

Report on Expert Panel & Workshop organized by UN Voluntary Fund for Victims of Torture

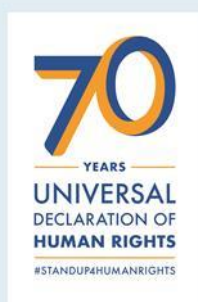


SEEKING JUSTICE FOR TORTURE: A VICTIM-CENTERED APPROACH

11-12 April 2018

Palais Des Nations

GENEVA



United Nations Fund
for Victims of Torture

Report on an Expert Panel and Workshop organized by the UN Voluntary Fund for Victims of Torture on “Seeking Justice for Torture: a Victim-Centred Approach”

11 – 12 April 2018
Palais des Nations, Geneva

INTRODUCTION

Every year, the United Nations Voluntary Fund for Victims of Torture ([UNVFVT](#)) supports 50,000 victims of torture on average, by awarding assistance to projects in over 80 countries. [Established](#) in 1981 by the General Assembly, the UNVFVT provides direct assistance (psycho-social, legal and medical services) to victims and their families, through partnerships with civil society, including grassroots organizations, rehabilitation centres, public interest law firms and other groups.

The UNVFVT also convenes annual thematic workshops for victims, human rights defenders and practitioners assisted by the Fund to share best practices and develop effective responses to the most pressing challenges confronting torture survivors today. These gatherings also serve as a platform to display the concrete impact of the Fund’s work, bringing forward voices and testimonies from the ground.

In April 2018, the UNVFVT convened in Geneva a two-day workshop on “Seeking Justice for Torture: a Victim-Centred Approach”. Before the workshop, on 11 April 2018, the Board of the Fund hosted a high-level public [panel](#) on the same subject. In the context of the commemorations of the 70th anniversary of the Universal Declaration of Human Rights, the panellists shared views and experiences in the field of redress for victims of torture since the affirmation of the legal principle of the absolute prohibition of torture. Civil society representatives also shared poignant testimonies on the difference made by the UNVFVT for their programmes aimed at seeking justice for victims and their families.

The event was followed by a workshop for approximately 20 representatives of civil society organizations from all regions to exchange experiences and expertise on ways to empower victims to obtain judicial remedies for torture.

DISCLAIMER

The statements summarized in this report were made by participants in the public panel and expert workshop in their individual and organizational capacities, and do not reflect any official position or opinion of the United Nations.

1) HIGH-LEVEL PUBLIC PANEL

Full statements from all panellists are available [here](#). Audio recordings are hyperlinked and accessible by clicking on the panellists' names.

Ms. Kate Gilmore, Deputy High Commissioner for Human Rights of the United Nations spoke of the UNVFVT contribution to human rights enjoyment, in the context of the 70th anniversary of the Universal Declaration of Human Rights.

“It is central to the future of humanity that there can never be a place or time or excuse - under any ideology, faith or creed - for such cruelty as torture. Standing up for rights is a dangerous business, yet it is the most profoundly human of actions. Through the UN Fund for Torture Victims and its partners we are all made to better understand the unconscionable extent to which torture is still deployed. We are made to see more clearly just how remarkable is the resilience and death-defying perseverance of those who are not - and never will be - cowardly, even before the most unaccountable of powers. 70 years on, this is victim-centred work”.

Ms. Estela de Carlotto, Co-founder and President of Abuelas de Plaza de Mayo [the Grandmothers of the Plaza de Mayo] (Argentina) shared Abuelas' forty-year struggle to achieve truth and justice for their children and grandchildren who were victims of enforced disappearance during the military dictatorship in Argentina.

“The “mad old women” that the Argentinian military personnel underestimated have managed to set up networks throughout the world. Today, we come to Geneva to ensure that the painful experience of Argentinian mothers and grandmothers stands as a safeguard so that no other mother in the world cries for the unknown absence of her children; so that no grandmother searches for a grandchild who has been kidnapped, disappeared and deprived of identity”.

H.E. Ambassador Carsten Staur, Permanent Representative of Denmark to the United Nations in Geneva stressed the importance of international support for the rehabilitation of victims of torture, including through the work of the UNVFVT.

