture Network  
Private gifts

**OMCT extends its sincere thanks to all the individuals, institutions and Governments for their generous support.**

## Executive Council

**President** Yves Berthelot, *France*  
**Vice-Presidents** José Domingo Dougan Beaca, *Equatorial Guinea*  
Dick Marty, *Switzerland*  
**Treasurer** Anthony Travis, *United Kingdom*  
**Members** Jose Burle de Figueiredo, *Brazil* - Santiago Alejandro Canton, *Argentina*  
Aminata Dieye, *Senegal* - Kamel Jendoubi, *Tunisia*  
Tinatin Khidasheli, *Georgia* - Jahel Quiroga Carillo, *Colombia*  
Christine Sayegh, *Switzerland* - Henri Tiphagne, *India*

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Justine Bihamba Masika, *Democratic Republic of the Congo*  
Floribert Chebeya †, *Democratic Republic of the Congo*  
Innocent Chukwuma, *Nigeria*  
Oumar Diallo, *Senegal*  
Aminata Dieye, *Senegal*  
José Domingo Dougan Beaca, *Equatorial Guinea*  
Boubacar Messaoud, *Mauritania*  
Sam Mohochi, *Kenya*

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Henri Tiphagne, *India*  
Osamu Shiraishi, *Japan*  
Renee Xia, *China*

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Luis Arriaga, *Mexico*  
Santiago Alejandro Canton, *Argentina*  
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Alberto León Gómez, *Colombia*  
Celia Medrano Amador, *El Salvador*  
Florizelle O'Connor, *Jamaica*

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Abdel-Ilah Benabdesselam, *Morocco*  
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Hadi Ghaemi, *Islamic Republic of Iran*  
Kamel Jendoubi, *Tunisia*  
Karim Saber, *Egypt*  
Mokhtar Trifi, *Tunisia*

**North America**  
Theresa Harris, *United States of America*

## International Secretariat

**Secretary-General** Gerald Staberock

**Deputy Secretary-General** Anne-Laurence Lacroix

### Operations Division

#### Urgent Campaigns

Alexandra Kossin (*Coordinator*)

#### Assistance to Victims of Torture

Pierre-Henri Golly (*Project Officer*)

#### Monitoring Protection Mechanisms

Seynabou Benga (*Human Rights Adviser*)

Carin Benninger-Budel (*Human Rights Adviser*)

Andrea Meraz Sepulveda (*Human Rights Officer*)

Pierre-Henri Golly (*Project Officer*)

Belkis Wille (*Human Rights Officer*)

#### Rights of the Child

Cécile Trochu Grasso (*Coordinator*)

Fernanda Santana (*Coordinator*)

#### Human Rights Defenders/

#### Observatory for the Protection of Human Rights Defenders

Delphine Reculeau (*Coordinator*)

Isabelle Scherer (*Coordinator a.i.*)

Seynabou Benga (*"Defend the Defenders", Coordinator*)

#### Violence Against Women

Carin Benninger-Budel (*Human Rights Adviser*)

### Fundraising and Communications Division

Carin Benninger-Budel (*Human Rights Adviser*)

Pierre-Henri Golly (*Project Officer*)

### Administration

Halima Dekhissi - Erol Schaffner

**Webmaster** Oleg Burlaca

**Support IT** Patrice Cretin, *Inea IT Services*

**Accounting** Marc Aebersold - Marinella Gras-Michielini, *NDC Conseil*

## OMCT Europe

Guro Engstrøm Nilsen (*European Coordinator*)

## OMCT Libya

Belkis Wille (*Human Rights Officer*)

Karim Salem (*Project Officer*)

## OMCT Tunisia

Gabriele Reiter (*Director*)

Hend Khechine (*Head of Project*)

Emtyez Belalli (*Project Assistant*)

Halim Meddeb (*Legal Adviser*)



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## PUBLICATIONS AND REPORTS

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### Human Rights Defenders/Observatory for the Protection of Human Rights Defenders

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#### Report of judicial observation mission

