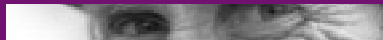
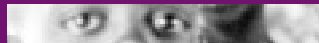




# Annual Report 2004





## World Organisation Against Torture

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Carlos VALDES SAURA.

# List of OMCT donors

## Non-governmental grants

Caritas (Switzerland)

Comité Catholique contre la Faim et pour le Développement (France)

Diakonisches Werk (Germany)

Foundation for Geneva (Switzerland)

Geneva International Academic Network (GIAN) (Switzerland)

HIVOS (The Netherlands)

Human Rights at Work Foundation (France)

ICCO (The Netherlands)

Migros (Switzerland)

Misereor (Germany)

OAK Foundation (Switzerland)

Pro Victimis Foundation (Switzerland)

## Grants from international or intergovernmental organisations

European Commission

United Nations Voluntary Fund for Victims of Torture

## Government grants

France

Finland

Liechtenstein

Sweden (SIDA)

Switzerland

## SOS-Torture network membership fees

## 'Club des Cent' and individual donors

## Cantonal and municipal grants (Switzerland)

### • Cantons

Geneva

Fribourg

Nidwald

Schaffhausen

### • Municipalities

Aire-la-Ville

Baden

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Choulex

Dardagny

Ecublens

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Grancia

Heimberg

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Hünenberg

Laconnex

La Chaux-de-Fonds

Lancy

Le Noirmont

Meinier

Prilly

Pully

Sion

St-Sulpice

Thônex

Troinex

Winterthur

Yverdon

Zermatt

Zug

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“ *The purpose of this message is to inform you that God has answered my prayers. I and my family are in (...) where we have been relocated since the 13th of this month. Many thanks for the assistance provided by OMCT. (...)* ” (sic)

Victim from the Democratic Republic of Congo, October 2004



“*Warm greetings* from Kathmandu. I am writing this letter to express my most sincere thanks and gratitude to you all for your concerns, appeals, support and solidarity which helped in my release from Jhapa district prison in eastern Nepal recently. As you all know I was totally innocent, however, those forces which wanted to destroy our organisation and obstruct our work conspired well taking advantage of the obsolete and outdated legal system in Nepal and a corrupt police force which is notorious in framing up people for petty sums. Without your support and solidarity I would have remained in prison even today. I read your appeals and Observatoire annual reporting when I was in prison. I drew a lot of strength and hope from them. I used to think there were people with me in this world and I was not alone in this struggle.”

Human Rights Defender from Bhutan, October 2004

## A diversified and coherent strategy

The goal pursued by the World Organisation Against Torture (OMCT), namely to eradicate torture or at least to put a curb on this abject practice, can only be reached by diversified actions that attack the fundamental causes and consequences of this scourge, and through actions which also take into account a victims' needs, both in the re-establishment of justice and in terms of rehabilitation and compensation – to the best possible extent – for the damage sustained. That is why the OMCT Secretariat, since the founding of the organisation, and in order to meet the multiple needs of grass-roots organisations, has consistently striven to diversify its response, while ensuring that the actions and the programmes being developed interact in such a way as to reach the overall general goal that has been set.

In taking stock of the past working year, several issues need to be addressed, not merely in order to see what has been achieved, but above all in order to make the most objective evaluation possible and to define future orientations.

It is thus important to question whether the objectives the organisation had set for itself at the start of the year have been reached, which obstacles have been encountered and whether or not they have been surmounted. Although it is indispensable, this initial observation does not enlighten us on the impact of activities such as they had been conceived. As in the last analysis, the yardstick against which we must evaluate our work is the result of our activities on behalf of victims. Finally, as is our practice each year, we must also have the clear-sightedness, in light of the changes we are observing, to reorient our strategies in order to meet the new challenges we are facing.

The present report does not claim to deal with these issues in an exhaustive manner, as other documents for each of the programmes and projects conducted by the organisation during the year provide a far more detailed presentation of the activities in both narrative and financial terms. This document is instead intended to provide a general overview of the year's work accomplished by OMCT and give a clearer picture of OMCT's activities to those interested.