“The UN Fund for Torture Victims is a successful endeavour that reaches far and broad in terms of geographic coverage and in terms of diversity of its activities. We see a lot of State parties that acknowledge the need to provide rehabilitation to victims of torture but do not do so in practice, either because there is a lack of resources or a lack of will. The Fund plays a complementary role by assisting States and offering to help victims. The Fund is a necessity”.

Mr. Hassan Bility, Journalist and Director of the Global Justice and Research Project (Liberia) shared experience on the pursuit of justice and accountability for victims of war crimes during the Liberian civil war.

“Besides torture being intended to break down a person's dignity and will, it is also intended, in my experience, to make you feel less of a human being. That is the goal of the torturer. When a torturer takes one step forward, those who stand against him must take two or more steps forward to stop him. The UN Fund for Torture Victims

trusted us when nobody else did. They have been with us from the beginning and gave us the support we needed to start our activities. The money they gave us six years ago has helped to hold accountable suspected war criminals from Liberia across Europe and in the United States. That is what the Torture Fund has done for us”.

Mr. Jens Modvig, Chairperson of the United Nations Committee against Torture (CAT) illustrated the right to redress and an effective judicial remedy for victims of torture under article 14 of the United Nations Convention against Torture.

“The rehabilitation of torture victims is not necessarily an apolitical health service, as it may also produce very powerful statistics about torture, perpetrators and torture methods, which can be used in advocacy. Supporting rehabilitation as the UN Fund does, may entail supporting strong evidence-based advocacy to be included in the dialogue with States in other contexts”.

Mr. Rupert Skilbeck, Director, REDRESS (United Kingdom of Great Britain and Northern Ireland): highlighted successes and challenges to securing remedies in domestic, regional and international courts.

“Filing a case and issuing a press release do not make a case strategic. Casework must be combined with other civil society techniques such as using the media, public education, advocacy at a national, regional, or international level, and activism. In many countries there is official denial that torture takes place, and authorities declare that their police act is in accordance with the highest international standards. Preparing legal claims to a court-room standard creates a body of incontrovertible evidence that can quickly make it difficult for those denials to have any credibility. Once national judges start to see a pattern emerging, they will be more inclined to rule against the authorities”.

2) EXPERT WORKSHOP

The expert workshop following the public panel took stock of a rich variety of experiences, learning from the key milestones in obtaining judicial remedy for torture victims supported by the UNVFT during the past four decades. It provided a platform allowing victims, practitioners and experts to exchange on challenges and ways forward. The workshop consisted of three working sessions, focusing on: 1) litigation 2) specific groups and 3) integral assistance in the legal process, each followed by an interactive discussion. The framework for the discussion was the right to redress and the centrality of victims in securing redress.

➤ RECOMMENDATIONS AND ACTION POINTS

The below recommendations and action points were proposed by participants during the course of the three working sessions

Working Session One: Litigation & developments in the legal framework for justice

- Criminal proceedings before domestic courts, if available, should be pursued as a first step to judicial remedies. However, if domestic remedies are unavailable, due to lack of legislation or restricted legal space for example, victims' rights can be protected through universal jurisdiction.
- Universal jurisdiction can be used to trigger an international arrest warrant, and can prove that there is a *prima facie* basis for a case that could prompt arrests of additional perpetrators and bring justice forward.
- Litigation must focus on victims' needs, not just the merits of the case. The role of the victims before, during and after the process of seeking justice and redress is central to any litigation process. The victims need to understand the theory of the case, participate in building the case and be aware of any limitations of their case or the potential outcomes that might not match their expectations.
- It is necessary to ensure security and protection for victims and human rights defenders, as well as legal actors (such as judges) who work on bringing justice for torture. Fear of retaliation or backlash, as well as – at times - lack of independence of the judiciary, can be barriers to the pursuit of justice.
- In addition to criminal penalties, or in jurisdictions where criminal penalties are not obtainable, redress can include monetary satisfaction, granting of medical and psychological assistance, measures of non-repetition, and/or changes in legislation or policy.
- The avenue of civil litigation (alien torts / constitutional torts) may also fill the impunity gap (in case of criminal prosecution going to no avail); in addition to monetary remedies, civil litigation can have an implied deterrent effect, provide legal precedent, lead to changes in legislation and policy, and provide a forum for redressing harm to victims' and responding to their needs (e.g. psychological, physical, changing communities' perception, etc.).
- Communications and outreach, including through the media, can be used to support the pursuit of justice by promoting solidarity with victims and human rights defenders, raising awareness of victims' rights and the remedies that can be pursued, combatting corruption