- *Russian Federation: Kadyrov vs. Orlov: The Defence of Human Rights on Trial*, published in February 2012 (English, French and Russian)

#### Reports of fact-finding missions

- *Steady Deterioration of the Rights to Freedom of Association and Peaceful Assembly, Absence of the Rule of Law: Conclusions of the fact-finding and advocacy mission conducted by the EMHRN and the Observatory for the Protection of Human Rights Defenders in Egypt one year after the revolution*, published in March 2012 (English, French and Arabic)
- *Turkey: Human Rights Defenders, guilty until proven innocent*, published in June 2012 (English and Turkish)
- *Colombia: Continúa la inseguridad para los defensores de derechos humanos, en particular los líderes de comunidades desplazadas*, published in July 2012 (Spanish)
- *Zimbabwe: Ongoing risks for human rights defenders in the context of political deadlock and pre-electoral period*, published in November 2012 (English)

### Monitoring Protection Mechanisms

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#### United Nations Human Rights Committee

- *State of Torture and Related Human Rights Violations in Kenya*, July 2012 (English)

#### United Nations Committee against Torture

- *Human Rights Violations in Cuba*, May 2012 (Spanish)
- *State Violence in Greece: An Update*, April 2012 (English)
- *Nicaragua: Implementación de las Observaciones Finales del Comité contra la Tortura por Nicaragua*, September 2012 (Spanish)
- *State of torture in Mexico*, October 2012 (English and Spanish)
- *El arraigo hecho en México: violación a los derechos humanos*, October 2012 (Spanish)
- *Torturado, encarcelado e inocente: El caso de Israel Arzate Meléndez y el uso sistemático de la tortura para obtener confesiones falsas en México*, October 2012 (Spanish)
- *Violations des droits de l'Homme au Togo*, November 2012 (French)

#### United Nations Committee on the Elimination of Discrimination against Women

- *México: 6 años de impunidad por tortura sexual contra mujeres en San Salvador Atenco*, June 2012 (Spanish)



*Report from the Auditor for the Annual Accounts ending on December 31, 2012  
to the  
Ordinary General Assembly of the "World Organisation Against Torture"  
Association  
Geneva*

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Dear Sirs,

*Upon request of your Executive Council and in compliance with article 19 of the statutes of your Association we carried out the auditing of the annual accounts (statements of accounts, balance sheet and annexes) of the "World Organisation Against Torture" Association for the period ending on December 31, 2012.*

*The responsibility for establishing the annual accounts lies with the Executive Council of the Association, whereas our mission consists of controlling these accounts. We testify that we fulfil the legal demand of qualification and independence.*

*Following our monitoring, we are able to state that:*

- The statement of accounts and balance sheet are in conformity with accounting.*
- Accounting is properly kept.*
- Assets and liabilities are in accordance with the law and statutes.*

*In conclusion, we recommend the approval of the annual accounts stating an excess of incomes for 2012 of **CHF 9'876.63** and taking into account the amount carried forward at 1 January 2012, an excess of expenditures in the balance sheet of **CHF 40'178.38**.*

*The Fondation supporting the World Organisation Against Torture (OMCT) decided to its dissolution and the allocation of its assets, to the benefit of your Association. According to the liquidators, after a first advance paid in 2011, the remaining available assets for the OMCT are about **CHF 40.000.00** which have already been advanced to the OMCT on March 27, 2012.*

*Cofida Compagnie Fiduciaire  
et d'Informatique SA*

*Michel BLANCHUT  
Certified Auditor*

*Antonio PEZZULLO  
Certified Auditor*

*May 13, 2013 Carouge*

*Enclose : Annual accounts 2012  
(Statements of accounts, balance sheet and annexes)*

# BALANCE SHEET ON 31 DECEMBER 2012

## STATEMENT OF INCOME AND EXPENDITURES

BILAN AU 31 DECEMBRE 2012 (avec comparatif 2011)  
BALANCE SHEET ON 31 DECEMBER 2012 (with 2011 comparative)

