

PREVENTING TORTURE

A handbook for OSCE field staff

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INTRODUCTION

The OSCE has committed itself unequivocally to the protection of all persons from torture and ill-treatment. It has made this commitment in the face of compelling evidence that individuals who have every right to look to their governments for protection remain at risk of serious abuse in custody. They may be forced to endure treatment which constitutes a gross violation of the rule of law and of the rights guaranteed to them by their countries' constitutions. They may become victims of acts which are not only degrading to them as individuals, but which threaten to corrupt and diminish the entire administration of justice - and run counter to the fundamental principles which the OSCE is pledged to uphold. In fact, repeated allegations of torture and ill-treatment may often signal the need for field missions to examine the rule of law and broader human rights questions in society as a whole.

Over the years that the OSCE has developed its work for human rights, its field missions and other bodies have been confronted with deeply disturbing allegations of torture and ill-treatment, many of them corroborated by medical reports and other independent evidence. Detainees have been held in appalling conditions, subjected to severe beatings, tortured with electro-shock equipment, sexually abused and disfigured. They have been forced to watch the torture of their relatives and children, threatened with summary execution, denied any form of access to the outside world and refused legal counsel or, in the case of foreign nationals, prevented from contact with consular officials of their own country. Many have been killed under interrogation; others have been refused independent medical care and left to die from their injuries. At other times, even where there is no evidence of deliberate cruelty, the failure to comply with internationally agreed safeguards has led to gross violations of the inherent dignity of the person which the OSCE is pledged to defend.

Eliminating torture and ill-treatment

Experience has shown that almost no country is immune from practices that amount to torture and ill-treatment. What varies from country to country is the intensity and scale of such abuses - and the response of the authorities. The OSCE is determined that all such violations, whether they are isolated or systematic, whether committed wilfully or as a result of institutionalized negligence, must be eliminated from its participating States.

The goal of eliminating torture and ill-treatment is one of the most far-reaching ideals undertaken by the OSCE. The purpose of this handbook is to enable each OSCE field mission or other type of OSCE long-term presence to make an effective and constructive contribution to this undertaking. It is based on the experience of numerous international bodies whose meticulous work has exposed torture and ill-treatment to the light of systematic inquiry and established the practical steps that can be taken to identify, control, and ultimately, eliminate these abuses.

The international bodies whose work has pointed the way forward in the prevention of torture include the principal human rights structures of the United Nations, including the Commission on Human Rights and its Special Rapporteur on Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, the Committee Against Torture established under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the European Committee for the Prevention of Torture, established by the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. A vital role has been played by other expert bodies such as the International Committee of the Red Cross, human rights organizations such as Amnesty International, and the specialist centres that provide treatment and rehabilitation for survivors of torture.

Using this handbook

This handbook aims to distil the lessons of that considerable body of experience for the benefit of all OSCE field missions. By its very existence, this document should be taken as the clearest possible indication of the political determination of the OSCE as a whole to engage fully and responsibly in the global objective of a world free from torture and ill-treatment.

Field missions can play a vital role in this effort by bringing this international experience to bear in the host country, by promoting implementation of the practical safeguards set out in this handbook, and by making clear both to government and civil society the commitment of the OSCE to see torture and ill-treatment eliminated.

The handbook sets out the essential legal and political framework for this effort, both within the OSCE itself and internationally. It describes the circumstances in which OSCE missions are most likely to encounter allegations of torture and ill-treatment and introduces the

fundamental framework within which to respond. It outlines the internationally established safeguards which are most likely to protect individuals from torture and ill-treatment. The handbook therefore serves as a basic reference work for OSCE staff who are confronted with allegations related to torture and ill-treatment or who need access to the relevant international safeguards, standards and mechanisms. It explains how respect for those safeguards and standards can be monitored, as well as how best to assess, investigate and report compliance with them. It also provides advice on appropriate ways of responding to specific allegations.

Finally, it gives OSCE missions advice on further approaches which can be made, both to individual governments and to the OSCE and other institutions, in an effort to eliminate torture and ill-treatment. It also includes information on practical assistance that may be provided to governments, as well as to survivors and their families.

PART ONE: THE ROLE OF THE OSCE IN COMBATING TORTURE AND ILL-TREATMENT

CHAPTER 1: OSCE INSTITUTIONS CONCERNED WITH TORTURE AND ILL-TREATMENT

Every OSCE staff member and participant in the organization's field activities forms part of an institutional network whose central purposes include advancing human rights, including combating torture and ill-treatment. This undertaking is spelled out in numerous OSCE commitments. These reaffirm the prohibition of torture and ill-treatment in international law and commit participating States to the implementation of internationally accepted safeguards. This framework of OSCE commitments is set out in Chapter 3 of this handbook.

The purpose of the present chapter is to introduce the institutional framework of the OSCE which plays an important part in the prevention of torture and ill-treatment. Because of the interdependent nature of the commitments made by States within different OSCE baskets, the eradication of torture and ill-treatment is inextricably linked to the achievement of the other purposes of the OSCE. This objective is not a matter that is left to the internal discretion of individual States; it is recognized by all participating States as an urgent and legitimate concern for the OSCE as a whole.

Credible reports show that torture and ill-treatment are still widespread in a number of countries of the OSCE. At the 1997 and 1998 OSCE Human Dimension Implementation Meetings, torture was identified by both State delegations and non-governmental organizations as an area in which participating States could work harder to fulfil their OSCE commitments.

The OSCE commitment to the eradication of torture and ill-treatment dates back to the Vienna Meeting (1989). It was restated at the Paris Summit (1990) and reaffirmed and refined at the Copenhagen Meeting (1990), the Moscow Meeting (1991) and the Budapest Summit (1994).

Since the Copenhagen Meeting, States have specified the measures to be undertaken to ensure effective implementation of their commitments. They have pledged to take effective legislative, administrative, judicial and other measures to prevent and punish torture and ill-treatment and to consider acceding "as a matter of urgency" to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. They have committed themselves to recognizing the competence of the Convention's monitoring committee, which has the power to receive individual and State communications and to inquire into allegations of systematic torture.

Participating States have also committed themselves to ensure that education and information are included in the training of law enforcement personnel and any other persons who may be involved in the custody, interrogation or treatment of persons deprived of their liberty and to keep under systematic review rules, instructions, methods and practices, as well as arrangements for the custody and treatment of those persons. At the OSCE Moscow Meeting, particular attention was paid to the rights of persons deprived of their liberty, including the right of a detainee or his or her counsel to make a request or complaint regarding his or her treatment, and the guarantee that no complainant would suffer prejudice for making such a request.

In addition, the OSCE commitment to eliminate torture and ill-treatment has been supplemented by two further commitments. Individuals deprived of their liberty are to be treated with humanity and with respect for the inherent dignity of the human person. Participating States are to endeavour to take measures, as necessary, to improve the conditions of individuals in detention or imprisonment.

1.1 The OSCE human dimension: measures and procedures

The OSCE is equipped with mechanisms, activities and structures aimed at the effective implementation of these human rights commitments. It is involved in following and intervening both in individual cases or patterns of alleged torture and ill-treatment. More generally, OSCE actions aim at assisting the State concerned to address gaps in the rule of law, the lack of democracy and fundamental freedoms and the insecurity that give rise to practices of torture and ill-treatment.

As the OSCE involvement in these issues has deepened, various instruments have been developed.

1.2 The political instruments

The human dimension has been increasingly integrated into the OSCE political consultation process, the work of the decision-making bodies and the OSCE missions. Thus, ad hoc expert and rapporteur missions with torture prevention tasks can also be - and have been - set up. Since 1994 representatives of participating States have conducted a regular dialogue on the human dimension, including cases of non-implementation of human dimension commitments, within the Permanent Council. The OSCE Chairman-in-Office informs the Permanent Council of serious cases of alleged non-implementation on the basis of information received by OSCE bodies such as the Office for Democratic Institutions and Human Rights and the missions or participating States. The Chairman-in-Office and the Troika can also make discrete interventions on individual cases and situations.

During meetings that address the implementation of the OSCE human dimension commitments, problems in the field of torture and ill-treatment are regularly raised by government delegations as well as by non-governmental organizations under the heading 'Prevention of Torture'. In the official consolidated summary, discussions are then summed up without reference to specific cases or situations.

1.3 The Office for Democratic Institutions and Human Rights (ODIHR)

The ODIHR mandate includes assisting the participating States to build democratic institutions and implement their human dimension commitments, which include the prevention of torture and ill-treatment. In the context of its responsibility to monitor the implementation of OSCE human dimension commitments, the ODIHR provides advice and assistance to the OSCE Chairman-in-Office, as well as to the participating States. It has the task of organizing human dimension implementation meetings and seminars. It is also engaged in raising public awareness of the need to prevent torture and ill-treatment, as well as projects on the rule of law that aim to eliminate these abuses.

The ODIHR gathers information on implementation by participating States of their human dimension commitments - including the prevention of torture and ill-treatment - to enable its

Director to advise the Chairman-in-Office and other OSCE institutions, and to provide a framework for decision-making on ODIHR policies and projects. In specific cases, the Director of the ODIHR can also intervene directly with a State.

1.4 Advisory Panel for the Prevention of Torture

Following proposals made at the 1997 Human Dimension Implementation Meeting, the ODIHR established an Advisory Panel for the Prevention of Torture. The task of the Panel is to provide advice on how the ODIHR can best develop programmes and activities to combat torture in OSCE participating States, without duplicating ongoing efforts by other organizations. The Panel provides continuing advice to the ODIHR on ways to integrate anti-torture activities into existing projects and in the development of a strategic plan to combat torture and ill-treatment. The ODIHR has begun implementing the Panel's recommendations by incorporating torture concerns into ongoing and planned projects.

1.5 OSCE field missions

The OSCE field missions as referred to in this handbook include all entities set up by the OSCE in the field for a certain duration, such as long-term missions, presences, centres, assistance and monitoring groups, liaison offices, expert groups and project co-ordinators.

Wherever there is an OSCE field mission, it should be known to the government and public alike as a centre dedicated to fulfilling the organization's commitment to responsible and sustained action to advance human rights, including combating torture and ill-treatment. Every field mission has this mandate, either explicitly written into its responsibilities or implicit in its very existence as a representative arm of the OSCE. The promotion of human rights and fundamental freedoms, democracy and the rule of law are essential goals of the OSCE, and therefore are relevant elements of the tasks of all field missions. They are all mandated therefore to some extent in combating torture and ill-treatment. The role they play in this field varies greatly depending on the situation in the region where they are deployed, the specific priorities set out in their mandates and the composition of the mission in terms of its size and expertise.

How a field mission fulfils its responsibilities in relation to the prevention and elimination of torture and ill-treatment is the subject of the following chapter.

CHAPTER 2: OSCE FIELD MISSIONS IN RELATION TO TORTURE AND ILL-TREATMENT

An OSCE field mission is likely to become involved in questions of torture and ill-treatment either because these issues are a specific part of the mission's brief or because allegations of torture and ill-treatment are brought to its attention while it is at work in the country.

The mission's mandate may include a role in monitoring, investigating and reporting on such abuses from the outset. This may also extend to specific projects involving additional experts seconded to or working with the mission.

The issue of torture and ill-treatment may be brought to the attention of the mission by people who contact it on their own initiative. This may include individuals who wish to testify to the OSCE about treatment to which they allege they have been subjected. The mission may be approached by local human rights organizations, other international bodies working in the country or region or other bodies seeking OSCE co-operation in efforts to combat torture and ill-treatment. It is also possible that representatives of the government may raise the matter with the mission.

In missions with an extended network of field offices it is possible to monitor general trends as well as to investigate possible individual incidents. Some missions are involved in organizing training activities, offering advice to change or to implement existing legislation, such as the Penal Code. Other missions have a more reactive role, ranging from occasional visits to particular detainees and attendance at controversial trials through to a programme of regular visits to detention facilities.

Some missions maintain a regularly updated list of cases of alleged violations and raise those with representatives of the government. Mission representatives may also attend formal OSCE meetings to present their concerns or participate in other meetings on these questions where they are authorized either to observe the proceedings or to play an active role in them.

2.1 Allegations and approaches

A mission may be approached at any time by people urging it to take action in response to torture and ill-treatment. Some of the most common requests consist of:

- letters from victims and relatives alleging that such abuses have taken place. Such people may also seek meetings with mission representatives to present their information in person;
- letters from people currently in some form of detention, their relatives or lawyers asking that they be visited by an OSCE official;
- representations from local human rights organizations wishing to submit information to the OSCE. Such bodies may also request the mission to provide assistance or support and to work with them on these issues. They may also be making specific, formal appeals for action by the OSCE.

The issue of torture and ill-treatment may become of increased significance to the mission as a result of news reports appearing in the local media or the publication of a report by a human rights organization in the country or internationally. Legislative developments or initiatives by political parties may also have a direct bearing on these issues and receive considerable attention in political and diplomatic circles within the country and abroad. The mission may be expected to respond or be urged to develop a programme of action.

2.2 Responsibilities and responses

In determining how best to respond to the issue of torture and ill-treatment in a country, the field mission needs to take as its starting point the fact that the eradication of torture and ill-treatment is part of the overall commitments of the OSCE, and therefore a legitimate issue for OSCE field missions. The precise activities undertaken by each mission in fulfilling this commitment depend on many factors, including the scale on which such violations occur, the extent to which the government is actively seeking to eliminate such abuses and introduce safeguards, the resources devoted by the OSCE to each mission, and so forth. The responsibility of the mission in response to allegations of torture and ill-treatment, or approaches from other bodies seeking action by the OSCE, ranges across the following spectrum:

- making clear that the OSCE commitments, in line with international human rights law, prohibit and condemn all acts of torture and ill-treatment under all circumstances;
- seeking the most reliable information on these matters possible, from all possible sources;
- making a thorough, professional assessment of all information received;

- exploring the possibilities for on-site co-operation with other international bodies set up under human rights treaties, such as the European Committee on the Prevention of Torture, and other bodies referred to in Chapter 3;
- liaising with the International Committee of the Red Cross on specific matters such as prison visits that are within the competence of that organization;
- contacting local and international human rights organizations and professional bodies that may be able to advise on the issue, provide information or co-operate with the mission;
- developing training programmes and awareness campaigns that could help strengthen the work of local bodies, both in government and non-governmental sectors, in raising awareness of torture and ill-treatment and measures needed to eliminate them. Such possibilities could involve working with the media and with professional and other bodies in the country who can exercise a positive influence;
- instituting a programme of monitoring legislative developments and the introduction or enforcement of institutional safeguards for the prevention of torture and ill-treatment;
- monitoring allegations of torture and ill-treatment in individual cases or specific institutions;
- investigating consistent patterns of such allegations. This may include on-site visits to places of detention and meetings with public officials;
- submitting written reports to the OSCE, based on the results of the mission's monitoring and investigating activities;
- making representations to the government and appropriate international bodies;
- encouraging or providing appropriate forms of assistance and support to the survivors of torture and their families.

2.3 Commitments and safeguards

The central part of this handbook, Chapters 3 and 4, presents the commitments in international law which outlaw torture and ill-treatment and an extensive range of safeguards aimed at preventing these abuses. Both the commitments and safeguards are vital, because the long-range, effective strategy for the elimination of torture and ill-treatment depends on creating a robust framework of legal and administrative measures which make it increasingly difficult to carry out such acts and remove the impunity which encourages the perpetrators.

An OSCE field mission can make a substantive contribution to this strategy in its country of operation by helping to strengthen that framework of commitments and safeguards. This is a pro-active approach which relies on monitoring key developments in the public sphere.