and failure to comply with or implement judicial decisions, and promoting changes in legislation and policy.

- The UNVFVT can facilitate the exchange of contacts among organizations in order to mainstream and communicate best practices, build common approaches, and provide support for activities focusing on legal reform or services, as well as litigation and advocacy. This also builds a holistic approach to victim support.
- International support is needed especially when domestic funds are not available to bring cases against torture, including through in-kind contributions such as pro bono support.

Working Session Two: Needs of specific groups

- Victims of torture may experience discrimination on multiple grounds (i.e. gender, disability, political affiliation, etc.), thus it is important to provide redress and remedy on an intersectional basis.
- Because discrimination is often institutional and structural, providing training for judicial officers through capacity-building initiatives is needed to ensure that victims of torture with specific needs are ensured equality before the law.
- Certain victims, for example victims of sexual and gender based violence, face stigma as a result of the crimes committed against them and will need targeted support to encourage reporting of violations and subsequent testimony.
- Professionals must work *with* victims, not only *for* victims, and ensure that they can make decisions and actively participate in their cases. When working with children for example, additional care must be taken to explain cases in a way that they can understand; they may need additional assistance to express themselves during their testimonies. Extra time and care may also be needed when supporting victims with disabilities.
- Advocacy and awareness-raising on combatting discrimination are especially important in preventing future cases of torture, since many victims suffered torture due to discriminatory laws or practices. For example, abusive practices continue to be used against people with intellectual disabilities under the guise of medical treatment, and may not be criminalized in national legislation or recognized as torture.
- Many victims of torture lack influence and resources, and are marginalized in their countries (for example, rural populations and indigenous peoples). Strengthening local institutions and personnel, including by providing services in local languages, will facilitate access to justice for such victims and make it easier for them to speak with professionals who can educate them about their rights and how to assert them.
- Reasonable accommodation must be available to help victims access justice, for example, people with disabilities may need interpretation or physical support to participate in cases.
- The impact of torture often extends beyond the victims onto families, communities, and future generations (for example, children born out of sexual violence). To be truly rehabilitative, redress and remedies need to be broader, such as the creation of memorials or commemorations to promote solidarity with victims.
- In some cases of discrimination, national law may actually lead to torture — for example, laws criminalizing sexual orientation and gender identity. Where access to justice in such a jurisdiction is likely impossible, other fora will need to be explored (regional or international courts). Advocacy to change such laws is crucial.