ACTIF / ASSETS	ANNEE 2012 YEAR 2012	ANNEE 2011 YEAR 2011
<b>LIQUIDITES / CASH</b>	<b>493'061.29</b>	<b>971'855.26</b>
Caisse / Cash funds	1'722.11	1'446.02
CCP / Postal cheque account	21'183.36	10'001.24
Banque Lombard et Odier / Bank Lombard & Odier	159'049.18	765'846.73
Banque UBS / Bank UBS	311'106.64	194'561.27
<b>AUTRES ACTIFS / OTHER ASSETS</b>	<b>240'133.08</b>	<b>110'187.15</b>
Impôts anticipés / Withholding tax recoverable	367.10	257.81
Actifs transitoires / Other assets	11'398.55	34'894.34
Garanties / Guarantees	10'468.20	10'468.20
Débiteurs et subventions à recevoir / Debtors and grants to be received	217'899.23	64'566.80
<b>TOTAL DE L'ACTIF / TOTAL ASSETS</b>	<b>733'194.37</b>	<b>1'082'042.41</b>
<b>PASSIF / LIABILITIES</b>		
<b>CREANCIERS / CREDITORS</b>	<b>598'372.75</b>	<b>904'247.42</b>
Créanciers / Creditors	37'710.06	91'998.21
Frais échus / Other liabilities	120'549.49	69'523.28
Subventions et produits reçus d'avance / Grants paid in advance	440'113.20	742'725.93
<b>PROVISIONS / OTHER LIABILITIES</b>	<b>175'000.00</b>	<b>267'850.00</b>
Provision Assemblée biennale / Provision for Biennial Assembly	0.00	7'850.00
Provision Conseil exécutif / Provision for Executive Council	0.00	10'000.00
Provision garantie sur salaires et charges sociales / Provision for salaries and social charges	175'000.00	250'000.00
<b>COMPTE DE RESULTAT / RESULTS</b>	<b>-40'178.38</b>	<b>-90'055.01</b>
Report au 1 <sup>er</sup> janvier 2011 / Carried forward at 1 January 2011	-90'055.01	-286'795.58
Attribution de la Fondation de soutien à l'OMCT / Contribution from the Foundation supporting OMCT	40'000.00	200'000.00
Excédent de dépenses de l'exercice / Excess of expenditures	9'876.63	-3'259.43
<b>TOTAL DU PASSIF / TOTAL LIABILITIES</b>	<b>733'194.37</b>	<b>1'082'042.41</b>

Genève, le 29 avril 2013 / Geneva, 29 April 2013

COMPTE DE RECETTES ET DEPENSES DE L'EXERCICE AU 31 DECEMBRE 2012  
STATEMENT OF INCOME AND EXPENDITURE ON 31 DECEMBER 2012