PART TWO: PREVENTING TORTURE AND ILL-TREATMENT: THE LEGAL FRAMEWORK AND SAFEGUARDS

CHAPTER 3: THE PROHIBITION OF TORTURE AND ILL-TREATMENT IN INTERNATIONAL LAW

Torture and ill-treatment are banned under international law. There is an international consensus that these abuses violate the inherent dignity of the human person and are not justified under any circumstances. The prohibition of torture and ill-treatment is found in all major international and regional human rights treaties. International law provides detailed provisions for the investigation and prosecution of torture as a crime in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, known as the UN Torture Convention. Reflecting the position in international law, the OSCE has committed itself to the abolition of torture, a commitment which is politically binding on all its participating States, and has urged all its participating States to ratify the legally binding Torture Convention.

For OSCE personnel, the OSCE commitments set out below are the primary source of reference for the organization's work against torture and ill-treatment. Field missions and OSCE representatives also need to be familiar with the main legal instruments that prohibit torture and ill-treatment. Many OSCE commitments refer to these legal standards and call on OSCE participating States to abide by them. Part of the work of the OSCE is to make these provisions better known and understood as an essential step in preventing torture and ill-treatment. It is also likely that reference to these international and regional legal texts will be made in meetings with governments or non-governmental organizations concerned with torture and ill-treatment and it is part of the brief of OSCE representatives to be familiar with them.

3.1 The International Consensus

The determination of the OSCE to eliminate torture and ill-treatment is largely inspired by the prohibition of these abuses in international law. It is therefore important to have some knowledge of the main international standards and their application in order to understand the

scope of OSCE commitments. This chapter provides an overview of the key initiatives taken by the international community to prohibit torture and ill-treatment in law and to establish mechanisms to monitor compliance with this ban. This consensus in law is matched by the political consensus reached by the participating States of the OSCE. The full texts of all international instruments referred to in this chapter can be found in the UN and human rights internet websites listed in Annex 2.

The OSCE Commitments

The participating States of the OSCE have entered into a number of specific commitments aimed at the total eradication of torture and ill-treatment. These commitments establish the common standards of achievement for all participating States. They form the basis of work on these issues by all organs of the OSCE, including its field missions.

The first OSCE commitment directly focusing upon torture and ill-treatment is in the Concluding Document of the OSCE Vienna Meeting (1989). Paragraph 23 declares: "the participating States will prohibit torture and other cruel, inhuman or degrading treatment or punishment and take effective legislative, administrative, judicial and other measures to prevent and punish such practices."

Paragraph 23 also stipulates that the participating States will "protect individuals from any psychiatric or other medical practices that violate human rights and fundamental freedoms and take effective measures to prevent and punish such practices."

The OSCE stand against torture and ill-treatment is reaffirmed in paragraph 16 of the Concluding Document of the OSCE Copenhagen Meeting (1990) and summed up in the general commitment in the 1990 Charter of Paris for a New Europe which proclaims that "no one will be subject to torture or other cruel, inhuman or degrading treatment or punishment."

The OSCE Budapest Summit (1994) also underlined the importance of preventing these abuses. Paragraph 20 of the Concluding Document provides that "the participating States strongly condemn all forms of torture as one of the most flagrant violations of human rights and human dignity. They commit themselves to strive for its elimination."

The OSCE commitments make it clear that the organization's concern extends beyond forms of direct physical or mental ill-treatment and includes a more general commitment to respect

the integrity of the individual during periods of detention. Paragraph 23 of the Concluding Document of the OSCE Vienna Meeting (1989) provides that participating States will "ensure that all individuals in detention or incarceration will be treated with humanity and with respect for the inherent dignity of the human person."

This determination was emphasized and elaborated upon in the Concluding Document of the OSCE Moscow Meeting (1991), which provides in paragraph 23 that "the participating States will treat all persons deprived of their liberty with humanity and with respect for the inherent dignity of the human person and will respect the internationally recognized standards that relate to the administration of justice and the human rights of detainees."

That commitment brings the whole range of internationally recognized standards into the framework of the OSCE. The commitment establishes an important, direct link between the prohibition of torture and ill-treatment and the wider set of rules governing the administration of justice and the rights of detainees. In doing so it considerably expands the framework for the prohibition of torture to include procedural and preventive safeguards. This reflects the understanding that acts of torture and ill-treatment are mostly connected with the judicial and penitentiary system as such and that a properly functioning administration of justice is the best safeguard against torture and ill-treatment. OSCE States have committed themselves to scrutiny in this regard by OSCE mechanisms, by explicitly recognizing that human rights are not an internal matter, but are a legitimate concern of the international community. There are a number of other OSCE commitments of a more specific nature referred to at the appropriate points in this listing of safeguards.

The Universal Declaration of Human Rights

The universal prohibition of torture and ill-treatment was proclaimed by the General Assembly of the United Nations when it adopted the Universal Declaration of Human Rights on 10 December 1948. The principles of the Declaration have been the fountainhead of international human rights law and are widely accepted as customary international law, applying to all nations. Article 5 states:

"No one shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment."

The International Covenant on Civil and Political Rights

Once the Universal Declaration of Human Rights had been adopted by the United Nations, work commenced on the International Covenant on Civil and Political Rights which, together with a covenant on economic, social and cultural rights, would give legal force to the principles of the Declaration. The Covenant, adopted by the UN General Assembly in 1966, is the major international human rights treaty. It is binding on states that ratify it and, to date, almost all participating States of the OSCE are parties to it. Article 7 states:

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation."

Article 10 of the Covenant provides that:

"All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."

These two articles combine to provide a comprehensive obligation upon States to respect the well-being of all individuals in detention.

United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Convinced that further steps were needed to achieve the abolition of torture and ill-treatment worldwide, the UN General Assembly adopted a declaration in 1975 stating that "any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights". Based on this declaration, work started on a convention that would more firmly establish the prohibition of torture and ill-treatment in a treaty under international law and create a mechanism for implementation of the treaty's provisions.

The UN Torture Convention was adopted by the UN General Assembly in 1984. It sets out internationally accepted definitions of torture and ill-treatment, establishes the responsibility of States for preventing these abuses and provides for the creation of the Committee Against

Torture. Almost all participating States of the OSCE are party to the Convention. Article 2 stipulates:

"Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction."

With regard to the above-mentioned international human right treaties the website <http://www.unhchr.ch/tbs/doc.nsf> can provide you with information about the status of ratification of the country in concern.

The European Convention on Human Rights

The prohibition of torture has been firmly established in European human rights law since 1950 when the Council of Europe adopted the European Convention on Human Rights. A majority of the OSCE participating States are member States of the Council of Europe and thus are directly bound by the European Convention on Human Rights. Article 3 provides that:

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

This statement is similar, but not identical, to Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights. The omission of the word "cruel", however, is not significant. As of November 1998, the newly constituted European Court of Human Rights is able to receive individual applications from anyone in a member State of the Council of Europe claiming to be a victim of a breach of the Convention. Its judgements are legally binding.

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

Since 1987, the European Convention on Human Rights has been complemented by the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which establishes the Committee for the Prevention of Torture. The OSCE Budapest Summit (1994) specifically recognized the importance of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, suggesting

an endorsement of both its mechanism and the preventive safeguards which are advocated by the Committee for the Prevention of Torture. Although this is a Council of Europe convention, the First Protocol, when it enters into force, will allow non-Council members to be invited to join the convention system. This could enable all OSCE States to benefit from the Convention.

The Geneva Conventions

The four Geneva Conventions, adopted by an international Diplomatic Conference in 1949, form the centrepiece of international humanitarian law, often referred to as 'the rules of war'. Although the conventions deal principally with international armed conflicts, certain provisions (and particularly Additional Protocol II) are relevant in the context of internal armed conflicts, such as civil wars, insurgencies and low intensity operations against armed groups. In such situations, there is often a complementary interaction between human rights standards and the additional humanitarian standards that apply in situations of armed conflict. In all circumstances, however, torture and ill-treatment of all persons in any form of custody is prohibited. Common Article 3 of the Geneva Conventions provides that:

"Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- outrages upon personal dignity, in particular, humiliating and degrading treatment."

Other Relevant Standards

A considerable range of other rules and standards have been developed. These are not legally binding, but they reflect mostly internally recognized standards and are regarded as definitive statements of 'good practice'. These rules and guidelines are especially helpful as standard-

setting reference points for State officials responsible for the administration of justice, law enforcement and custodial institutions. They are also useful tools in monitoring compliance by States with OSCE and other international human rights commitments. For details on access to the full texts of these rules and guidelines see Annex 2. Those most relevant to the work of field missions are:

- UN Standard Minimum Rules for the Treatment of Prisoners (1957 and 1977)
- UN Code of Conduct for Law Enforcement Officials (1979)
- Principles of Medical Ethics Relevant to the Role of Health Personnel, Particularly Physicians, in the Protection of Prisoners and Detainees against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1982)
- Council of Europe, European Prison Rules (1987)
- UN Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment (1988)
- UN Basic Principles on the Role of Lawyers (1990)
- UN Rules for the Protection of Juveniles Deprived of their Liberty (1990)
- UN Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions (1990)
- UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990)
- UN Declaration on the Protection of All Persons from Enforced Disappearance (1992).

Some of these will be referred to later in Chapter 4, under "Safeguards".

3.2 International supervisory machinery and complaints procedures

The fact that torture and ill-treatment are banned is not in itself sufficient to prevent them. All the major human rights treaties establish specific monitoring bodies responsible for ensuring compliance with the treaty provisions. OSCE field missions are likely to be in contact with members or representatives of these bodies and will find that they are natural and expert partners in the effort to combat torture and ill-treatment. They are valuable sources of information, advice and support. The OSCE's effectiveness in combating torture can be greatly enhanced by co-operation with such bodies and knowledge of their operating methods. For contact details of these bodies see Annex 2.

The Human Rights Committee

The International Covenant on Civil and Political Rights establishes a monitoring body, the Human Rights Committee. The Committee comprises 18 independent experts elected by the States Party to the Covenant. It examines reports which States are obliged to submit periodically and issues concluding observations that draw attention to points of concern and make specific recommendations to the State. The Committee can also consider communications from individuals who claim that they have been the victim of a violation of the Covenant by a State. For this procedure to apply to individuals, the State must have become a Party to the First Optional Protocol to the Covenant. The Committee has also issued a series of General Comments, which set out what it considers to be the meaning of various articles of the Covenant.

The UN Committee Against Torture

The Committee Against Torture is a body of ten independent experts established under the Torture Convention. It considers reports submitted by States and issues concluding observations. It may also examine communications from individuals, if the State concerned has agreed to this procedure by making a declaration under Article 22 of the Convention. There is also a procedure by which the committee may initiate an investigation if it considers there to be "well-founded indications that torture is being systematically practised in the territory of a state party", although some States have made reservations excluding the applicability of this procedure.

The UN Special Rapporteur on Torture and other Cruel, Inhuman and Degrading Treatment or Punishment

The position of Special Rapporteur was first established in 1985 by the UN Commission on Human Rights with the purpose of examining international practice relating to torture and reporting upon it. On the basis of information received, the Special Rapporteur can communicate with governments and request their comments on cases which are raised. He or she can also make use of an 'urgent action' procedure, requesting a government to ensure that a particular person or group of persons are treated humanely. The Special Rapporteur can also conduct visits if invited by a State to do so. The Special Rapporteur reports regularly and publicly to the UN Commission on Human Rights and to the UN General Assembly.

The European Committee for the Prevention of Torture

The European Committee for the Prevention of Torture was set up by the European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment. It is composed of as many independent and impartial members as there are States Party to the Convention and may be assisted by ad hoc experts. They are drawn from various professions. The Committee conducts periodic and ad hoc visits in any places under the jurisdiction of a contracting State where persons are deprived of their liberty by a public authority. These include police and gendarmerie stations, public or private hospitals admitting interned patients, administrative detention centres for foreigners and disciplinary premises in military enclosures. In such places, the members communicate freely and without witness with persons deprived of their liberty. The essential feature of the Convention is the principle of co-operation between the Committee and the States Party. The corollary of the obligation of the State to co-operate is the confidentiality of the entire procedure. The report on the visit and detailed recommendations sent to the government are confidential unless the government decides to publish them. In practice, most do.

The International Committee of the Red Cross (ICRC)

Founded in 1863 in Geneva as an impartial private humanitarian body, the International Committee of the Red Cross is active in many forms of protection and assistance to victims of armed conflict, as well as situations of internal strife. It operates on the basis of strict neutrality between the parties to the conflict. In cases of international armed conflict between States Party to the Geneva Conventions, the ICRC is authorized to visit all places of internment, imprisonment and labour where prisoners of war or civilian internees are held. In cases of non-international armed conflicts, it offers its services to the conflicting parties and, with their consent, has access to places of detention. In situations of internal strife and tensions it offers humanitarian initiatives that may include visits to security detainees. Delegates visit detainees with the aim of assessing and, if necessary, improving the material and psychological conditions of detention and preventing torture and ill-treatment. The visit procedures require access to all detainees and places of detention, that no limit be placed on the duration and frequency of visits, and that the delegates be able to talk freely and without witness to any detainee. Individual follow-up of the detainees' whereabouts is also part of ICRC standard visiting procedures. Co-operation and trust between the ICRC and authorities are essential. Visits and the reports made on them are confidential.

3.3 Definitions and scope of prohibition

International law prohibits both "torture" and "cruel, inhuman or degrading treatment or punishment" (often referred to simply as "ill-treatment"). In the case of "torture", there is a precise internationally accepted definition. "Ill-treatment" by its very nature is harder to define. Article 1 of the Torture Convention sets out the internationally agreed definition of torture. It states:

"the term 'torture' means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason or discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanction."

This definition has been accepted as customary international law. It can be taken as the accepted minimum applicable to all States and means that for an act to be torture, it must:

- cause severe physical or mental suffering
- be inflicted for a purpose
- be inflicted by, or with the acquiescence of, an official (that is to say, it can be attributed to the State).

"Inhuman or Degrading Treatment" is not defined in such precise terms. Article 16 of the Torture Convention describes it as comprising:

"acts which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."

Nevertheless, although such acts are not regarded as torture, either because they do not involve severe pain or suffering or because they are not inflicted for a purpose, they are clearly prohibited and States are obliged to take steps to protect individuals from ill-treatment.

The European Court of Human Rights has reinforced the general prohibition of inhuman and degrading treatment or punishment by ruling that: "in respect of a person deprived of his liberty, any resort to physical force which has not been made strictly necessary by his own conduct diminishes human dignity and is in principle an infringement of the right set forth in Article 3 [of the Convention]."

Although both torture and inhuman or degrading treatment are clearly prohibited, the distinction between the two has certain legal consequences. For example, under the Torture Convention, the state is obliged to establish its jurisdiction over acts of torture and either prosecute or extradite those suspected of committing such acts. The Convention does not oblige States to take the same steps in relation to those who have committed acts which are "inhuman or degrading".

The distinctions between torture and ill-treatment are increasingly the subject of review as cases are brought before various courts and tribunals. Similarly, there is a body of evolving case law that is helping to determine what forms of treatment and conditions of detention are unacceptable. For example, the physical conditions in which a person is held can be inhuman or degrading. This was established by the European Commission on Human Rights in a 1969 case in which a combination of overcrowding, incommunicado detention, no access to open air, limited light, no exercise and prolonged detention while in police custody was considered to violate Article 3 of the European Convention on Human Rights. Subsequent cases suggest that prolonged exposure to unsanitary conditions may on its own amount to degrading treatment.