Working Session Three: Interdisciplinary assistance in legal process

- Psycho-social support should be provided for victims before the legal process begins to prevent re-traumatization.
- Collaborating and building common approaches with partner organizations from different countries and fields, such as medical professionals and forensic doctors, can foster a more comprehensive and holistic approach of support through multi-disciplinary ensuring that medical injuries are properly documented and that victims pursuing legal remedies also have access to psycho-social assistance.
- Practitioners should also be cautious about secondary re-traumatization, which occurs when victims of torture are told of the torture experience by others. Such experiences can be aggravated by authorities who lack training on how to interact with victims of torture.
- Burnout of staff working with victims of torture cannot be ignored, and rehabilitative services for staff should also be provided by their organizations.
- Security for human rights defenders and members of the media is also a necessary consideration, as retaliation against these individuals may hamper the judicial process and discourages victims and practitioners from bringing cases. Practitioners may need training on safety and security, and organizations may need to invest in equipment to protect and track staff members in potentially dangerous situations.
- Psycho-social services can play an instrumental role, not only in helping victims of torture handle the impact of preparing for testimony, but also in helping victims manage their expectations of how lengthy the legal process can be, as well as the outcomes that are attainable through litigation.
- Creating a space for victims of torture to be heard can help the victim, as well as the community as a whole, especially in jurisdictions where the legal framework does not provide adequate judicial remedy.
- Medical assistance is necessary, not only to ensure that victims are physically able to testify, but also to document the evidence of torture. Perpetrators in some contexts have learned how to torture without leaving scars or marks, but a medical professional may still be able to make an evaluation and identify evidence of torture based on their expertise (for example, technology now can track the use of electric shock years after the crime has been committed).
- The victim's livelihood must also be considered. Victims often will need financial assistance, including in the form of vocational training and/or education to help them reintegrate in society and find stability. Victims may also need such support beyond the end of the legal process to rebuild their lives.
- A goal-setting model, which uses the identification of victims' short term, medium term, and long term goals can help practitioners determine what services are needed by the victim and how to integrate them.
- Practitioners need to build trust with victims, including by having empathy with their reality, and listening to their opinions and preferences when designing legal strategies. The interests of the victim should be the priority, and lawyers should not treat the other aspects of rehabilitation as merely transactional. Lawyers, doctors, psychologists, and other services providers need to work as a team in the pursuit of justice.

➤ SUMMARY OF PRESENTATIONS AT THE WORKSHOP

WORKING SESSION ONE: LITIGATION STRATEGIES & DEVELOPMENTS IN THE LEGAL FRAMEWORK FOR JUSTICE

This first session focused on sharing successful litigation strategies to obtain redress and remedy at the national, regional and international level, including by setting jurisprudence. Panellists discussed preparations before, during, and after the legal process, including challenges in enforcing judgments, particularly in countries where the legal framework is weak. Yet another challenge discussed concerned attacks on the judiciary, limited capacity of the judiciary to take up cases, and the political backlash that exists in some jurisdictions.

Mr. Patrick Kroker, European Center for Constitutional and Human Rights (ECCHR) (Germany)

ECCHR work on the use of universal jurisdiction to obtain justice in countries where the legal framework is insufficient or otherwise unavailable to the victim.

The panellist noted that a vital tool to the ECCHR in combatting impunity for such crimes as torture is universal jurisdiction (UJ). Where the International Criminal Court (ICC) and States that have personal or territorial jurisdiction over international crimes are unable or unwilling to investigate, the only way of achieving justice is through national legal systems. He further highlighted that the importance of UJ is illustrated particularly well in the case of Syria, where grave crimes have been committed for seven years with no international court or tribunal able to provide judicial remedy.

Mr. Kroker explained that the German Federal Prosecutor started a “structural investigation” into international crimes committed by the Syrian Government, including torture under the UJ principle in August 2011. Such investigations allow prosecutors to collect and secure evidence regarding international crimes even before a specific suspect has been identified, and enable prosecutors to analyze the command structures in which these crimes are being committed. The evidence thus collected and secured can be used for individual prosecutions if a suspect enters the country or if the prosecutor seeks the arrest of a suspect with an international arrest warrant. It can also be shared by way of mutual legal assistance with other national and international prosecution authorities, once they assert jurisdiction.

Mr. Kroker pointed out that although the most one can hope for are international arrest warrants, these may have two concrete effects: first of all, the world would become a smaller place for government agents involved in torture. Even if immunity of state officials is interpreted widely, at least travel for private purposes (i.e. shopping, family visits, medical stays) would not be possible any more. Secondly, an arrest warrant based on evidence collected by a European prosecution authority and tested by the highest court of that country to the evidentiary threshold of an “urgent suspicion” may have a symbolic and delegitimizing effect for the person targeted by an arrest warrant.

