

REDRESS

Seeking Reparation for Torture Survivors

INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE:

REDRESS Calls for an End to Torture and other Cruel, Inhuman and Degrading Treatment and Punishment

[Embargoed, 26 June 2007, 00:01 GMT London] REDRESS, the international human rights organisation with a mandate to assist torture survivors to obtain justice, today stands in solidarity with the many survivors of torture around the world who say - ***'enough is enough' - it is time to root out torture once and for all.***

26 June 2007 marks 20 years since the United Nations' Convention against Torture came into force. 144 States have joined up to this landmark Convention, undertaking to prevent, prosecute and provide reparations for torture and end impunity for one of the worst crimes known to mankind.

But 20 years on, we have far too little to celebrate. Despite the absolute prohibition of torture, its practice continues unabated, survivors' experiences remain unacknowledged and justice is an illusory prospect.

"Torture spreads like a virus when it is allowed to fester without sanction," said Carla Ferstman, REDRESS' Director. ***"Impunity is not only an affront to the victims and an attack on the rule of law, it also fuels more torture,"*** she said.

"This is made all the worse with the 'war on terror' when societies which pride themselves on their respect for human rights and the rule of law are now talking about exceptions, justifications and ultimatums. This new torture rhetoric has done serious harm to the fight against torture," she said.

A global snapshot on torture [some examples]:

- In ***Bahrain***, efforts of torture survivors to seek redress before domestic courts have been blocked by a local amnesty. The prevailing climate of fear acts as a further barrier to survivors, amidst recent reports of torture and ill-treatment and crackdowns on freedom of expression and association.
- In ***Democratic Republic of Congo***, government security services and armed groups routinely carry out torture and ill-treatment, including wide-scale rapes and other acts of sexual degradation. Justice in national courts is a remote possibility whilst international efforts to bring to justice the worst offenders have thus far failed to concentrate on the most heinous crimes.
- In ***Kenya***, much of the torture of past decades has not been addressed, leaving survivors without redress, fuelling impunity and fears of repetition. Recently, Kenyan security services have been implicated in the rendition of Kenyan and foreign nationals to Somalia and Ethiopia, despite the real risk of torture they faced on arrival.
- In ***North Korea***, torture is widespread, and is practiced across the prison and detention system. There are numerous reports of beatings to death by prison guards, use of experimentation, sexual abuse, water torture and a range of psychological torture. Remedies in North Korea are virtually nonexistent, and the plight of survivors is only known through the growing reports of escapees.

- In *Peru*, much of the state-sponsored Fujimori-era torture remains un-addressed, and torture and cases of police brutality continue to be a regular occurrence to this day. Victims of torture and their families remain a target for reprisals when they attempt to stand up for their rights.

- In *Russia*, torture is commonplace in police stations throughout the country and investigations into torture allegations are routinely stymied. In Chechnya and other parts of Russia with internal conflict, torture is used as a tool of repression and to stamp out opposition. Victims of torture have had little recourse to justice before local courts, and increasingly the European Court of Human Rights has had to step in to provide some sort of acknowledgement.

- In *Sudan*, torture remains commonplace throughout the country and those who seek redress are often subjected to more torture. Police and military who torture are immune from prosecution, unless their superiors decide to lift the immunity, which rarely happens. Rape is a common form of torture in Sudan, but there is next to no prospect for redress - women can be prosecuted for rape as it is recognized as a form of adultery, regardless of the lack of consent, and in the absence of a confession there is a need for four independent male witnesses to verify the allegation made by the female.

- In *Uganda*, reports of torture by the police, the military, security organs and the Lords' Resistance Army continue to be rife. The combination of the absence of a definition of torture in national law and a general lack of political will means that torturers are very rarely prosecuted. For torture survivors, national law again fails to provide an express right to a remedy or reparation and even in instances in which the Uganda Human Rights Commission has made awards of compensation, they have rarely been paid by the state.

- In the *United Kingdom*, the authorities are using the rhetoric of the 'war on terror' to justify their active or passive collusion in torture, particularly through renditions and diplomatic 'assurances.' Also of grave concern is the violation of human rights, including torture, by UK soldiers against civilians in Iraq. Torture survivors in the UK continue to face serious challenges when seeking to bring civil claims for compensation due to the terms of the State Immunity Act 1978 which prevent suits against foreign states.

- In the *United States of America*, the context of September 11th has led to an unprecedented backtracking on the prohibition against torture and cruel, inhuman and degrading treatment and punishment. Measures taken by the Bush administration in the context of counter-terrorism include: orchestrating an international 'extraordinary rendition' programme leading to torture and ill-treatment and the unlawful transfer, detention and disappearance of countless terror suspects; keeping suspects in sub-human conditions in Guantanamo Bay without adequate legal recourse. The administration's public discourse on torture and ill-treatment has led to public debates on the acceptability of torture and ill-treatment, despite the absolute legal prohibitions.

- In *Zimbabwe*, torture continues to be endemic and survivors have little if any realistic prospect of obtaining reparations under the present regime. There is little sign of any serious action to investigate allegations and prosecute offenders. There have been numerous reports of victims who have tried to report an abuse to the police, only to be detained and further abused by the police themselves. Recently, human rights lawyers in particular have been targeted, including Zimbabwe Law Society President Ms Beatrice Mtetwa who was severely beaten by police when she and other human rights defenders were participating in a peaceful protest outside the Harare High Court. Starting in March 2007, there has been renewed assaults on high profile MDC leaders including Mr Morgan Tsvangirai, as well as the abduction and torture of students, trade unionists and journalists. Beatings and other forms of torture are no longer only taking place behind closed doors but are now deliberately unleashed in public.

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