Returning a person to a country where they will face a real risk of being subjected to torture or inhuman or degrading treatment can be regarded as being in itself inhuman or degrading. This is so even if the threat comes from private forces in lawless societies rather than from the State authorities themselves. Thus, if a State is responding to a request for the extradition of an individual to another country's jurisdiction, it needs to ensure that it is complying with its obligations under international law in respect of torture and ill-treatment. The same argument applies to decisions to return (refouler) asylum seekers. Article 3 of the Torture Convention provides that no one, including those convicted of crimes, should be sent back to a country where they would be at risk of torture. There are no exceptions to this provision.

The generally held view is that there is a progression of seriousness, with torture at the top and degrading treatment at the lower end of the scale. All points on that scale are illegitimate and violate international legal and political commitments. In the course of the work of a field mission, it may be difficult to distinguish in practice between torture and cruel, inhuman and degrading treatment, either because insufficient details are available about particular incidents or because it is difficult to draw a precise line between a general custodial regime of degrading conditions and specific acts of deliberate violence. If a clear distinction cannot be made, the whole range of practices can be referred to as 'ill-treatment'.

3.4 No justification

In an historic decision, the international community in 1975 reached agreement on the principle that there is no justification for torture and ill-treatment. The 1975 UN General Assembly Torture Declaration states: "No State may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment. Exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment."

This uncompromising statement of principle has remained in place ever since and has been incorporated into the Torture Convention. Similarly, the European Court of Human Rights ruled in 1996 that: "Even in the most difficult of circumstances, such as the fight against organized terrorism and crime, the Convention prohibits in absolute terms torture or inhuman or degrading treatment or punishment (...) even in the event of a public emergency threatening the life of the nation."

The OSCE itself is firmly committed to this principle, as stated in paragraph 16 of the Copenhagen Document which adopts the language of the Torture Convention.

3.5 State responsibility and individual liability

Under international law, States are responsible for protecting all those under their jurisdiction from torture and ill-treatment. They are required to make torture a punishable offence under law. The Torture Convention requires States to ensure that any statement which is established to have been made as result of torture shall not be invoked as evidence in any proceedings

(except in relation to the prosecution of the alleged torturers). They are obliged to investigate allegations of torture and to prosecute those against whom there is evidence of having committed torture and to make torture an extraditable offence.

The responsibility of the State extends beyond its official employees to include other groups acting with the acquiescence of the government. For example, States have a responsibility to prevent torture by paramilitary groups or other illegal entities and bring those responsible to justice.

state officials who commit acts of torture are personally liable for their actions under international law. The Torture Convention stipulates that "any order from a superior officer or a public authority may not be invoked as a justification of torture". The Convention makes it possible for them to be tried and convicted before the courts of any State which chooses to do so.

Although only States can be party to international human rights treaties and therefore be held accountable for the prevention of torture under international law, torture can occur in countries where forces other than those of the State are engaged in violence. In many internal conflicts, torture and ill-treatment are perpetrated by armed groups hostile to the government. Such acts violate Common Article 3 of the Geneva Conventions and Additional Protocol II of 1977, which was adopted specifically to apply the rules of war to non-international armed conflicts. The prohibition of torture and ill-treatment applies to all parties to such conflicts. The obligation on non-state parties to respect the prohibition of torture and ill-treatment does not affect the legal status of the parties to the conflict or say anything about their legitimacy.

If acts amounting to torture are carried out by groups which later become recognized as the authorities of the State - for example, following a military or other form of coup - they can be held responsible for their earlier actions just as if they had been in power at that time. In areas where authority is contested between organized sets of opposing forces, or where there is, in reality, a governing authority but which is not recognized as legitimate by the international community, then such acts can be treated as if those responsible were in power and obliged to prevent such abuses.

The international community can also set up international tribunals which can consider allegations against individuals, such as the International Criminal Tribunals for the Former

Yugoslavia and for Rwanda. Once it comes into effect, the International Criminal Court will exercise jurisdiction over torture as a "crime against humanity" when committed "as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack" and over "torture or inhuman treatment" as a "war crime" which is defined as a "grave breach of the Geneva Conventions."

CHAPTER 4: SAFEGUARDS AGAINST TORTURE AND ILL-TREATMENT

Systematic analysis of the conditions under which torture and ill-treatment commonly occur has enabled the international community to establish effective safeguards that help to prevent these abuses. These include respect for the fundamental principles that govern law enforcement, the administration of justice and the penitentiary system.

The presence of such safeguards alone does not prevent torture and ill-treatment. However, their absence certainly gives grounds for concern. Ensuring that they are in place is a good first step along the path of prevention.

Some of these safeguards are stipulated in the human rights treaties described in Chapter 3. Others take the form of rules and codes of conduct established by a variety of international bodies. They constitute a body of acceptable minimum standards and can be used as a basis for developing 'good practice' in line with OSCE commitments.

In addition, since 1990, the European Committee for the Prevention of Torture, set up under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, has been visiting places of detention throughout Europe and has developed a highly sophisticated set of procedural safeguards which are designed to lessen the risk of torture and ill-treatment occurring.

The Concluding Document of the OSCE Copenhagen Meeting (1990) provides a general mandate for preventive safeguards within the OSCE. Paragraph 16(5) provides that participating States should "keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under their jurisdiction, with a view to preventing any cases of torture."

The Concluding Document of the OSCE Vienna meeting (1989) confirmed that participating States undertook to "observe the UN Standard Minimum Rules for the Treatment of Prisoners as well as the UN Code of Conduct for Law Enforcement Officials".

It is not enough to have these safeguards in place as a matter of law. They must be respected in practice. It should also be remembered that many of these are procedural safeguards. They presuppose the effective functioning of the security and judicial services in a society governed by the rule of law. If this cannot be relied on, the presence of these safeguards as formal elements of criminal procedure may be of little direct benefit. However, in such circumstances - or where safeguards do not formally exist even though the basic structures of the legal system are working effectively - it is important to monitor the extent to which they exist and to insist upon them as effective tools in the prevention of torture and ill-treatment.

Safeguards need to form an integral part of the development of any effective system of criminal justice. In the short term, much the same result can be achieved by pressing for these safeguards to be realized in practice, irrespective of their formal status.

The following pages outline the most basic safeguards. They are presented in detail - right down to the recommended dimensions of cells in which prisoners may be held - so that field missions can have a ready reference guide and the information they may need in a variety of circumstances as a basis for practical discussions with all levels of government and with individuals and non-governmental organizations. The range of safeguards, developed as a result of global experience in the prevention of torture and ill-treatment, shows that verifiable checks are necessary throughout the entire custodial, administration and judicial process to ensure that every possible step has been taken to ensure that these abuses are effectively and systematically deterred. Respect for these safeguards contributes to the highest standards of professional conduct on the part of all involved and serves to institutionalize the long-term protection of human rights under any legal and political system.

4.1 Deprivation of Liberty

Every individual is entitled to be treated with respect for their rights and to have their rights protected by law - including the rights that apply to individuals from the moment they are deprived of their liberty.

The experience of international and regional organizations involved in documenting the practice of torture and ill-treatment demonstrates that these abuses do not necessarily occur on a sliding scale of increasing violence over time. Individuals may be immediately at risk. Severe injuries may be inflicted on them long before they are subject to any legal formalities such as arrest. It is therefore important to ensure that a person's rights are respected from the time they are deprived of their liberty.

Notification of rights

The Concluding Document of the OSCE Moscow Meeting (1991) provides that participating States will ensure that: "anyone who is arrested will be informed promptly in a language which he understands of the reason for his arrest, and will be informed of any charges against him" and that "any person who has been deprived of his liberty will be promptly informed of his rights according to domestic law".

The UN Body of Principles for the Protection of all Persons under any form of Detention or Imprisonment provide that "any person shall, at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter, be provided by the authority responsible for his arrest, detention or imprisonment, respectively with information on and an explanation of his rights and how to avail himself of such rights."

The European Committee for the Prevention of Torture takes the view that detained persons should be informed of their rights without delay. It recommends that: "a form setting out these rights be given systematically to [persons in custody] at the outset of custody. This form should be available in different languages. Further, the detainee should be asked to sign a statement attesting that he has been informed of these rights."

According to the European Committee for the Prevention of Torture, anybody who is arrested should be informed of their right to notify a person of their choice, their right to legal counsel and the right to medical examination. The notification should also refer to all other rights under domestic law.

Custody records

Keeping timely and accurate custody records is an essential element of any protective framework since any subsequent investigation of allegations of ill-treatment will need to draw

on the details contained. Similarly, those engaged in routine visits and investigations will also need to examine such records. Most of the human rights bodies active in torture prevention have stressed the need for the names of detainees, their place of detention and the identity of those responsible for their detention to be recorded in publicly accessible registers.

The European Committee for the Prevention of Torture recommends that there should be a single and comprehensive custody record for each detainee which should record: "all aspects of custody and action taken regarding them (when deprived of liberty and reasons for that measure; when told of rights; signs of injuries, mental illness, etc; when next of kin/consulate and lawyer contacted and

when visited by them; when offered food; when interrogated; when transferred or released, etc). Further, the detainee's lawyers would have access to such a custody record."

The Concluding Document of the OSCE Moscow Meeting (1991) provides that "the duration of any interrogation and the intervals between them will be recorded and certified, consistent with domestic law."

Habeas corpus

At the threshold of all preventive safeguards stands the right to challenge the legality of detention before a court which has the power to order the release of the detainee. This is enshrined in Article 9, paragraph 4, of the International Covenant on Civil and Political Rights and Article 5, paragraph 4, of the European Convention on Human Rights, as well as many other standards. It is reflected in the Concluding Document of the OSCE Moscow Meeting (1991) which provides that participating States shall ensure that "any person who has been arrested or detained will have the right to be brought promptly before a judge or other officer authorized by law to determine the lawfulness of his arrest or detention, and will be released without delay if it is unlawful". Normally, the right to habeas corpus is exercised by the individual in custody or someone acting on his or her behalf as a direct challenge to the legitimacy of their detention.

Appearance before a judicial authority

International human rights law insists that a detainee has a right to be brought before a judicial authority 'promptly'. The reason is elaborated in Principle 4 of the UN Body of

Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which states: "Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of, a judicial or other authority". It is the responsibility of the relevant law enforcement body or prosecuting authority to ensure that a person in detention is brought before a judicial authority within the time limit set by law. If the State fails to comply with this requirement, the arrest becomes unlawful.

The time limit of detention prior to bringing the detainee before a judicial authority varies. However, in interpreting the International Covenant on Civil and Political Rights, the Human Rights Committee, in General Comment 8, states: "delays must not exceed a few days". This is at the very limit of acceptability and periods in excess of 24 hours have raised questions.

4.2 Access to detainees

The principle that a third party must know that detention has taken place is central to the prevention of torture and ill-treatment. Experience has shown that a person is at greater risk of torture and ill-treatment if no one knows that they have been detained and if the place of detention is undisclosed. Under these circumstances it is particularly difficult to ensure that the person is being well treated. A number of safeguards are designed to deal with this problem.

No incommunicado detention

The UN Special Rapporteur on Torture has drawn attention to the fact that the conditions in which torture and ill-treatment are inflicted include incommunicado detention when a detainee is held with no access to the outside world, to their family, lawyers or independent doctors. He recommends that incommunicado detention should be severely limited - with its existence regarded as corroborative evidence that allegations of torture and ill-treatment are valid - and that where a person has been held incommunicado the burden of proof should then be on the State to prove that torture and ill-treatment have not occurred.

Notification of custody

Rules on appearance before a judicial authority mentioned above help reduce incommunicado detention but still leave a considerable period during which the fact of detention may not be

known. Various standards stress the need to permit a third party of the detainee's choice to be notified 'promptly' of this fact and the place of detention. Any period in excess of 24 hours is generally viewed with suspicion. Foreign nationals are entitled to have their consulates or other diplomatic representative notified. This right is reflected in the Concluding Document of the OSCE Moscow Meeting (1991) which provides that participating States will ensure that: "any person arrested or detained will have the right, without undue delay, to notify or to require the competent authority to notify appropriate persons of his choice of his arrest, detention, imprisonment and whereabouts; any restriction in the exercise of this right will be prescribed by law and in accordance with international standards."

Legal assistance

In addition to being able to inform a third party, it is important that detainees be able to receive legal assistance. Paragraph 5.17 of the Concluding Document of the OSCE Copenhagen Meeting (1990) specifically refers to the right to "prompt legal assistance". The right of those who have been arrested and detained to have access to legal advice is well established under international human rights law. There is no justification for a total denial of access to legal advice. It should always be possible to arrange access to a lawyer who is both independent and can be trusted not to jeopardize the legitimate interests of an investigator.

The promptness of access to a lawyer is most important from the point of view of preventing torture and ill-treatment. The UN Special Rapporteur calls for access within a maximum of 24 hours. The European Committee for the Prevention of Torture considers that this is a right which must exist from the very outset of detention and that this includes "in principle, the right for the person concerned to have the lawyer present during interrogation."

Medical examination

One of the most important safeguards is that the detainee be medically examined as soon as possible so that any signs of torture and ill-treatment can be recorded and the detainee's physical condition authoritatively established. This provides a benchmark against which any future signs of ill-treatment can be measured. The European Court on Human Rights has taken the view that the state is responsible for injuries shown to have been sustained during custody if the threshold of severity is reached and if the State cannot cast reasonable doubt upon the allegation that they are the result of ill-treatment.

Both the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Body of Principles for the Protection of all Persons under any form of Detention or Imprisonment call for medical examinations to be conducted as soon as possible. The Committee Against Torture insists on the right to a medical examination "at all stages of detention" and that detainees should have an additional right to be examined by an independent doctor of their choosing.

The European Committee for the Prevention of Torture regularly recommends:

- that a person taken into police custody has the right to be examined, if he or she so wishes, by a doctor of his or her choice, in addition to any examination carried out by a doctor called by the police authorities;
- that all medical examinations of persons in custody be conducted out of sight and hearing of police officers - unless the doctor concerned requests otherwise;
- that the results of every examination, as well as any relevant statements by the person in custody and the doctor's conclusions, be recorded in writing by the doctor and made available to the person in custody and his or her lawyer.

It may not always be possible to permit independent medical examinations but restrictions should be well-defined and of limited duration.

In Chapter 5, a sample medical questionnaire is provided, which can be used by a doctor for his or her findings on the physical and psychological conditions of the detainee.

4.3 Interrogation

Most, but not all, torture and ill-treatment occurs in the context of interrogation. The risk of torture and ill-treatment under interrogation is all the greater if the legal system bases convictions mainly on confessions and on evidence obtained in pre-trial detention.

The term 'interrogation' should be understood in a broad sense. It does not only refer to a fixed period of time in which a person is being formally questioned. It may include periods before, during and after the questioning when physical and psychological pressures are applied to individuals to disorient them and coerce them into compliance during formal questioning. Nevertheless, one of the most important safeguards against torture and ill-treatment is to ensure that strict procedures are followed to ensure that these abuses are not inflicted while a

detainee is being questioned. Adherence to such procedures also helps to ensure that a country's constitutional and legislative prohibition of torture and ill-treatment is respected and verifiable.

It should also be remembered that the Torture Convention obliges all States that are party to it to "ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."

Paragraph 16.5 of the Concluding Document of the OSCE Copenhagen Meeting (1990) provides that participating States "will keep under systematic review interrogation rules, instructions, methods". Based on recommendations of the UN Special Rapporteur and the European Committee for the Prevention of Torture, the following checklist can be used as a basis on which to assess good practice. The value of this checklist is covered also in Chapter 5.1.