Ms. Florencia Reggiardo, Attorney, Center for Justice and International Law (CEJIL)

CEJIL works with a regional human rights system (the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights) to obtain justice and advances in jurisprudence

Ms. Reggiardo introduced the work of CEJIL, a non-governmental organization with a regional scope, mainly dedicated to strategic litigation before the Inter-American human rights system. CEJIL has enabled the voice of a large number of victims of torture to be heard directly at an international level, before the Inter-American Commission and Court. This has led to jurisprudential advances in the definition of torture, thus generating recognition of victims, and has advanced legislative and normative reforms. Moreover, the regional system has developed investigation protocols for the crime of torture, as well as measures of rehabilitation and satisfaction for victims, such as the public request for apologies or medical and psychological care for victims.

The panellist shared that two of the biggest obstacles faced by CEJIL are the length of the litigation process and the lack of adequate interdisciplinary accompaniment of the victims in all cases. In its experience, this delay (sometimes taking up to 20 years of legal proceedings) has generated a clear impact on the victims, who go through anxiety, despair, frustration, sadness, anger and re-traumatization.

Furthermore, Ms. Reggiardo explained that the biggest challenge today is the implementation of certain judgments and corresponding reparation measures, mostly the measures of non-repetition and the investigation of the facts. Hence, litigation should be accompanied by a broader strategy that involves different actors, who have a broad knowledge of the law.

Ms. Nushin Sakarati, Staff Attorney, The Center for Justice and Accountability (CJA) (United States of America)

CJA works on “survivor-centric justice”, in particular the role of special tribunals (Extraordinary Chambers of the Courts of Cambodia) and the use of civil cases to obtain justice

Ms. Sakarati noted that criminal prosecution requires government cooperation and there may be issues of political will. Very few individuals are prosecuted in international criminal courts. Victims’ attorneys have thus been resorting to civil litigation. Civil suits brought under the Alien Tort Statute in the United States have been used successfully in cases involving torture, state-sponsored sexual violence, extrajudicial killing, crimes against humanity, war crimes and arbitrary detention. The Torture Victim Protection Act (TVPA), a domestic law passed in 1992, gives similar rights to United States citizens and non-citizens alike to bring claims for torture and extrajudicial killing committed in foreign countries. These cases exhibit a victim-centered approach to human rights litigation in that they are brought directly by the victims, through their attorneys. The cases are often investigated by NGOs, in partnership with the victim’s attorney, and are filed and litigated without requiring consent or action by government prosecutors.

The panellist further reflected that although these cases do not provide a criminal penalty, they do provide a much needed judgment acknowledging the harm inflicted to the victim, the liability of the accused, and confirming the record of the abuse. Civil suits also publicly expose the perpetrators in the community they may be hiding in, exposure that can lead to criminal prosecutions.

Empowering victims with civil remedies is a pragmatic solution to holding perpetrators accountable. When governments fail to act or bring criminal charges for torture, civil remedies can provide a forum to litigate these claims. With wider adoption of universal civil jurisdiction and victim

participation, access to justice for victims of torture and severe human rights abuses will be even stronger in the fight against impunity, concluded Ms. Sakarati.

**Ms. Amanda Ghahrenmani, Legal Director, Canadian Centre for International Justice (CCIJ)
(Canada)**

CCIJ works to prosecute domestic corporations for human rights violations abroad using international and domestic tribunals

Since 2008, CCIJ has been working with a victim of torture from Iraq, now residing in Canada, to support her efforts to get justice for what happened to her and her family in Iraq and Iran. However, the victim is unable to seek redress in Canadian courts because of the State Immunity Act (SIA). Ms. Ghahrenmani explained that Canada's SIA generally gives foreign governments immunity in Canadian courts, making it very difficult for survivors to seek compensation for torture and other atrocities committed by those governments. She thus added that civil litigation is one of the most promising legal avenues for survivors because it is a process that can be initiated by them, giving them greater control over a case, and it also provides the possibility of compensation.

With the support of the UNVFVT, CCIJ has been dedicated to finding avenues for justice and redress for its clients. CCIJ legal team represents two ground-breaking litigation cases against Canadian companies which have allegedly committed gross human rights violations abroad (including slavery), it has filed complaints before international human rights bodies and regional accountability mechanisms, and recently submitted victims' representations to the International Criminal Court (ICC) on behalf of four clients.