	ANNEE 2012 YEAR 2012
<b>RECETTES</b>	<b>2'382'464.97</b>
Assistance d'urgence aux victimes de la torture / Urgent Assistance to Victims of Torture	77'797.21
Droits de l'enfant / Children's Rights	167'092.71
Violence contre les femmes / Violence against Women	89'933.83
Défenseurs des droits de l'homme - Observatoire / Human Rights Defenders - Observatory	322'551.58
Campagnes d'urgence / Urgent Campaigns	0.00
Suivi des mécanismes de protection / Monitoring of Protection Mechanisms	919'327.98
Division opérations (gestion) / Operations Division (management)	0.00
<b>TOTAL DIVISION OPERATIONS / TOTAL OPERATIONS DIVISION</b>	<b>1'576'703.31</b>
Droits économiques, sociaux et culturels / Economic, Social and Cultural Rights	0.00
Formation / Training	19'412.60
Division recherche & développement (gestion) / Research and Development Division (management)	0.00
<b>TOTAL DIVISION RECHERCHE ET DEVELOPPEMENT / TOTAL RESEARCH AND DEVELOPMENT DIVISION</b>	<b>19'412.60</b>
Division recherche de fonds & communication (gestion) / Fundraising and Commission Division (management)	0.00
<b>TOTAL DIVISION RECHERCHE DE FONDS ET COMMUNICATION / TOTAL FUNDRAISING AND COMMUNICATION DIVISION</b>	<b>0.00</b>
Cotisations des membres du réseau / Membership fees	412.49
Dons «Club des Cent» / Donation «Club des Cent»	0.00
Contributions privées / Private donations	224'396.18
Soirées - Mailings / Gala evenings - Mailings	39'399.25
Bulletins et produits divers / Bulletins and various donations	20'927.06
Subventions fédérales, cantonales, communales / Federal, cantonal, communal grants	169'300.00
Subventions gouvernementales européennes / Grants from European governments	18'000.00
Subventions de fondations et autres / Grants from foundations and others	313'914.08
<b>TOTAL EXTENSION, DEVELOPPEMENT DU RESEAU, REPRESENTATION EN DEHORS DU SIEGE ET GESTION / TOTAL EXTENSIONS, DEVELOPMENT OF THE NETWORK, REPRESENTATION OUTSIDE GENEVA HEADQUARTERS</b>	<b>786'349.06</b>
<b>DEPENSES</b>	<b>-2'374'758.86</b>
Assistance d'urgence aux victimes de la torture / Urgent Assistance to Victims of Torture	87'101.86
Droits de l'enfant / Children's Rights	193'706.98
Violence contre les femmes / Violence against Women	104'487.11
Défenseurs des droits de l'homme - Observatoire / Human Rights Defenders - Observatory	360'255.05
Campagnes d'urgence / Urgent Campaigns	94'652.01
Suivi des mécanismes de protection / Monitoring of Protection Mechanisms	1'153'558.20
Division opérations (gestion) / Operations Division (management)	3'578.14
<b>TOTAL DIVISION OPERATIONS / TOTAL OPERATIONS DIVISION</b>	<b>1'997'339.35</b>
Droits économiques, sociaux et culturels / Economic, Social and Cultural Rights	0.00
Formation / Training	19'412.60
Conférence et réunions statutaires / Conference and statutory meetings	5'699.96
Division recherche et développement (gestion) / Research and Development Division (management)	281.48
<b>TOTAL DIVISION RECHERCHE ET DEVELOPPEMENT TOTAL RESEARCH AND DEVELOPMENT DIVISION</b>	<b>25'394.04</b>
Promotion	126'431.35
Communication	43'444.77
Division recherche de fonds & comm. (gestion) / Fundraising and Comm. Division (management)	41'686.13
<b>TOTAL DIVISION RECHERCHE DE FONDS ET COMMUNICATION TOTAL FUNDRAISING AND COMMUNICATION DIVISION</b>	<b>211'562.25</b>
Extensions et développement du réseau / Extensions and development of the network	31'357.00
Représentation en dehors du siège / Representation outside Geneva Headquarters	52'102.26
Gestion / Management	57'003.96
<b>TOTAL EXTENSION, DEVELOPPEMENT DU RESEAU, REPRESENTATION EN DEHORS DU SIEGE ET GESTION / TOTAL EXTENSIONS, DEVELOPMENT OF THE NETWORK, REPRESENTATION OUTSIDE GENEVA HEADQUARTERS</b>	<b>140'463.22</b>
<b>RESULTAT AVANT INTERETS CREANCIERS ET AUTRES PRODUITS / RESULTS BEFORE CREDITORS INTERESTS AND OTHER INCOMES</b>	<b>7'706.11</b>
<b>INTERETS CREANCIERS ET AUTRES PRODUITS / CREDITORS INTERESTS AND OTHER INCOMES</b>	<b>2'170.52</b>
Intérêts créanciers / Creditors interests	320.58
Autres produits / Other incomes	1'849.94
<b>EXCEDENT DES RECETTES DE L'EXERCICE / EXCESS OF INCOMES</b>	<b>9'876.63</b>

Genève, le 29 avril 2013 / Geneva, 29 April 2013

# Countries where OMCT intervened in 2012



“ Help us to help victims of torture ”

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