- At the outset of each interrogation, the detainee should be informed of the identity (name and/or number) of all persons present;
- The identity of all persons present should be noted in a permanent record which should detail the time at which interrogations start and end and any request made by the detainee during the interrogation;
- The detainee should be informed of the permissible length of an interrogation; the procedure for rest periods between interviews and breaks during an interrogation, places in which interrogations may take place; whether the detainee may be required to stand while being questioned;
- Blindfolding or hooding should be forbidden as these practices often make the prosecution of torture virtually impossible, as victims are rendered incapable of identifying their interrogators;
- The detainee should have the right to have a lawyer present during any interrogation;
- All interrogation sessions should be recorded and the detainee or, when provided by law, his or her counsel should have access to these records;
- The authorities should regularly review procedures governing the questioning of persons who are under the influence of drugs, alcohol, medicine or who are in a state of shock;

- The position of particularly vulnerable persons (for example, the young, those who are mentally disabled or mentally ill) should be the subject of specific safeguards.

The electronic recording of interviews is particularly helpful. It helps reduce the risk of torture and ill-treatment and can be used by the authorities as a defence against false allegations. As a precaution against tampering with the recordings, the European Committee for the Prevention of Torture suggests that one tape be sealed in the presence of the detainee and another used as a working copy.

4.4 Conditions of detention

All custodial systems should be governed by legislative or administrative frameworks setting out the minimum standards in which detainees, prisoners or patients are required to live. These should cover space, access to facilities, light, temperature, hygiene, food, clothing, and so on. These standards should broadly conform to those recognized by international bodies such as the European Committee for the Prevention of Torture. In the absence of such standards, prisoners have no recourse to the courts or to redress by other means if they are subjected, wilfully, through neglect, or for want of allocated state resources, to unacceptable living conditions. In these circumstances managerial staff at all levels must be encouraged to honour the standards recommended by international bodies.

Place of detention

To reduce the risks of incommunicado detention and ensure that a third party is notified of the place where a person is being held, those detained should be held in places which are officially designated and publicly known.

Even if the place of detention is officially designated and publicly known, it may be inappropriate to hold a person there. For example, although it might be normal to hold suspects at a police station during questioning, it would usually be inappropriate to hold them there during the period for which they have been remanded in custody. Similarly, it will usually be inappropriate to house remand prisoners with sentenced prisoners; juvenile prisoners with adults, men with women.

Short-term custody

In principle, a suspect should not be held for more than few days without being brought before a judicial authority. Periods in excess of 24 hours have raised questions (see Chapter 4.1). Any further period in detention after the appearance before a judicial authority should normally be in a facility designed for longer-term detentions.

The European Committee for the Prevention of Torture provides a general checklist of factors which need to be considered when assessing the suitability of a place used for short-term detention:

- Cells should be clean, of a reasonable size for the number of persons they are used to accommodate, and have adequate lighting (sufficient to read by, sleeping periods excluded) and ventilation; preferably, cells should have natural light;
- Cells should be equipped with a means of rest (a fixed chair or bench), and persons obliged to stay overnight in custody should be provided with a clean mattress and blankets;
- Persons in custody should be allowed to comply with the needs of nature in clean and decent conditions, and be offered adequate washing facilities;
- Persons in custody should have ready access to drinking water and be given food at appropriate times, including at least one full meal every day;
- Those detained for extended periods, 24 hours or more, should be allowed to take outdoor exercise;
- Cells used for single occupancy for stays of more than a few hours should be in the order of 7 m². In practice, cells of between 4 and 4.5 m² are generally considered acceptable for overnight stays and cells less than 4 m² are considered acceptable only for holding detainees for a 'few' hours. Cells of less than 2 m² should never be used at all for holding detainees.
- Cells of 6-7 m² should never be used for more than two persons overnight and a cell of 10 m² should never accommodate more than three. 12-13 m² is acceptable for up to four prisoners and cells of 15 m² for a maximum of five overnight.

Imprisonment

A similar range of factors are relevant to the assessment of longer-term custody but the standards to be expected are more exacting. The basic elements of a humane and decent

regime are set out in some detail in various documents such as the European Prison Rules. Elements to be considered include:

- Sanitation and hygiene, including access to proper toilet facilities when necessary and access to shower or bathing facilities at least once a week;
- Ventilation;
- Natural lighting;
- Bedding;
- Furniture.

The European Committee for the Prevention of Torture has determined that cells of 4 m² and under are wholly unacceptable; cells of 6-7 m² are acceptable for single occupancy; 9-10 m² for two persons; 12 m² for three persons; 16-17 m² for four persons; 21 m² for five persons; 25 m² for six persons. A slightly higher occupancy rate might, however, be tolerable, though undesirable, provided that prisoners are able to spend a sufficient portion of the day out of their cells.

Overcrowding can contribute to ill-treatment. It should be noted that in paragraph 23 (2) of the Concluding Document of the OSCE Moscow Meeting (1991) participating States undertook to "pay particular attention to the question of alternatives to imprisonment."

The regime of detention

All prisoners - including those subject to special or disciplinary measures - should be allowed at least one hour of exercise in the open air every day in reasonably spacious surroundings in order to permit a degree of physical exertion.

There should also be a satisfactory programme of activities, including opportunities for work, education and sport. Although remand prisoners may not be able to be offered such a range of activities, the general aim should be to ensure that for a reasonable part of each day - eight hours or more - prisoners should be engaged in a variety of purposeful activities.

Many prisoners are subject to special regimes or have particular needs. These include those who are subject to disciplinary measures, female prisoners, juvenile prisoners, those held on remand, and so on. Foreign prisoners or members of particular minority groups may need special attention because of linguistic and cultural barriers that they might face. Certain

prisoners may need special protection because they have been convicted of offences which render them specially vulnerable to abuse in custodial institutions. A further category in need of special attention is asylum seekers or those held pending deportation. Any humane and decent system of custody must take account of such needs.

Health care

Health care services can make a positive impact on the quality of life in an establishment. Preventive health care embraces hygiene and sanitation, as well as concern for overcrowding. The absence of proper medical facilities can contribute to ill-treatment.

The European Committee for the Prevention of Torture recommends that: "all newly admitted prisoners - sentenced or remand - should be seen without delay by a member of the prison health care service and, if necessary, given a medical examination. The medical screening on admission could be undertaken either by a doctor or by a qualified nurse reporting to a doctor. Moreover any signs of violence observed on admission should be fully recorded, together with any relevant statement by the prisoner and the doctor's conclusions; this information should be made available to the prisoner."

Medical examinations should also take place whenever a detainee is readmitted to a prison after having been handed over to the police for questioning.

4.5 Accountability and redress

It is essential that the State authorities responsible for holding people in any form of detention be accountable for their actions. It is essential that individuals who allege torture and ill-treatment be able to lodge an effective complaint and seek redress for their grievance. Both accountability and redress are regarded as indispensable measures necessary for the abolition of torture and ill-treatment.

Torture and ill-treatment often occur in a context in which public bodies and their officials are led to believe that they have discretionary powers to violate the rights of individuals in their custody. In the worst instances, some State institutions may act in effect as if they enjoyed powers beyond the constitutional or legislative control of government. It is therefore essential that the State agencies responsible for all forms of law enforcement and custodial detention be subject to inspection by independent representatives of other branches of government and that

anyone wishing to allege that their rights are being violated while in detention be able to do so.

Independent inspection

The UN Body of Principles for the Protection of all Persons under any form of Detention or Imprisonment provides that: "places of detention shall be visited regularly by qualified and experienced persons, appointed by, and responsible to a competent authority distinct from the authority in charge of the administration of the place of detention or imprisonment."

The legislative framework for criminal justice in virtually every country makes some provision for oversight of custodial conditions and procedures. There are often parallel arrangements in the fields of mental health, immigration, and so on. Only when civil conflict arises, and prisoners are taken by the military authorities, is there likely to be an absence or complete breakdown of external scrutiny.

OSCE field missions can play a valuable role in establishing contact with the relevant officials responsible for ensuring that custodial institutions comply with the required standards. It is important to understand how these officials fulfil their duties, the constraints they are under and any opportunities for constructive co-operation with them.

Prosecutors. Systems based on the civil law tradition typically place great reliance on the role of prosecutors both for the determination of continued police custody and, formally, on overseeing custodial conditions and ensuring compliance with whatever procedural safeguards exist for suspects. In practice, their involvement may not extend much beyond authorizing continued detention. They are seldom concerned with custodial conditions, police procedures and remand prison arrangements, and are not normally required to make reports which are open to public scrutiny.

Magistrates and Judges. In most countries magistrates and judges may inspect custodial sites. In countries with a civil law tradition there is typically a formal role for a specialized penal judge - *juge d'application de peines* - whose task it is to decide certain matters relating to sentenced prisoners. This discretionary oversight is not always exercised in practice and specialized judges are generally restricted to their formal roles as adjudicators.

National Human Rights Institutions (Ombudsmen and Human Rights Commissions).

Most countries now have some sort of human rights institution to which citizens can complain about their treatment at the hands of State agencies. There is great variety in national arrangements. Sometimes there is a general human rights institution. Elsewhere there are specialized human rights institutions (for police, prisons, mental health, and so on). Moreover, in a few countries human rights institutions, specialized or otherwise, undertake thematic reviews - of custodial facilities and procedures, for example - which are published. In that sense they function as inspectorates.

Inspectorates. In most countries the different ministries responsible for policing, prisons, closed psychiatric hospitals, and so on - the Ministries of the Interior, Justice, Health, - contain managerial inspectorates whose task it is periodically to check on local stations and institutions. These are not independent inspectorates and seldom are their findings made available to persons outside the ministry. Indeed truly independent inspectorates producing regular, detailed, critical and published reports are rare. Ideally there should be such bodies to inspect each type of custody to ensure that what happens complies with international standards, legislative requirements and the will of parliament. This gap is filled in some countries by the publication of occasional thematic reports regarding custodial provisions by human rights institutions: these can be valuable sources of data.

Complaints mechanisms

The need to provide effective mechanisms for investigating complaints and providing remedies is found in all the human rights treaties. The Concluding Document of the OSCE Moscow Meeting (1991) provides a comprehensive commitment:

"The participating States will ensure that

- a detained person or his counsel will have the right to make a request or complaint regarding his treatment, in particular, when torture or other cruel, inhuman or degrading treatment has been applied, to the authorities responsible for the administration of the place of detention and to higher authorities, and when necessary, to appropriate authorities vested with reviewing or remedial power;

- such a request or complaint will be promptly dealt with and replied to without undue delay; if the request is rejected or in case of inordinate delay, the complainant will be entitled to bring it before a judicial or other authority; neither the detained or imprisoned persons nor any complainant will suffer prejudice for making a request or complaint."

The right to a remedy is also enshrined in Article 2 (3) of the International Covenant on Civil and Political Rights and Article 13 of the European Convention on Human Rights. These make clear that there should be an **independent, effective and accessible** body or bodies to whom persons in custody can complain about any aspect of their treatment with the expectation that their complaint will be considered **expeditiously and fairly**.

Independent means that the members of the complaints body should not be appointed by or employed by the department of state responsible for the places of custody within which complainants are being held. The complaints body should be answerable to parliament rather than the ministry against which the complaint is being made.

Effective means that the complaints body should have unrestricted access to places of custody, documents and persons. It should have its own resources and powers to investigate fully all aspects of complaints. In relation to the police, for example, it should have its own investigative capacity and not be reliant on the police to investigate on its behalf. Effectiveness also means being capable of ensuring redress. This may be achieved either through an understanding that recommendations of the complaints body will always be implemented or through its having the power to determine compensation and take disciplinary action.

Accessible means that the process of registering a complaint should be straightforward and, initially, confidential. For example, the procedure for making a complaint should be simple and able to be undertaken by persons with low levels of literacy. Forms which need to be completed should be available in all commonly spoken first languages. Complaints should be passed to the complaints body in a sealed envelope and not be read by custodial staff who come into contact with the complainant. Although the identity of most complainants will become known when a complaint is investigated, by that stage steps can be taken to safeguard the complainant from possible recrimination. Moreover, some complaints - about general

physical conditions in a particular place of custody, for example - can be investigated without the identity of complainants being revealed to local staff.

Expeditious means that the complaints body should acknowledge receipt of the complaint within a week or two. There should be reasonably tight time-limits or targets for investigating and answering complaints.

Fair means that due process will govern the investigation. All parties will have the right to be represented to the extent that they wish and need representation. The complainant will be given, when the investigation is complete, a reasoned decision in writing which sets out the evidence as well as the finding.

Criminal and disciplinary proceedings

The prospect that persons in custody can be ill-treated with impunity is one of the most insidious causes of ill-treatment. Eradicating the culture of impunity, particularly in custodial systems in which ill-treatment has become traditional and commonplace, is far from easy. Many public officials break the rules to gain a confession or information and consider it justifiable, whatever the law may say to the contrary, to ill-treat prisoners in pursuit of some objective to which they believe their superiors attach the highest priority.

The prospect of criminal prosecution is one of the most fundamental safeguards against the torture and ill-treatment of prisoners. Article 4 of the Torture Convention provides that: "each state party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture" and "shall make these offences punishable by appropriate penalties which take into account their grave nature."

The OSCE has taken a similar stand. The Concluding Document of the OSCE Budapest Summit (1994) declared in paragraph 20 that participating States "recognize the importance of national legislation aimed at eradicating torture. They commit themselves to inquire into all alleged cases of torture and to prosecute offenders."

There may be insufficient evidence to meet the legal requirements for formal procedures and sanctions against suspected offenders. That does not absolve the State from the responsibility of ensuring that every possible step is taken to protect individuals from torture and ill-

treatment at the hands of state employees suspected of perpetrating such acts. The task of prevention often requires senior commanders to use their administrative powers in such circumstances. Officers suspected of participation in or tolerance of torture and ill-treatment should be transferred to non-custodial duties or permitted contact with detainees only when under close supervision.

4.6 Compensation

The UN Torture Convention stipulates in Article 14 that each State should ensure that victims of torture should have an "enforceable right to fair and adequate compensation". This includes the means for "as full rehabilitation as possible". If the victim dies as a result of torture, the person's dependants are to be entitled to compensation. States that have become party to the Convention are obliged to provide these rights in their country's legal system.

PART THREE: MONITORING, INVESTIGATING AND REPORTING ALLEGATIONS OF TORTURE AND ILL-TREATMENT

CHAPTER 5: MONITORING

Experience shows that the presence of OSCE personnel in the field can help to deter human rights violations. Monitoring is part of the OSCE's role in fulfilling its human dimension commitments - and is part of the role of OSCE field missions. The cumulative efforts of the international institutions that work to eliminate torture and ill-treatment clearly indicate that monitoring, in and of itself, acts as a first step in preventing these abuses and ensuring remedies for the victims.

In relation to the commitments and safeguards set out in Chapter 4, the role of OSCE monitoring is broader than merely attempting to deter individual incidents of torture and ill-treatment. The long-term prevention of such abuses requires a broad range of legislative, judicial and administrative measures, all of which can be monitored, as well as efforts to introduce, implement and enforce them. In this sense monitoring should not be seen as punitive or prejudicial. Rather, it can be seen as an added safeguard for governments seeking to prevent torture. Since monitoring can help uncover deficiencies, it can also be the first step towards international assistance to help remedy any problem areas.