WORKING SESSION TWO: SPECIFIC GROUPS IN VULNERABLE SITUATIONS

This session considered vulnerability of specific groups of victims, such as children, persons with disabilities, victims of sexual and gender-based violence (SGBV), indigenous peoples, lesbian, gay, transsexual, bisexual and inter-sex persons (LGTBI), etc. They also looked at the tailored responses required for these groups to obtain judicial remedy, taking into account that the way in which redress is provided should meet the subjective needs of the victim. Key concerns in this panel included: particular vulnerabilities that interfere with access to justice, circumstances that exacerbate those vulnerabilities and necessary legislative changes to ensure access to justice.

**Mr. Ayed Mohammad Deeb Abu Eqtaish, Accountability and Programme, Defence for Children
International (DCIP) (Palestine)**

DCIP works representing children who are victims of torture, their special needs and vulnerabilities and how to best support them in the legal process

Mr. Deeb Abu Eqtaish described the context in which DCIP operates and the specificities of working with children. DCIP lawyers represent about 20 to 30 per cent of children judged in military court, providing legal consultations and representations for children in courts, visiting prisons and detention centres, and documenting and reporting violations against children during detention and interrogation.

Based on the work with DCIP, Mr. Deeb Abu Eqtaish found that when bringing children into the litigation process, it is important to build a relationship of trust with them, keeping in mind that in many cases the child was already interrogated and coerced for a long period of time and will be reluctant to speak further. As children tend to cut their story short, it is also more effective to ask specific questions and tailor them in a way that is easier for the child to talk about, for example, by asking whether someone has hurt them, rather than directly asking questions such as whether they have been beaten or raped. DCIP lawyers work carefully to tailor their representation to the vulnerabilities that young clients may have.

Ms. Elsa Taquet, Legal Advisor, TRIAL International (Switzerland)

TRIAL International's work in the Democratic Republic of Congo (DRC) representing women who are victims of sexual and gender-based violence (SGBV)

Ms. Taquet recalled that rape and other forms of sexual violence, such as sexual slavery, have plagued eastern Democratic Republic of Congo (DRC) for more than two decades. Prevailing impunity for the perpetrators of these crimes not only represents the main obstacle for victims to successfully seek justice, but adds to the trauma and stigma they face within the local society. When trying to access justice, survivors of sexual violence face particular challenges; from being systematically marginalized to facing discrimination within the judicial system and struggling to receive adequate assistance throughout the judicial process, most survivors are discouraged from pursuing justice.

TRIAL offers legal assistance to victims and training to judicial actors on best practices and innovative investigation techniques that are gender-sensitive. TRIAL International is also collaborating with the competent judicial actors to undertake specific investigative techniques in line with the [International Protocol on the Documentation and Investigation of Sexual Violence in Conflict](#), including the use of gender-sensitive interviewing techniques, the use of pre-recorded video interviews conducted by psychologists, the use of DNA evidence in cases of children born in the context of sexual slavery, the systematic use of the medical and psychological expertise, and the use of specific protection measures for survivors during the trial.

Mr. Anival Cayo Gonzales, Attorney, National Association of Kidnapped, Detained and Disappeared of Peru (ANFASEP) and family member of torture victim (Peru)

ANFASEP work and experience in obtaining justice for indigenous peoples and members of rural populations who are victims of torture

Mr. Cayo Gonzales introduced ANFASEP, an association of family members of disappeared persons, seeking to search for their loved ones. ANFASEP provides psychosocial assistance during the entire process of the legal proceedings to seek justice for these violations. For families it is often difficult to deal with the entire process, especially due to the long time it takes for cases to be heard. ANFASEP's goal is to offer social assistance, along with economic and legal assistance, to such people. It prioritizes promoting, protecting, defending and monitoring human rights.

The panellist noted that victims need support before, during and after the trial. Therefore, it is crucial to remain in constant contact with the victim throughout the entire legal process.

Ms. Ann Campbell, Litigation Director, Validity (Hungary)

Validity represents people with mental and intellectual disabilities who are victims of torture

Ms. Campbell stated that people with disabilities often experience serious abuses including excessive, forced and non-therapeutic use of major tranquilizers, electroconvulsive therapy (with and without anaesthesia or muscle relaxants), seclusion, sterilization, forced abortion, forced pregnancy, forced contraception, and physical restraint (such as tying people to beds or chairs with belts, straps, or handcuffs, or confining them in cage beds). Physical violence, including sexual and gender-based violence, is ubiquitous in institutions.

Prolonged use of restraint can lead to muscle atrophy and life-threatening conditions. Mind-altering substances used to sedate or to control behaviour often engender serious and/or permanent side-effects. Protracted institutionalization, especially when combined with other forms of torture and ill-treatment, erodes decision-making ability, rendering people dependent and without the skills to function independently. These skills cannot be regained without rehabilitative support. The effects on children are especially profound, including multiple medical problems, physical and brain growth deficiencies, cognitive problems, speech and language delays, and sensory integration difficulties, as well as social and behavioural abnormalities.

When it comes to seeking redress, complaints of torture from individuals with disabilities are firstly impeded by the systems of institutionalization and guardianship, and secondly their testimonies are often disregarded. Furthermore, the forms of redress must be tailored to the individual victim, which requires assessment by a trained professional who can identify their needs. States must provide the necessary legal framework to ensure support in decision-making, and judges and lawyers must be creative in how they frame remedies for such victims.

**Ms. Jessica Feghali, Director of Lebanon Program, Iraqi Refugee Assistance Project (IRAP)
(Lebanon)**

IRAP represents lesbian, gay, transsexual, bisexual and intersex (LGTBI) individuals who have been persecuted because of their identity

Ms. Feghali noted that while LGBTI and SGBV populations have different profiles, they are similar in two respects: they both have extremely high incidences of torture and resulting trauma, and both are at high risk of being victimized again. LGBTI individuals throughout MENA region have long been persecuted by militias, religious extremists, and, in far too many cases, their own families and communities. They are particularly vulnerable to trafficking due to displacement, exclusion from laws that might afford protection, and a lack of recognized international human rights safeguards. Resettlement gives LGBTI refugees the opportunity for a new life, free from persecution and further violence.

In addition to legal aid, IRAP seeks to bridge service gaps for LGBTI refugees. In the past year, IRAP field officers have partnered with numerous NGOs that serve the LGBTI refugee community to ensure access to shelter, medical care, cash assistance, and more. IRAP works with these local organizations to build reciprocal referral partnerships.

WORKING SESSION THREE: INTEGRAL APPROACH & INTER-DISCIPLINARY ASSISTANCE THROUGHOUT LEGAL PROCESS

The third session aimed to identify the types of comprehensive services required to support and empower victim participation in the legal process, and to prevent their re-victimization. Many victims already struggle to address the trauma of being tortured, and going through the legal process could exacerbate their situation. For this reason, providing rehabilitation and support throughout the entire legal procedure is crucial.

Mr. Nandana Manatunga, Director, Human Rights Office – Kandy (HRO) (Sri Lanka)
Human Rights Office-Kandy provides services required by victims throughout the legal process

Mr. Manatunga reported that there are 15,000 cases of alleged torture pending in the National Appeals Court. A key element of HRO's work is ensuring that victims have access to a diverse support network. They connect victims with a trained support group, consisting of counsellors, doctors, lawyers, priests, nuns, professionals, respected leaders and foster parents, who typically meet with the children on their days off and accompany victims to court. Their presence in court both reportedly adds weight and credibility to the victim's case, and generates public interest in cases that would otherwise find no attention. HRO also hinges on media outreach and advocacy for victims' rights. Working in partnership with other local and international agencies, HRO ensures that cases of torture are fully documented and publicized in the form of urgent appeals and press releases, thereby strengthening the broader calls for legal reform in Sri Lanka. As a result, more people are coming forward today to report cases of child abuse and rape than ever before.