5.1 Legislation and safeguards

Although participating States have pledged to respect the OSCE commitments which include the prohibition of torture and ill-treatment, it is of particular importance that they become party, without reservation, to the relevant international human rights treaties. This step ensures that each State supplements the political commitments it has made within the OSCE framework with legally binding obligations in international law - a step specifically recommended in paragraph 16 (2) of the Document of the OSCE Copenhagen Meeting (1990).

Of particular importance for the prevention of torture and ill-treatment is the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and, where

applicable, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. All OSCE participating States should be encouraged to accept the individual complaints mechanisms under Article 22 of the Torture Convention and to withdraw any reservations they may have made to the full application of the Convention in their country. Progress towards full acceptance of these international standards and mechanisms should be monitored and the field mission should regularly raise such matters with the various government ministries involved.

In most instances, implementation of the OSCE commitments and the related international standards necessitates a sustained legislative programme to bring all relevant aspects of the country's laws and practices into line with those undertakings. The field mission should regularly monitor this legislative programme in relation to all branches of government.

The checklist of safeguards presented in Chapter 4 can be used as a basis on which to monitor the thoroughness of the legislative programme. However, it is important that such safeguards be present as a matter of administrative 'good practice' whether stipulated by law or not since they are essential for the protection of individuals in detention. The field mission can use the checklist as a basis for monitoring existing practices and recommending improvements.

5.2 Transparency of state agencies and detention facilities

It is important to establish what powers are exercised by the officials or bodies responsible for external scrutiny of detention facilities. This role may be played by prosecutors, magistrates and judges, ombudsmen, inspectorates or other institutions. The way in which the relevant bodies function in practice can be monitored - as well as the nature of the co-operation extended to such bodies by all levels of the State agencies holding individuals in detention. In some instances, the interest taken by the OSCE in the work of such bodies may help to strengthen their willingness to act and may help to identify areas where international exchanges of expertise and resources can assist them to carry out their statutory mandate.

5.3 Accountability, impunity, remedies

It is useful to establish the exact procedures in force for ensuring that state agencies holding people in detention are held accountable for the lawful and humane treatment of detainees. Such procedures may be spelled out, not only in national legislation, but in administrative

procedures that apply to all levels of the chain of command. It is also helpful to follow any instances of criminal or disciplinary proceedings relating to torture and ill-treatment in order to assess the way in which accountability is exercised in practice. In such instances, it is important to monitor what form of redress, compensation or other assistance (if any) is provided to the victims of such abuses.

5.4 Developments, trends, patterns

It is helpful to monitor any developments that appear to affect (or could have a potential effect) on the way in which people in custody are treated. For example, this issue may be taken up as a political issue in the country - a particularly horrendous case may provoke debate in the media and influence public attitudes.

Racism and xenophobia, together with other forms of prejudice and discrimination based on political or religious beliefs, gender, sexual orientation, social origin or status, have a powerful influence in determining the vulnerability of an individual in custody. The field mission should monitor any relationship between such attitudes and reports of torture and ill-treatment. This monitoring role is of acute importance in situations where human rights abuses are likely to inflame ethnic, sectarian or other tensions.

5.5 Victims and perpetrators

As a general rule the most disadvantaged and socially marginalized groups in any society are likely to be over-represented in any custodial population. Moreover, within these disadvantaged strata, those groups who have the least status and the fewest resources are likely to be at the bottom of the pecking order within custodial institutions. Examples include religious and ethnic minorities, persons suspected or found guilty of particularly despised offences, the homeless and foreigners whose presence is not welcomed. A further high risk category comprises those persons accused of heinous crimes about which the police are under great pressure to get results - terrorists, drug traffickers, paedophiles, and so on. There may be a widespread feeling that the use of any means is justified against such persons. The field mission should monitor evidence of such attitudes and the extent to which individuals from such groups are liable to torture and ill-treatment. This also applies to persons who are unpopular with the politically powerful - for example, opposition political activists, human rights campaigners and militant trade union organizers.

As a result of this type of generalized monitoring, the field mission will start to develop a picture of the state agencies most frequently cited in accounts of torture and ill-treatment and the institutions where it is alleged to occur. In some countries, people are subjected to these abuses as a matter of routine. In others, special units may be involved.

5.6 Building an information network

A growing number of organizations and individuals are involved in countries throughout the OSCE in combating torture and ill-treatment. It is therefore essential that each field mission should build an information network that includes national institutions and organizations as well as the representatives of international bodies engaged in this effort. In many countries, there is already a network in place for information sharing and it is important that the institutions, organizations and individuals involved should know the role the field mission is playing. The field mission should be in contact with representatives of UN bodies such as the UN Development Programme, the UN High Commissioner for Refugees, UN Civilian Police (UNCIVPOL), and delegates of other international bodies like the International Committee of the Red Cross. Some international organizations such as Amnesty International will be active on the issue, but not located in the country; in that case, their country specialist can be contacted at their international or regional offices. A list of organizations with a particular focus on torture and ill-treatment is included as Annex 2.

In most countries there will be a number of bodies within civil society that should be contacted as part of the OSCE monitoring effort. These groups include domestic civil liberties organizations, committees of relatives and groups promoting democratic values. Staying in touch with journalists and contacts in political parties may also prove helpful. In doing this, it is important to contact the full range of such organizations, news organizations and parties in order to demonstrate complete impartiality and to extend the network as widely as possible. Professional associations of lawyers, health professionals, criminologists, sociologists and political scientists are also worth contacting as their members may be in a position to provide helpful insights and to co-operate in the monitoring effort.

Similarly, the field mission should contact all the appropriate ministries and relevant public authorities to inform them of its efforts and to encourage them to provide any data or documentation on developments that will assist the OSCE in its monitoring efforts.

5.7 Individual cases

To the extent that individual cases involving allegations of torture and ill-treatment are publicly reported or are brought to the attention of the field mission, it is important to keep a record. Press clippings or other forms of documentation should be preserved and routinely filed. In the course of the routine work of the field mission, individuals may present themselves who wish to report allegations of torture and ill-treatment. Whether or not the field mission is engaged in monitoring, investigating or reporting on such allegations, it is important to respond to such individuals in a professional manner and to collect all such data in a systematic fashion. It may be necessary for the field mission to take a statement on the spot or in a private interview. Individuals may also need advice on how to arrange a medical report. The advice and sample questionnaires outlined below can be used in these circumstances.

Principles for conducting an interview

Field officers should be aware that interviews in which a torture victim recounts the events of his or her abuse are generally extremely stressful for the victim. It is normal for the victim to undergo a retraumatization while recounting the events. Listening to accounts of torture can be stressful for the interviewer as well. The interviewer should be aware that torture survivors may conduct themselves in a variety of ways in an interview. They might appear extremely calm and detached or might react with great emotion and become tearful. A victim might also react aggressively towards the interviewer. In order to avoid any further damage to the victim while eliciting as much information as possible and necessary, it is important to prepare and conduct the interview in an appropriate manner.

When preparing the interview, possible barriers to effective communication should be anticipated and addressed. Those barriers could include

- the lack of private atmosphere for the interview;
- pain or fatigue the victim may be experiencing as a result of his/her abuse;
- lack of trust and/or hope;
- symptoms of Post-traumatic Stress Disorder (flashbacks, avoidance of traumatic memories, fear/anxiety, excessive guilt, inability to recall important aspects of the trauma, etc.) and depression;

- cognitive deficits (attention/concentration difficulties and memory lapses)
- shame and sociocultural barriers (interviewer's and interpreter's language, social class, ethnicity, nationality, gender; the latter is especially important for survivors of sexual violence).

When conducting the interview, the following principles should be adhered:

- The interview should be opened in a respectful manner, acknowledging the difficulties of talking about the trauma;
- The victim should be given as much of a sense of control as possible, such as asking if he or she is ready to begin and giving permission to withhold information he or she is not ready to divulge;
- During the interview no loud, aggressive voice or gesturing should be used;
- A confrontational or provocative interviewing style should be avoided;
- The survivor should be allowed to tell the story in his or her own words with as few interruptions as possible;
- No disbelief of a person's experiences should be expressed;
- Emotional break-downs should be anticipated and handled in a gentle way.

Sample questionnaire for personal testimony

With these general principles in mind, the following questionnaire can be used as the basis for a structured interview with such individuals. It can also be used as the basis for a written report, in which case it will likely need to be made available in the appropriate local languages. If the individual makes a written report, they should be entitled to retain a copy. The copy retained by the field mission and any notes made on the basis of a structured interview should be treated as confidential by the mission and the individual informed that no identifiable public use will be made of their testimony without their agreement.

Date of interview/testimony:

Place and circumstances of the interview/testimony; those present, including interpreter (if any):

Personal details of the individual: name, age, gender, family, education, occupation, political or other relevant activity or background:

Background to the arrest/detention:

Precise details of the arrest/detention date, time, place, agency involved, identity of officers involved (if known):

Sequence of events from moment of arrest, including details of incidents of torture or ill-treatment:

Checklist of principal safeguards:

Incommunicado detention? Duration?

Appearance before a judicial authority? Which authority? When? Nature of proceedings?

Notification of custody to family or other third party? How? When? Whom?

Access to a lawyer? When? Nature of access?

Medical examination? When? By whom? Report? Was a complaint made of ill-treatment? Was any treatment given?

Interrogation procedures: Notification of rights? Blindfolding/hooding? Recording?

Conditions of detention?

Complaints procedure?

Investigation of complaints? Prosecution?

Redress?

Continuing impact of torture and ill-treatment, physical injuries, psychological trauma, social or other consequences:

Relevant medical or other treatment: By whom? Report?

Related legal proceedings:

Related complaints to national or international institutions:

Details of other individuals detained at the same time or in the same locations, including any individuals believed to be still at risk of torture and ill-treatment:

Signature of individual testifying:

Name, details and signature of OSCE official taking/receiving the testimony:

Sample medical questionnaire

The following questionnaire can be used or adapted by a local physician or other medical expert as the basis for assessing the current condition of an individual who alleges that he or she has been the victim of torture and ill-treatment. It includes the examination of *sequelae*, or conditions resulting from, the alleged abuses. It is important to note that a medical examination cannot in and of itself confirm that an individual has been subjected to the abuses that they allege. It can state whether their condition and any injuries are consistent with the treatment to which they say they have been subjected. One copy of the report should be given to the individual who has been examined. One copy should be retained by the examining physician. One copy might be retained by the OSCE field mission as a confidential document.

Date of examination:

Name of individual being examined:

Reason for medical examination being requested:

Those present during the medical examination, including the interpreter (if any):

Prior medical history, including other examinations related to allegation of torture and ill-treatment:

Torture and ill-treatment to which the individual alleges he or she was subjected prior to this examination, including alleged methods by which any injuries were inflicted and the dates or periods of time within which this occurred:

Current complaints:

Signs of injury:

Other findings of the medical examination:

Assessment of the correlation between physical and psychological findings and the alleged methods of injury:

(a common system for making this assessment is to assign the following values to the correlation between each specific allegation and the findings of the medical examination: Not Consistent; Possibly Consistent; Consistent; Highly consistent; Diagnostic of)

Referral for further examination or treatment:

Diagnostic tests or studies requested:

Name and details of examining physician, and signature:

CHAPTER 6: INVESTIGATING

Collecting publicly available information, receiving testimony from individuals, making contact with other organizations, meeting public officials to discuss the government's legislative and administrative efforts to prevent torture and ill-treatment are all part of the effort to monitor compliance with OSCE commitments.

The decision to conduct an investigation takes the process to a different stage. Investigation involves a more active effort to obtain information that has not yet been provided, assess the validity of claims, and determine, if possible, what steps can be taken to address the problem.

These distinctions between the monitoring and investigating functions are not easy to define and the terms are sometimes used differently. These questions of terminology should not deter the field mission from recognizing that its responsibilities extend beyond the passive role of receiving information and may include the need to actively investigate allegations. In those circumstances, the role of the field mission should not be confused with the judicial investigation carried out by a state prosecutor. The field mission's role and the way it should proceed is described in general terms below.

6.1 The mandate

The field mission first needs to establish if it is within its mandate to carry out an investigation. Generally, an investigation of the type described below would be conducted only by a large mission with an explicit human rights mandate. However, smaller missions could consider such a step if circumstances merit it. If the investigation is to be conducted by the field mission itself, that may require a change of priorities in order to ensure that proper attention can be devoted to the inquiry. In some instances, specialist assistance may need to be seconded to the field mission, such as a lawyer specializing in international human rights law or a medical expert familiar with the examination of alleged torture victims. In other instances, a full investigative mission may be appropriate, headed by a senior figure and comprising experts familiar with custodial practices and inspections.

Before embarking on any form of investigation, it is important to prepare a written brief outlining the specific terms of reference for the investigation. It should stipulate the purpose

of the investigation; identify the precise aspects to be examined; list the individuals, groups and authorities to be interviewed; specify the institutions to be visited or inspected; describe the expertise needed to carry out the various aspects of the investigation; estimate the duration of the investigation; describe the likely outcomes envisaged, including the reporting process. A systematic presentation of the information collected as a result of the monitoring operation will be needed, both to justify the need for the proposed investigation and to provide a thorough briefing for those carrying it out.

6.2 Basic principles

If the field mission doubts that it has the experience or competence to carry out an investigation, it is always best to request specialist assistance. However, this is not always necessary and may not always be available. Certain basic principles should be followed and these, combined with the advice on reporting in Chapter 7, will normally provide a solid foundation for any reasonably conducted investigation.

Notify the principal parties. It should be considered whether the parties directly affected by an investigation should be notified of it in advance. If this is the case, the public authorities should know the terms of reference of the investigation, which officials are to be interviewed and which institutions are to be visited. Other parties, such as those alleging torture or ill-treatment, lawyers and organizations likely to want to make submissions might similarly receive the terms of reference and be told how the investigation is to be conducted.

Collect evidence. Make every effort to collect as much evidence as possible. Sample questionnaires for taking testimony and conducting medical examinations are provided at the end of Chapter 5. A useful handbook is *Guidelines for the Examination of Survivors of Torture*, available from the Medical Foundation for the Care of Victims of Torture, whose address is given in Annex 2. Similarly, the European Committee for the Prevention of Torture has issued *Guidelines for visits to prisons*, which is available from the Council of Europe whose address is given in Annex 2. Make every effort to collect as much evidence as possible.

Put questions to the authorities. Specific allegations of torture and ill-treatment are difficult to verify. Even experienced investigators who have unrestricted access to places of custody, prisoners and custodial records, seldom get unambiguous confirmation of allegations. It is more realistic to use the allegations and any other evidence collected as a basis for

questioning the authorities about their policies and practices. This should be done without compromising the identities of those who have made allegations. Instead, the line of questioning should focus in considerable detail on the presence or absence of relevant safeguards for persons in custody. The aim of these inquiries is to establish the extent to which the alleged torture and ill-treatment could have occurred in the absence of adequate institutional protection.

Seek expert advice. Test the conclusions of the investigation with an expert, either within the OSCE or in another responsible international institution, who is familiar with the complexities of this type of work. Share the evidence collected, including the responses of the authorities, as fully as possible within the limits of confidentiality in order to have the benefit of an impartial, second opinion on the conclusions.

Keep the overriding purpose of the investigation clearly in mind. Although the investigation may have a narrow focus related to specific allegations, its overriding purpose is to sustain the international momentum for the prevention of torture and ill-treatment. If there is sufficient evidence of criminal assault and obstruction of justice, the government has the legal responsibility to carry out a thorough investigation and prosecute those responsible. The OSCE investigation cannot pretend to play that role. What it can do is to demonstrate the seriousness with which it has carried out its own inquiries, conclude whether the allegations it has received are credible in light of the presence or absence of effective safeguards according to international standards and make appropriate recommendations.

CHAPTER 7: REPORTING

7.1 The importance of reporting

Accurate, unbiased reporting is an essential component of sustained, professional work for the prevention of torture and ill-treatment. Torture and ill-treatment thrive in secrecy; reporting may well be a first step in ending these abuses. Preparing a written report is the culmination of the monitoring or investigating processes.

Report writing also involves a discipline which helps ensure that the monitoring and investigating is done systematically and effectively. A properly prepared report can be a potent tool in advancing the work against torture and ill-treatment because it can often serve

to bring issues to the attention of a significant number of officials and others who may be in a position to introduce safeguards and initiate proceedings on matters which would otherwise remain unknown, ignored or condoned.

7.2 To whom to report

Field missions regularly report to the OSCE Chairman-in-Office and OSCE Secretariat in Vienna in accordance with the mission mandate and related events in the country. If such reports include important human rights information they should be copied to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and as appropriate to the OSCE High Commissioner for National Minorities and the OSCE Representative on Freedom of the Media. The head of mission normally signs all such reports. These reports are reviewed, amended as necessary and issued to representatives of participating States by the Secretariat. The extent to which such reports deal with the issue of torture and ill-treatment depends on the mandate of the mission and the evaluation by the head of mission of any developments in this area.

Field officers within an OSCE mission submit reports to other, more senior officials within the mission. For example, a report might first go to the head of the office in a regional office, which can decide to forward it to the head office for further evaluation. In the context of large missions there is often a system of frequent spot reporting. The chain of reporting will lead from the field mission's report to the OSCE Chairman-in-Office.

There are other, less formalized ways of reporting. Each field officer needs to familiarize him/herself with the specific reporting procedures and tasks for the mission. In certain circumstances there will be special arrangements for the exchange of reports and information with key partner organizations. The field officer needs to be fully briefed on the existence and usefulness of such exchange of information.

OSCE officials who are drafting reports need to consider carefully to whom the report is addressed and who will be reading it. This will influence the amount of detail the report contains and the level of confidentiality. As a general rule, individuals named in detailed allegations of torture and ill-treatment, including medical and other reports, that are not already in the public domain should have their right to privacy respected. The legal consequences of citing individuals' names, whether they are alleged victims or perpetrators of

abuses, vary from country to country, but it needs to be borne in mind that all such references may become evidence in legal proceedings. All such material should be kept securely by the field mission for reference if required, but not included in or attached to reports.

Field missions should report to the Secretariat and to the ODIHR if credible allegations of torture come to their attention. This can be done in a variety of ways. Depending on circumstances, the field mission may choose to prepare a spot report or a confidential report, or it may include the information in the human rights section of its regular weekly, biweekly or monthly reports. Larger field missions with an explicit human rights mandate or smaller field missions that perceive a particular problem of torture may feel the need to prepare a more detailed analytical report. In such instances, they should draw on the guidance in the following sections.

7.3 Preparing a report

The quality of any report rests primarily on the validity of the information it contains and the integrity of the process used to compile it. It is the responsibility of the field mission to ensure that both requirements are respected. If the monitoring and investigating processes described in Chapters 5 and 6 have been followed, it is likely that a reasonable body of information will have been gathered. Every effort should be made to seek information and clarification from the relevant state bodies, as well as from those who allege violations. This even-handed and open-minded approach is part of the integrity which is essential to assessing and reporting on torture and ill-treatment.

The report itself should be characterized by its frankness and accuracy. In the sample report outline given below, the field mission is first urged to explain the framework and methodology used in preparing the report. This emphasis is particularly important in dealing with a subject as controversial as torture and ill-treatment, especially as the findings may be disputed using the pretext that the way in which the inquiry itself was conducted was 'flawed' in some way. The report throughout should be free from exaggeration, innuendo or any other form of distortion. Be as precise as possible and freely acknowledge areas of inquiry that have proved inconclusive. Avoid description of individuals, groups or institutions that can be construed as politically motivated or biased. To the extent that the report carefully and consistently distinguishes between facts on the one hand and allegations or opinions on the other, it will stand up to the scrutiny it deserves.

The report itself is not a legal judgement. It does not have to make definitive findings on whether specific allegations can be proved. It does not have to assign blame or criminal liability. It does not have to identify individual public officials or victims. The very nature of torture and ill-treatment is that they tend to occur in locations to which there is little or no independent access. A convincing report is therefore one which demonstrates that there is a consistent and credible pattern of allegations, many of which may be supported by a reasonable standard of medical or other evidence and that this pattern coincides with identifiable deficiencies in the administration of justice which effectively deprive detainees of the safeguards designed to protect them against abuses or render independent investigation of their complaints possible. The role of the report should be to motivate both the government and OSCE institutions to work in partnership to remedy any such deficiencies.

7.4 Sample report outline

Each report prepared for the OSCE by a field mission will have its own unique character, determined largely by the character of the mission and the scope of its operations. However, it may be useful to use the following checklist and advice to ensure that reporting on questions relating to torture and ill-treatment meets the most common OSCE requirements and helps facilitate an appropriate response.

The OSCE Framework. The report should open with a brief statement of the OSCE commitments and organizational mandate under which the field mission is empowered to report on the questions related to torture and ill-treatment that are the subject of the report. The principal OSCE commitments are included as Annex 1.

The Cause for Concern. Summarize the reasons that have motivated the field mission to pursue the issues presented in the report. These may range from persistent deficiencies in the administration of justice that effectively deprive detainees of safeguards against torture and ill-treatment through to specific allegations of torture and ill-treatment being inflicted on individuals or groups within the jurisdiction of the country.

The Mission Brief. State the precise objective for which the report has been prepared. It

may be that the cause for concern is wide ranging, whereas the brief of this particular report is restricted to a specific issue or allegations within that broader picture.

The Method of Inquiry. Describe in sufficient detail the method used to compile and assess the information presented in the report. Be precise as to the time frame of the inquiry, specific locations visited, official sources and public records used as reference materials, independent experts involved or consulted (named with their consent). Numbers of individuals making allegations of torture or ill-treatment should be given, where appropriate. However, confidentiality should be respected with regard to their personal details. Cite all efforts to discuss the issue with public officials and any assistance received from them in the course of the inquiry, as well as any difficulties encountered.

Summary of Findings. Present a brief overview of the principal findings of the inquiry.

Description of Observations. This will likely be the bulk of the report. Present the relevant observations made as a result of the research, field visits, interviews and meetings undertaken in the course of the inquiry. In the case of any visits to places of detention, interviews with those alleging torture or ill-treatment and meetings with public officials, provide as much detail as is appropriate to enable OSCE officials or independent experts to get a feel for the realities involved, including the inevitable complexities, contradictions and uncertainties that are likely to have arisen.

Recommendations. List the specific steps that should be taken to deal with the findings of the inquiry. These can be grouped according to the various institutions to which the recommendations are addressed. These could include the field mission itself, the ODIHR, other OSCE bodies, international bodies competent to act in relation to the findings, as well as the various levels of authority within the country concerned, including local officials and national ministries. Wherever possible identify constructive initiatives, such as training and other forms of assistance that may help to increase the expertise and resources necessary to ensure that detainees are treated with dignity in accordance with OSCE commitments and other international standards.

Annexes. The report can be accompanied by charts summarizing any statistical data. In the case of specific allegations of torture and ill-treatment, it is appropriate to submit material such as medical reports, sworn affidavits or any other documentary evidence that is already in the public domain. Unpublished documents that refer to named individuals should be treated as confidential and stored separately and securely.

CHAPTER 8: FURTHER APPROACHES

Monitoring, investigating and reporting are by no means the only initiatives that can be taken in the area of preventing torture and ill-treatment. The Office for Democratic Institutions and Human Rights (ODIHR) is interested in working with field missions to develop anti-torture assistance projects and raise public awareness through campaigns to combat torture and ill-treatment. By strengthening the literacy of OSCE personnel in torture-related issues, they will be able to respond more knowledgeably, effectively and quickly to issues as they arise.

In addition, the ODIHR is incorporating anti-torture concerns into existing projects. For example, the ODIHR has undertaken legislative reviews in relation to the provisions of the UN Torture Convention, organized judicial training and helped to strengthen public awareness and the work of non-governmental organizations in this field. The ODIHR has been working with the prison administration in several participating States to strengthen the operational procedures of the prison systems and to enhance the training given to penal staff with regard to international standards. Future phases of these projects will include more specific practices and standards utilized by other participating States to eliminate the opportunities for torture and ill-treatment.

There is a considerable range of other initiatives that a field mission can take that will contribute to the prevention of torture and ill-treatment. The suggestions given in this handbook are not exhaustive. For example, there may be particular trials that the field mission feels it would be useful to attend and report on in the light of the judicial safeguards referred to in Chapter 4. There may be particular custodial institutions that the field mission thinks should be the object of inspection. Prison visits, however, are an aspect of prevention work that should be discussed with the representatives of the International Committee of the Red

Cross (ICRC) before any action is undertaken. In general the ICRC should retain the lead in visits to prisoners and detainees, and OSCE missions should be careful not to interfere with its work. The European Committee for the Prevention of Torture also has considerable expertise in this area, and can be consulted for information on its activities.

8.1 Approaching government officials

Some government ministries and public officials may be particularly sympathetic to the OSCE objective of combating torture. The field mission should actively seek their co-operation in developing initiatives that will be supported by the entire government.

It should be part of the routine work of the field mission to discuss implementation of the OSCE human dimension commitments with relevant government officials. These commitments include the protection of prisoners. Among the issues for discussion are:

- Ratification of international human rights treaties;
- Acceptance of provisions in the treaties which grant the right of individual petition;
- Withdrawal of reservations the government may have made at the time of ratification;
- Support for the Draft Optional Protocol to the Torture Convention, aimed at establishing an effective, universal system for the prevention of torture and ill-treatment;
- Amendment of national legislation, including the adoption of the non-binding rules and guidelines of the UN and Council of Europe, to provide administrative guidelines for the treatment of detainees;
- Patterns of allegations brought to the attention of the field mission;
- Individual cases of particular concern;
- Specific instances where disciplinary or criminal proceedings may be not in line with the OSCE commitments to prohibit torture and ill-treatment;
- Donations to the UN Voluntary Fund for the victims of torture;
- Creation of or support for centres for the rehabilitation of torture survivors.

The field mission can also offer support from the OSCE for training programmes, legislative reforms, and public awareness initiatives aimed at supporting the universal eradication of torture and ill-treatment.

8.2 Recommending OSCE initiatives

The field mission should consider possibilities for action by the OSCE. These possibilities may arise as a result of the monitoring and investigating activities already described. They may also result from discussion with sympathetic government officials. For example, the OSCE could facilitate:

- international exchanges between lawyers, medical professionals and other specialists whose work is related to detainees to discuss practical measures for implementing international safeguards;
- international exchanges between public officials, academics and policy makers in relevant fields, and for representatives of professional associations to discuss programmes and policies for the abolition of torture and ill-treatment;
- visits and lectures to relevant national bodies by international experts on the prevention of torture and ill-treatment;
- training and international exchanges between police, prison service, security and military officers concerned with the prevention of torture and ill-treatment.

It may also be appropriate for OSCE bodies to issue a public statement in connection with torture and ill-treatment in a particular country, for example, welcoming new ratifications of the Torture Convention or legislative changes aimed at eliminating torture and ill-treatment. In other situations, the OSCE may find it appropriate to express its concern publicly about continuing abuses in a country. It is also possible in some circumstances to arrange interventions by the Chairman-in-Office or the ODIHR. In some cases, it might be helpful for a report on torture and ill-treatment to be submitted to the Permanent Council.

In some instances, the OSCE might consider that action by other international entities would be helpful, such as the European Committee for the Prevention of Torture or the UN Special Rapporteur. It should always be willing to consider this option and facilitate such interventions.

8.3 Assistance to survivors and their families

Survivors of torture often suffer traumas that are complex and enduring. It is for this reason that in many countries there have been established specialized rehabilitation centres for

torture survivors - often with financial assistance from the UN Voluntary Fund for Victims of Torture. The Fund, which is dependent entirely on voluntary contributions from governments, private organizations, institutions and individuals, aims to provide humanitarian, legal and financial aid to torture survivors, to promote their rehabilitation and to train specialists in their treatment. Most torture rehabilitation centres offer this type of support and provide specialist therapeutic programmes. Details of such centres in OSCE countries is provided in Annex 2.

It would be wrong, however to think that the survivors of torture and ill-treatment should be regarded as 'patients'. Their experience can be harnessed in the global effort to rid the world of these atrocities. In certain situations, they may be ideally placed to offer support and counsel to others who have undergone similar suffering - or to advise field missions on the provision of such support. However, as the testimony of countless survivors the world over has attested, the profound support for which the survivors of torture and ill-treatment long is not so much for themselves personally. It is rather that they wish to see all of humanity finally spared the cruelty and injustice they have suffered by the commitment of the entire international community to end the abomination of torture once and for all.

8.4 Using this Handbook

This specially prepared handbook can be used, itself, as a tool in the human rights promotion work of the field mission. It brings together a great deal of material which is not easily available in one place. Chapters 3 and 4 could be used as the basis for seminars and training programmes with government officials and non-governmental human rights organizations, as well as with professional associations and the media - and the additional information available through the organizations and internet sites listed in Annex 2 can be used to tailor the seminars or training programmes according to the specific group involved. Although the rest of the handbook contains instructions for field missions, it is material that can be shared with others - as it demonstrates the depth of the OSCE's commitment and the systematic approach it is taking on this issue. In some situations, the field mission might find it useful to translate part or all of the handbook so that it can be used more widely for reference and advice within the country.

ANNEX 1: THE OSCE COMMITMENTS

This annex includes only the OSCE commitments relating specifically to torture and other commitments, which have been quoted in the text. More complete texts of OSCE commitments related to human rights can be found on the ODIHR website (<http://www.osce.org/odihr>).

1. Concluding Document of Vienna, The Third Follow-Up Meeting, 1989

(23)

The participating States will

(23.2)

ensure that all individuals in detention or incarceration will be treated with humanity and with respect for the inherent dignity of the human person;

(23.3)

observe the United Nations Standard Minimum Rules for the Treatment of Prisoners as well as the United Nations Code of Conduct for Law Enforcement Officials;

(23.4)

prohibit torture and other cruel, inhuman or degrading treatment or punishment and take effective legislative, administrative, judicial and other measures to prevent and punish such practices;

(23.5)

consider acceding to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, if they have not yet done so;

(23.6)

protect individuals from any psychiatric or other medical practices that violate human rights and fundamental freedoms and take effective measures to prevent and punish such practices.

2. Document of the Copenhagen Meeting of the Conference on the Human Dimension of the OSCE, Copenhagen, 29 June 1990

(5)

They (the participating States) solemnly declare that among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and

inalienable rights of all human beings are the following:

(...)