Ms. Paula Maria Martínez Velásquez, Coordinator, Gender Equality Programme, Community Studies and Psychosocial Action Team (ECAP) (Guatemala)

ECAP provides psycho-social services to support victims of torture throughout the legal process, including multi-disciplinary methodologies

Ms. Martínez Velásquez described how after the war in Guatemala, ECAP started to work with indigenous communities that had lived through massacres and horror. The organization focuses on community psychosocial support. Currently ECAP runs five programmes, focusing on various forms of human rights violations. The ECAP community focus seeks to support not only the individual whose human rights were violated, but also their family, relatives and community as a whole.

The panellist explained that ECAP makes it a key point to have a victim-centred approach to their work. It is the victim who decides whether he/she wants to bring a claim or not. ECAP work covers strategic litigation, keeping in mind that the legal process is only one of the processes that need to be in place for a victim to move forward. In order to tailor their work to specific communities, ECAP brings in indigenous ancestral knowledge into the legal support that they provide. They have also brought in ancestral medicine into their medical services, basing it on indigenous culture. ECAP seeks to develop its support in the languages of the indigenous peoples

Ms. Olga Sadovskaya, Vice Chair, LUDI (Russian Federation)

LUDI works on reprisals against human rights defenders, torture victims and witnesses

Ms. Sadovskaya reported that torture victims often face reprisals that are sometimes even stronger than the initial torture they have survived. Victims usually face fake criminal accusations as soon as they lodge a complaint about torture or ill-treatment. Human rights defenders working on torture cases are also faced with reprisals. Serious restrictions on access to foreign funding for all human rights NGOs in the country limit the possibility of providing effective redress.

LUDI conducts independent public investigation of torture allegations and collects evidence themselves where the State is reluctant to do so. LUDI has provided training on public investigation to persuade local lawyers to take an active role in investigations.

Ms. Katie Taylor, Deputy Director, Reprieve (United Kingdom of Great Britain and Northern Ireland)

Reprieve providing inter-disciplinary assistance to promote reintegration of victims of torture during and after the legal process

Ms. Taylor noted that not a single charge has been levelled against 97 per cent of Guantánamo detainees. No charges mean no trials, and no opportunity for exoneration. This lack of access to legal mechanisms by which detainees and former detainees can clear their names and receive official exoneration has profound implications for their rehabilitation process. In the absence of compensation or formal redress, the provision of rehabilitation support can itself be reframed as an aspect of reparation. Twenty-six out of the current 41 detainees are effectively “forever prisoners”, slated for indefinite detention without charge or trial. The UN Special Rapporteur for Torture has made it clear that indefinite detention in itself amounts to torture.

Reprieve’s lawyers were amongst the first to gain access to detainees at the military base in Guantanamo and have represented upwards of 80 men detained in Guantánamo. In 2009, Reprieve established its ‘Life after Guantánamo’ project (LAG) to facilitate access to medical, psychological, social and legal support for former detainees who had been repatriated or released to third countries.

ANNEX

LIST OF PARTICIPANTS

Members of the UNVFVT Board of Trustees

- **Ms. Sara Hossain** (Bangladesh)
- **Mr. Lawrence Murugu Mute** (Kenya)
- **Dr. Vivienne Nathanson** (UK)
- **Ms. Gabe Oré Aguilar** (Peru)
- **Mr. Mikołaj Pietrzak** (Poland), Chairperson

High-Level Public Panellists

- **Ms. Kate Gilmore**, Deputy High Commissioner for Human Rights, United Nations
- **Ms. Estela Barnes de Carlotto**, President, Grandmothers of Plaza de Mayo (Argentina)
- **Mr. H. E. Carsten Staur**, Ambassador, Permanent Representative of Denmark to the United Nations in Geneva
- **Mr. Hassan Bility**, Director, Global Justice and Research Project (Liberia)
- **Mr. Jens Modvig**, Chairperson, Committee against Torture
- **Mr. Rupert Skilbeck**, REDRESS (UK)

Expert Workshop Panelists

- **Mr. Patrick Kroker**, European Center for Constitutional and Human Rights (Germany)
- **Ms. Florencia Reggiardo**, Center for Justice and International Law (USA)
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- **Ms. Olga Sadovskaya**, LUDI (Russian Federation)
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CONTACT

EMAIL

unvft@ohchr.org

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