(5.17)

- any person prosecuted will have the right to defend himself in person or through prompt legal assistance of his own choosing or, if he does not have sufficient means to pay for legal assistance, to be given it free when the interests of justice so require

(16)

The participating States

(16.1)

reaffirm their commitment to prohibit torture and other cruel, inhuman or degrading treatment or punishment and take effective legislative, administrative, judicial and other measures to prevent and punish such practices; to protect individuals from any psychiatric or other medical practices that violate human rights and fundamental freedoms and take effective measures to prevent and punish such practices;

(16.2)

intend, as a matter of urgency, to consider acceding to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, if they have not yet done so, and recognizing the competence of the Committee against Torture under articles 21 and 22 of the Convention and withdrawing reservations regarding the competence of the Committee under article 20;

(16.3)

stress that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or and other public emergency, may be invoked as a justification of torture;

(16.4)

will ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

(16.5)

will keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to

any form of arrest, detention or imprisonment in any territory under their jurisdiction, with a view to preventing any cases of torture;

(16.6)

will take up with priority for consideration and for appropriate action, in accordance with the agreed measures and procedures for the effective implementation of the commitments of the CSCE, any cases of torture and other inhuman and degrading treatment or punishment made known through the official channels or coming from any other reliable source of information;

(16.7)

will act upon the understanding that preserving and guaranteeing the life and security of any individual subjected to any form of torture and other inhuman and degrading treatment or punishment will be the sole criterion in determining the urgencies and priorities to be accorded in taking appropriate remedial action; and, therefore, the consideration of any cases of torture and other inhuman and degrading treatment or punishment within the framework of any other international body or mechanism may not be invoked as a reason for refraining from consideration and appropriate action in accordance with the agreed measures and procedures for the effective implementation of the commitments relating to the human dimension of the CSCE.

3. Charter of Paris for a New Europe, OSCE Summit, Paris 1990

No one will be subject to torture or other cruel, inhuman or degrading treatment or punishment

4. Document of the Moscow Meeting of the Conference on the Human Dimension of the OSCE, Moscow 1991

(23)

The participating States will treat all persons deprived of their liberty with humanity and with respect for the inherent dignity of the human person and will respect the internationally recognized standards that relate to the administration of justice and the human rights of detainees.

(23.1)

The participating States will ensure that

(i)

no one will be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law;

(ii)

anyone who is arrested will be informed promptly in a language which he understands of the reason for his arrest, and will be informed of any charges against him;

(iii)

any person who has been deprived of his liberty will be promptly informed about his rights according to domestic law;

(iv)

any person arrested or detained will have the right to be brought promptly before a judge or other officer authorized by law to determine the lawfulness of his arrest or detention, and will be released without delay if it is unlawful;

(v)

anyone charged with a criminal offence will have the right to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(vi)

any person arrested or detained will have the right, without undue delay, to notify or to require the competent authority to notify appropriate persons of his choice of his arrest, detention, imprisonment and whereabouts; any restriction in the exercise of this right will be prescribed by law and in accordance with international standards;

(vii)

effective measures will be adopted, if this has not already been done, to provide that law enforcement bodies do not take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, or otherwise to incriminate himself, or to force him to testify against any other person;

(viii)

the duration of any interrogation and the intervals between them will be recorded and certified, consistent with domestic law;

(ix)

a detained person or his counsel will have the right to make a request or complaint regarding his treatment, in particular, when torture or other cruel, inhuman or degrading treatment has been applied, to the authorities responsible for the

administration of the place of detention and to higher authorities, and when necessary, to appropriate authorities vested with reviewing or remedial power

(x)

such request or complaint will be promptly dealt with and replied to without undue delay; if the request is rejected or in case of inordinate delay, the complainant will be entitled to bring it before a judicial or other authority; neither the detained or imprisoned person nor any complainant will suffer prejudice for making a request or complaint.

(xi)

anyone who has been the victim of an unlawful arrest or detention will have a legally enforceable right to seek compensation.

(23.2)

The participating States will

(i)

endeavour to take measures, as necessary, to improve the conditions of individuals in detention or imprisonment;

(ii)

pay particular attention to the question of alternatives to imprisonment.

5. OSCE Summit, Towards A Genuine Partnership In A New Era, Budapest 1994

Prevention of Torture

20. The participating States strongly condemn all forms of torture as one of the most flagrant violations of human rights and human dignity. They commit themselves to strive for its elimination. They recognize the importance in this respect of international norms as laid down in international treaties on human rights, in particular the United Nations Convention against Torture and other Inhuman and Degrading Treatment or Punishment and the European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment.

They also recognize the importance of national legislation aimed at eradicating torture. They commit themselves to inquire into all alleged cases of torture and to prosecute offenders. They also commit themselves to include in their educational and training programmes for law

enforcement and police forces specific provisions with a view to eradicating torture. They consider that the exchange of information on this problem is an essential prerequisite. The participating States should have the possibility to obtain such information. The CSCE should in this context also draw on the experience of the Special Rapporteur on Torture and other Cruel Inhuman and Degrading Treatment or Punishment established by the Commission on Human Rights of the United Nations and make use of the information provided by NGOs.

ANNEX 2: LIST OF INSTITUTIONS AND WEBSITES

Disclaimer: At the time this handbook was published, the following websites contained information relating to this topic. OSCE assumes no responsibility for the accuracy or contents of information located on other websites.

This listing provides details for contacting the principal intergovernmental bodies that have adopted the international and European standards referred to in this handbook, the web sites that provide access to the official texts, and some of the main non-governmental organizations working to combat torture internationally and in Europe. If you are looking for international treaty texts and related material, the first website to check is:

<http://www.unhcrh.ch/html/intlinst.htm>

This list also includes contact details for a range of centres throughout the countries of the OSCE that specialize in the care of torture survivors. This list is neither comprehensive nor exhaustive. Many of the web-sites include directories of other such bodies or national affiliates. The OSCE takes no responsibility for the information on these sites.

INTERGOVERNMENTAL AND TREATY ORGANIZATIONS

Committee Against Torture

(Established under the Torture Convention)

Centre for Human Rights,

United Nations Office

8 - 14 avenue de la Paix

CH 1211 Geneva 10, Switzerland

e-mail: webadmin.hchr@unog.ch

<http://www.unhchr.ch/html/menu2/6/cat.htm>

Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

(Established under the European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment)

The Human Rights Information Centre

Council of Europe

F-67075 Strasbourg-Cedex, France

Tel. +33 3 88 41 20 24; Fax +33 3 88 41 27 04

e-mail: HumanRights.Info@coe.fr

<http://www.cpt.coe.fr>

European Court of Human Rights

Council of Europe

F - 67075 Strasbourg-Cedex, France

Tel: +33 3 88 41 20 18; Fax: +33 3 88 41 27 30

e-mail: webmaster@court1.coe.fr

<http://www.dhcour.coe.fr>

Human Rights Commission of the Council of Europe

(European Commission of Human Rights)

Council of Europe

F-67075 Strasbourg-Cedex , France

<http://194.250.50.201/>

Human Rights Committee

(Established under the International Covenant on Civil and Political Rights)

Centre for Human Rights

United Nations Office

8 - 14 avenue de la Paix

CH 1211 Geneva 10, Switzerland

e-mail: webadmin.hchr@unog.ch

<http://www.unhchr.ch/html/menu2/6/hrc.htm>

International Committee of the Red Cross (ICRC)

19 avenue de la Paix

CH 1202 Genève, Switzerland

Tel: + 41 22 734 60 01

Fax: + 41 22 733 20 57

e-mail: webmaster.gva@icrc.org

<http://www.icrc.org> provides full texts of international humanitarian law standards and contact details for all ICRC delegations worldwide

Office for Democratic Institutions and Human Rights

Organization for Security and Co-operation in Europe

Aleje Ujazdowskie 19

00-557 Warsaw, Poland

Tel: +48 22 520 0600; Fax: +48 22 520 06 05

e-mail: office@odihr.osce.waw.pl

<http://www.osce.org/odihr> includes thematic compilations of OSCE Human Dimension Commitments

<http://www.osce.org> provides access to published records of all major organs of the OSCE, with current details of field operations and public statements

United Nations Commission on Human Rights

OHCHR-UNOG

CH 1211 Geneva 10, Switzerland

e-mail: webadmin.hchr@unog.ch

<http://www.unhchr.ch> includes official texts of all UN human rights standards and treaties and links to all UN-related human rights bodies

United Nations High Commissioner for Human Rights

OHCHR-UNOG

CH 1211 Geneva 10, Switzerland

Tel: +41 22 9179000

e-mail: webadmin.hchr@unog.ch

<http://www.unhchr.ch>

United Nations High Commissioner for Refugees

C.P. 2500, 1211 Geneva 2, Switzerland

e-mail: webmaster@unhcr.ch

<http://www.unhcr.ch/welcomeold.htm> includes contact details for all operations of the UN High Commissioner for Refugees worldwide

UN Special Rapporteur on Torture and other Cruel, Inhuman and Degrading Treatment or Punishment

c/o Office of the High Commissioner for Human Rights

United Nations

CH-1211 Geneva, Switzerland

e-mail: webadmin.hchr@unog.ch

<http://www.unhchr.ch> includes model questionnaire for submitting allegations of torture to the Special Rapporteur

INTERNATIONAL NGOS AND NETWORKS

Amnesty International

International Secretariat

1 Easton Street

London WC1X 8DJ, United Kingdom

Tel: +44 171 413 5500

Fax: +44 171 956 1157

e-mail: amnestyis@amnesty.org

<http://www.amnesty.org> includes access to all Amnesty International reports and news releases as well as contact details for offices worldwide

Association for the Prevention of Torture

Route de Ferney 10

Case postale 2267

CH-1211, Geneva 2, Switzerland

Tel: +41 22 734 2088; Fax: +41 22 734 5649

e-mail: apt@apt.ch

<http://www.apt.ch>

Fédération Internationale des Ligues des Droits de L'Homme

17 Passage de la Main d'Or,

75011 Paris, France

Tel: +33 1 43 55 25 18

Fax :+33 1 43 55 18 80

e-mail : fidh@csi.com

<http://www.fidh.imagnet.fr>

Human Rights Internet

8 York Street

Suite 302

Ottawa, K1N 5S6, Canada

Tel: +1 613 789 7407

Fax: +1 -613 789 7414

e-mail: hri@hri.ca

<http://www.hri.ca> A comprehensive site for full texts of international human rights standards and treaties as well as data and links on intergovernmental and non-governmental organizations working in the field of human rights protection

Human Rights Watch

34th Floor
350 Fifth Avenue
New York, NY 10118 -3299, USA
Tel: + 1 212 290 4700
Fax: + 1 212 736 1300
<http://www.hrw.org>

International Helsinki Federation for Human Rights (IHFHR)

Rummelhardtg.2/18
A 1090 Vienna, Austria
Tel. +43 1 402 73 87/408 88 22
Fax +43 1 408 74 44
e-mail: office@ihf-hr.org
<http://www.ihf-hr.org>

International Rehabilitation Council for Torture Victims

Borgegade 13
DK-1300 Copenhagen K, Denmark
Tel: +45 3376 0600
Fax: +45 3376 0500
e-mail: irct@irct.org
<http://www.irct.org> includes contact details on centres for victims of torture in many countries, in addition to those listed below

L'Action des Chrétiens pour l'Abolition de la Torture et des exécutions capitales

7 rue Georges Lardennois
75019 Paris, France
Tel: +33 1 40 40 42 43
Fax: +33 1 40 40 42 44
e-mail: acat-fr@worldnet.fr

<http://services.worldnet.net/acatfr/>

World Organisation against Torture (OMCT/SOS-Torture)

37 - 39 rue de Vermont,
Case postale 119,
1211 Geneva, Switzerland
Tel: + 41 22 733 3140
Fax: + 41 22 733 1051
e-mail: omct@omct.org

COUNTRY LISTS

ALBANIA | **Albanian Rehabilitation Center for Torture Victims**
Rr. Kont Urani No. 10
Tirana, Albania
Tel: +355 42 56522
Fax: +355 42 39 120

AUSTRIA | **HEMAYAT**
Verein zur Unterstützung von Folter- und Kriegsüberlebenden
Engerthstr. 161-163,
1020 Vienna, Austria
Tel/Fax: +43 1 216 4306

OMEGA - Society for Victims of Organised Violence & Human Rights Violations
Granatengasse 2
8020 Graz, Austria
Tel/Fax: +43 316 773 554
e-mail: omega.graz@netway.at

ZEBRA
Pestalozzistrasse 59/2
8010 Graz, Austria
Tel/Fax + 43 316 83 56 30

BELGIUM | **EXIL**
43, Avenue Brugmann
1060 Brussels, Belgium
Tel: +32 2 534 5330

Fax: +32 2 534 9016
e-mail: exil.dsbl@skynet.be

BOSNIA **"Moj prijatelj"**
Emerika Bluma 23
71 000 Sarajevo, Bosnia
Tel/fax: +387 71 440 035

HealthNet International
Cekaluša 66
71 000 Sarajevo, Bosnia
Tel: +387 71 444 536
Fax: +387 71 444 158

Koševo Bolnica
Psihijatrijska Klinika
Bolincka 25
71 000 Sarajevo, Bosnia
Tel: +387 71 663 741
Fax: +387 71 440 169

Catholic Relief Service - Bosnia
Za Traumu
Muhameda Kantardžica 3/IV
Sarajevo, Bosnia
Tel: +387 71 205 827
Fax: +387 71 205 373

BULGARIA **ACET - Assistance Centre for Torture Survivors**
7-9 Zvanika Str., Apt 3, floor 1
1680 Sofia, Belite brezi, Bulgaria
Tel/Fax: +359 2 957 1679
e-mail: acet@omega.bg

CANADA **CCVT - Canadian Centre for Victims of Torture**
194 Jarvis St., 2nd floor
Toronto, Ontario M5B 2B7, Canada
Tel: +1 416 363 1066

Fax: +1 416 363 2122
e-mail: ccvt@iComm.ca
<http://www.icomm.ca/ccvt>

CCCP - Cross Cultural Counselling Program

Mount Carmel Clinic
886 Main Street
Winnipeg, Manitoba R2W 5L4, Canada
Tel: +1 204 82 2311
Fax: +1 204 582 1341

ECSTT - Edmonton Centre for Survivors of Torture and Trauma

#101, 10010-107A Avenue
Edmonton, Alberta T5H 4H8
Canada
Tel: +1 403 423 9698
Fax: +1 403 424 7736
e-mail: mcnedm@istar.com

Host Support Program for Survivors of Torture

Calgary Catholic Immigration Society [CCIS]
3rd Floor, 120-17th Avenue S.W.
Calgary, Alberta T2S 2T2, Canada
Tel: +1 403 262 2006
Fax: +1 403 262 2033
e-mail: ccisdir@cadvision.com
<http://www.cadvision.com/ccis>

International Trauma Psychotherapy Associates

458 Queens Avenue, Suite 5
London, Ontario N6B 1X9, Canada
Tel: +1 519 433 0772
Fax: +1 519 433 3452

Network Committee to Assist Survivors of War & Torture of the Canadian

Mental Health Association
1355 Bank Street, Suite 402
Ottawa, Ontario K1H 8K7, Canada
Tel: +1 613 737 7791
Fax: +1 613 737 7644

RIVO - Réseau d'intervention auprès des personnes ayant subi la violence
organisée/ Intervention network for people having been subjected to organised
violence

120 rue Duluth Est
Montréal H2W 1H1, Québec, Canada
Tel: +1 514 282 0661
Fax: +1 514 282 0661 / 844 0067
e-mail: rivo@cam.org
<http://www.cam.org/~rivo>

Survivors of Torture and Trauma Working Group

c/o Mennonite Coalition for Refugee Support (MCRS)
58 Queen Street South
Kitchener, Ontario N2G 1V6, Canada
Tel: +1 519 579 9622
Fax: +1 519 743 9452

VAST - Vancouver Association for the Survivors of Torture

3664 East Hastings Street, Unit 3
Vancouver BC V5K 2A9, Canada
Tel: +1 604 299 3539
Fax: +1 604 299 3523
e-mail: vast@amssa.bc.ca

VCST - Victoria Coalition for Survivors of Torture

2901 Queenston Street
Victoria BC V8R 4P4, Canada
Tel: +1 250 383 1422
Fax: +1 250 370 8982
e-mail: vcst@bc1.com

CROATIA (Note: some of these organizations are involved in responding to needs elsewhere in
the Balkans, including Kosovo)

Center for Mental Health and Human Rights

Bauerova 42
10 000 Zagreb, Croatia
Tel./Fax: + 385 1 461 5353
e-mail: cpt_zg@ZAMIR.net

Društvo za Psihološku Pomoc - Society for Psychological Assistance

Draškovićeve 29/11
10 000 Zagreb, Croatia
Tel: +385 1 46 15 076 / 4615 077
Fax: +385 1 46 15 078
e-mail: spa@dpp.hr
<http://www.dpp.hr>

Center for Peace, Nonviolence and Human Rights

Krsovanija 4
HR-31000 Osijek, Croatia
Tel./Fax: +385 31 206 886, +385 31 206 889
e-mail: czmos@zamir.net
<http://www.zamir.net/~czmos>

Klinicka Bolnicki

Centar Rijeka
Klinika za psihijatriju
Cambierieva 17 / 7
51 000 Rijeka, Croatia
Fax: +385 51 333 323

Clinic for Psychological Medicine - Rebro, Zagreb

Raduseva 9
Zagreb, Croatia
Tel/Fax +385 1 228 696

DENMARK

RCT - Rehabilitation and Research Centre for Torture Victims

Borgergade 13
1300 Copenhagen K, Denmark
Tel: +45 33 76 0600
Fax: +45 33 76 0510
e-mail: rct@rct.dk
<http://www.irct.org>

CEPAR - Center for Psykosocialt Arbejde med Flygtninge og Indvandrere/

Centre for psycho-social assistance to refugees and immigrants
Nørrebrogade 9 F, 1
2200 Copenhagen N, Denmark

Tel: +45 35 37 78 85
Fax: +45 35 37 78 63
e-mail: cepar@image.dk
<http://www.cepar.dk>

ETICA - Treatment Centre for Traumatized Refugees, Migrants and Danes

Borgergade 40, st.
1300 Copenhagen K, Denmark
Tel: +45 33 32 03 43
Fax: +45 33 15 51 73
e-mail: etica@dadlnet.dk
<http://www.etica.suite.dk>

OASIS - Treatment and counselling for refugees

Strandboulevarden 92, 3.
2100 Copenhagen, Denmark
Tel: +45 35 26 57 26
Fax: +45 35 26 55 33
e-mail: info@oasis-rehab.dk

ESTONIA Estonian Centre of Medical Rehabilitation for Victims of Torture (MRT)

Paldiski mnt. 68
10617 Tallinn
Estonia
Tel/fax: +372 6 507 213
e-mail: arnomrt@online.ee

FINLAND CTSE

Hämeentie 31 B 4. KRS
00500 Helsinki, Finland
Tel: +358 9 7750 7584
Fax: +358 9 773 5258
e-mail: timo.heikkila@hdl.mailnet.fi
e-mail: marjatta.vesalainen@hdl.mailnet.fi

FRANCE AVRE - Association pour les victimes de la répression en exil

125 rue d'Avron
75020 Paris, France
Tel: +33 1 43 72 07 77

Fax: +33 1 43 72 21 87
e-mail: avre@wanadoo.fr

Centre Primo Levi

Centre de soins pour victimes de torture et de violence politique
107 ave Parmentier
75011 Paris, France
Tel: +33 1 43 14 88 50
Fax: +33 1 43 14 08 28

Prison Watch/ Observatoire International des Prisons

16, avenue Berthelot
B.P. 7038
F 69341 Lyon Cedex, France

GERMANY

Xenion

Roscherstr. 2a
10629 Berlin, Germany
Tel: +49 30 323 29 33
Fax: +49 30 324 85 75

Behandlungszentrum für Folteropfer e.V. / Center for the Treatment of Torture Victims Berlin

Klinikum Westend
Spandauer Damm 130
14050 Berlin, Germany
Tel: +49 30 303 9060
Fax: +49 30 306 143 71
e-mail: BZFO-BERLIN@t-online.de
<http://www.netzwege.de/BZFO/indexe.html> [English]
<http://www.netzwege.de/BZFO> [German]

Psychosoziales Zentrum für ausländische Flüchtlinge

CARITAS-Asylberatung Köln e.V.
Spiesergasse 12
50670 Köln, Germany
Tel: +49 221 160 740
Fax: +49 221 139 0272

Psychosoziales Zentrum für Flüchtlinge und Opfer organisierter Gewalt [PSZ]

Fichardstr. 46
60322 Frankfurt-am-Main, Germany
Tel: +49 69 55 31 10/55 31 16
Fax: +49 69 55 31 40

Refugio München: Beratungs und Behandlungszentrum für Flüchtlinge und

Folteropfer
Rauchstr. 7
81679 Munich, Germany
Tel: +49 89 982 9570
Fax: +49 89 982 95757

Refugio Bremen

Gothaer Str. 19
28215 Bremen, Germany
Tel: +49 421 376 0749
Fax: +49 421 376 0722

Behandlungszentrum für Folteropfer

Seelengraben 22
89073 Ulm, Germany
Tel: +49 731 22 8 36
Fax: +49 731 22 8 31

Zentrum zur Behandlung von Folteropfern e.V.

Reutiner Strasse 5
88131 Lindau (B), Germany
Tel: +49 83 82 40 94 50
Fax: +49 8382 40 94 54
e-mail: zentrum.lindau@t-online.de

GREECE MRCTV - Medical Rehabilitation Centre for Torture Victims

9 Lycabettous Street
Athens 10672, Greece
Tel: +30 1 36 46 807 / 36 04 967
Fax: +30 1 36 12 273
e-mail: mrct@compulink.gr
<http://www.compulink.gr/mrct/>

RCTV- Rehabilitation Centre for Torture Victims

14 Korai Street
45444, Ioannina, Greece
Tel: +30 651 78810
Fax: +30 651 72378
e-mail: rctvi@ioa.forthnet.gr
<http://www.forthnet.gr/rctvi>

ITALY CIR / Medici e Psicologi Contro la Tortura

c/o Casa dei Diritti Sociali
Via dei Mille, 6
00185 Rome, Italy
Tel: +39 6 446 4613
Fax: + 39 6 447 00229
e-mail: anteo@pronet.it

LATVIA Medical Rehabilitation Centre for Torture Victims

J. Asara Str.5
LV-1009 Riga, A.K. 153-A, Latvia
Tel: +371 2 2 27 47 87
Fax: +371 2 27 22 84

NETHERLANDS Stichting Pharos

Postbus 13318
3507 LH Utrecht, Netherlands
Tel: +31 30 23 49 800
Fax: +31 30 23 64 560

Pharos Foundation for Refugee Health Care

Prinseneiland 11-II, Amsterdam
1011 AM Amsterdam, Netherlands
Tel: + 31 20 4278748
Fax: + 31 20 4278750

Stichting Centrum 45

Rijnzichtweg 35
2342 AX Oegstgeest, Netherlands
Tel: +31 71 51 55 242
Fax: +31 71 51 57 232
e-mail: mail@centrum45.nl

<http://www.centrum45.nl>

NORWAY International Society for Health and Human Rights (ISHHR)

Dr Nora Sveaass, Secretary General

Urtegata 50

0187 Oslo, Norway

Tel: +47 22 85 53 77 / 68 22 20

Fax: +47 22 57 00 88

e-mail: ashhr@online.no

Psychosocial Centre for Refugees

University of Oslo

Sognsveien 218

0864 Oslo, Norway

Tel: +47 22 95 20 60 / 84 12 40

Fax: +47 22 95 02 30 / 84 12 41

e-mail: evacf@ulrik.uio.no

POLAND Centre for Victims of Political Persecutions

Jagiellonian University CM

Department of Social Pathology

ul. Kopernika 21

31-501 Krakow, Poland

Tel: +48 12 421 31 29

Fax: +48 12 421 56 95

ROMANIA ICAR Foundation

46, Rahovei

Sector 4

Bucharest, Romania

Tel: +40 1 22 32 087 39

Fax: +40 1 22 33 523

e-mail: icar@icar.sfos.ro

SLOVENIA Slovene Philanthropy Association for Promotion of Voluntary Work

(formerly Slovene Foundation)

Center for Psychosocial Help to Refugees

Levstikova 22

1000 Ljubljana, Slovenia

Tel : +386 61 125 5871
Fax: +386 61 121 2605
e-mail: SF-ino.center@guest.arnes.si

SWEDEN

IPIK - Institutet för Psykoterapi och Interkulturell Kommunikation

Södermannagatan 62
116 65 Stockholm, Sweden
Tel: +46 8 640 0952
Fax: +46 8 642 0954

Red Cross Rehabilitation Centre

PO Box 290
541 26 Skövde, Sweden
Tel: +46 500 48 6010
Fax: +46 500 48 7922
e-mail: stina.hillefors@redcross.se

Centrum för Tortyr- och Traumaskadade/CTD

Karolinska Sjukhuset
171 76 Stockholm, Sweden
Tel: +46 8 517 740 25 / 24
Fax: +46 8 517 740 10
e-mail: ctd@swipnet.se

Red Cross Centre for Tortured Refugees

[Röda Korsets Center för torterade flyktingar]
Brinellvägen 2
114 28 Stockholm, Sweden
Tel: +46 8 791 15 00
Fax: +46 8 10 16 01
e-mail: rkc-info@pi.se
<http://www.pi.se/rkc>

Centre for Rehabilitation of War and Torture Victims

Sociala Huset, Uppgng G
411 17 Göteborg, Sweden
Tel: +46 31 774 1944
Fax: +46 31 774 0933

SWITZERLAND**Institut Psychotrauma Schweiz**

Napoleonstrasse 16B
PO Box 189
3930 Visp, Switzerland
Tel: +41 27 946 6422
Fax: +41 27 946 3423

Durchgangszentrum Fluhegg

Caritas Schweiz
Seestrasse 6
6442 Gersau, Switzerland
Tel: +41 41 828 2214
Fax: +41 41 828 2054

SRC Therapy Centre for Torture Victims

(Red Cross)
Freiburgstr.44a
3010 Bern, Switzerland
Tel: +41 31 390 5050
Fax: +41 31 382 9710
e-mail: therapiezentrum@redcross.ch
<http://www.folter.ch>

TURKEY**Human Rights Foundation Turkey (HRFT)**

Menekse 2, sokak 16/7
06440 Kizilay, Ankara
Turkey
Tel: +90 312 417 7180
Fax: +90 312 425 4552
e-mail: tivr@tr-net.net.tr

UKRAINE**International Medical Rehabilitation Centre for the Victims of Wars and
Totalitarian Regimes**

20 Heroiv Dnipra Str.
254209 Kyiv, Ukraine
Tel: +380 44 412 30 94
Fax: +380 44 414 10 63
e-mail: main@irc.kiev.ua

UNITED
KINGDOM

Medical Foundation for the Care of Victims of Torture

96-98 Grafton Road
London NW5 3EJ, UK
Tel: +44 20 7813 7777
Fax: +44 20 7813 0011
e-mail: med-foundation@pop3.poptel.org.uk

Redress

6 Queen Square
London WC1N 3AR, UK
Tel: +44 20 7278 9502
Fax: +44 20 7278 9410
e-mail: redresstrust@gn.apc.org
<http://www.redress.org>

Traumatic Stress Clinic

Camden and Islington Community Trust
Royal Free and University College Medical School
73 Charlotte Street
London W1P 1LB, United Kingdom
Tel: +44 20 7530 3666
Fax: +44 20 7530 3677
e-mail: webmaster@traumatic-stress.com
<http://www.traumatic-stress.com/TSC.htm>

UNITED STATES
OF AMERICA

ASTT: Advocates for Survivors of Trauma and Torture

Union Memorial Hospital
201 E. University Parkway
Baltimore, MD 21218, USA
Tel: +1 410 554 2504
Fax: +1 410 243 5642
e-mail: klh@igc.org

AMIGOS - Amigos de los Sobrevivientes

PO Box 50473 Eugene, OR 97405, USA
Tel: +1 541 484 2450
Fax: +1 541 385 7293
e-mail: amigos@efn.org
<http://www.pacinfo.com/eugene/tsnet> (Torture Survivors Network web site)

Bellevue/NYU Program for Survivors of Torture

c/o Division of Primary Care Medicine

NYU Medical Center

550 First Avenue

New York, NY 10016, USA

Tel: +1 212 263 8269

Fax: +1 212 263 8234

e-mail: ask45@aol.com

Center for Rehabilitation of Torture Victims

c/o Randall Krakauer, MD

4247 Route 9 North, Building 1

Freehold, NJ 07728, USA

Tel: +1 908 780 7650

Fax: +1 908 780 8817

CST - Center For Survivors of Torture

3530 Forest Lane, Suite 350

Dallas, Texas 75234, USA

Tel: +1 214 352 9489

Fax: +1 214 352 8227

e-mail: centerforsurvivors@yahoo.com

<http://www.cyberramp.net/~cst>

CVT - Center for Victims of Torture

717 East River Road

Minneapolis, MN 55455, USA

Tel: +1 612 626 1400

Fax: +1 612 626 2465

e-mail: amyers@cvt.org

<http://www.cvt.org>

Derechos Human Rights

PO Box 2516

El Cerrito CA 94530-5516, USA

Tel: +1 510 528 7794

Fax: +1 603 372 9710

e-mail: hr@derechos.org

<http://www.derechos.org>

The Healing Center for Survivors of Political Torture

California Institute of Integral Studies

9 Peter Yorke Way

San Francisco, CA 94109, USA

Tel: +1 415 241 1562

Fax: +1 415 703 7222

e-mail: terrilynz@aol.com

Human Rights Clinic

c/o Doctors of the World

375 West Broadway, Fourth Floor

New York, NY 10012

USA

Tel: +1 212 226 9890

Fax: +1 212 226 7026

The Institute for Survivors of Torture and Human Rights Abuses

1438 West Pratt #1

Chicago, Illinois 60626, USA

Tel: +1 773 521 0750

PVT - Program for Torture Victims

604 Rose Avenue

Venice, CA 90291, USA

Tel: +1 562 494 5444

Fax: +1 818 704 1352

e-mail: jquirogamd@aol.com

Project Diana (online HR-archive)

<http://diana.law.yale.edu>

University of Minnesota, Human Rights Library

Rocky Mountain Survivors Center

1547 Gaylord St, Suite 100

Denver, CO 80206, USA

Tel: +1 303 321 3221

Fax: +1 303 321 3314

e-mail: rmsc@earthlink.net

<http://www.home.earthlink.net/~rmsc/>

Victim Services

2 Lafayette Street

New York, NY 10007, USA

Tel: +1 212 577 7700

Fax: +1 212 385 0331

e-mail: feedback@victimservices.org

<http://www.victimservices.org>

Survivors International

447 Sutter Street, Suite 811

San Francisco, CA 94108, USA

Tel: +1 415 765 6999

Fax: +1 415 765 6995

e-mail: SurvivorsIntl@msn.com

<http://www.survivorsintl.org>

Survivors of Torture International

PO Box 151240

San Diego, CA 92175-1240, USA

Tel: +1 619 582 9018

Fax: +1 619 582 7103

e-mail: SOTI@home.com