## Activities tailored to the evolution of requirements

Over the past few decades, in step with the results achieved and thanks to a more sensitive grasp of reality, the approach to the struggle against torture has undergone in-depth changes and OMCT has played a key role in this evolution.

Traditionally, the fight against torture was intrinsically entwined with the political struggle against dictatorships. The military, authoritarian governments or de facto dictatorships that were

rampant in many countries of Latin America, Asia or Africa, along with the totalitarian regimes stemming from Soviet or Chinese communism, resorted to the worst imaginable methods to prevent any form of opposition forces from emerging or making themselves heard. Whether in the name of the doctrine of national security, or of the defence of revolutionary achievements, torture was systematically employed against opponents or dissidents.

To fight this scourge, human rights defenders came up with the brilliant idea of drawing support from public opinion in democratic countries in order to exercise pressure on democratic governments so that they in turn would intervene with totalitarian regimes, both through bilateral diplomacy and within international forums. Intense activity in the shape of urgent appeals, backed up by diplomatic requests or threats of sanctions, has saved and continues to save many lives. That is why, at the time of its creation in 1986, OMCT, which now constitutes the main

coalition of non-governmental organisations (NGOs) against torture, made use of this mode of intervention by extending it to an extremely broad network of organisations (over 280 by the end of 2004) and by entrusting verification of the facts to actors in the field who are members of the SOS-Torture network, thus considerably streamlining the international structure.

### *What is an urgent appeal?*

Urgent appeals are written interventions that provide a detailed description of the context of potential or existing violations and in particular call upon the authorities concerned to intervene in order to put a stop to or prevent the abuses, to bring the perpetrators of these acts to trial, and to guarantee redress for victims.

Urgent appeals remain OMCT's core activity. At the end of 2003 and in light of the evaluation of the previous year, OMCT had set itself the goal of 415 urgent appeals encompassing all types of intervention (Urgent Campaigns Programme, Children's Rights Programme, Violence against Women Programme, Economic, Social and Cultural Rights Programme, Human Rights Defenders Programme [Observatory for the Protection of Human Rights Defenders]). On 31 December 2004, it had sent out 521 urgent interventions in 71 countries representing 2'733 victims, 109 non-governmental organisations (ngos) and 39 groups (gps) – groups representing 231'075 persons. These appeals are circulated in English, Spanish, and sometimes in French.

### **Urgent interventions in 2004**

Urgent Campaigns Programme		Children's Rights Programme		Violence Against Women's Programme		Human Rights Defenders Programme / Observatory for the Protection of Human Rights Defenders		Economic, Social and Cultural Rights Programme		Total	
Urgent interventions	Victimes	Urgent interventions	Victimes	Urgent interventions	Victimes	Urgent interventions	Victimes	Urgent interventions	Victimes	UI	V
181	886 + 4 gps	56	615	28	74 + 1 gp	232	563 + 109 ngos + 28 gps	24	595 + 6 gps	521	2'733+109 ngos + 39 gps

Note: urgent interventions encompass urgent appeals, press releases and bilateral communications.

## Diversification of activities attuned to reality

From the late 1980s onwards, OMCT emphasised the need to devote particular attention to victims of torture who were not political opponents, and whose cases generally aroused less spontaneous public sympathy.

A first study conducted by OMCT in 1989 showed that countries facing serious socio-economic difficulties were far more frequently affected by torture; that “forgotten” victims –such as children, women or people on the fringes of society– often represented an extremely high number of cases that were insufficiently or poorly documented, due both to the lack of organisations in these sectors, and to the legal situation of the people concerned. Contrary to political opponents, clearly victims of abuse by State agents, the violations affecting the population of these sectors often result from a lack of due diligence on the part of the authorities who neglect their obligations towards them and from acts of violence mostly committed by non-state actors enjoying total impunity. Moreover, common law detainees, who are less often taken into account by the international public campaigns due to the crimes of which they are accused, are frequently subjected to ill-treatment or torture which arouses little attention, hence –or at least partially– the efforts of repressive governments to criminalise opponents or organisations within civil society.

It thus became apparent that it was necessary not only to develop urgent action campaigns dedicated to specific categories of victim, but also to act by other means, such as highlighting the socio-economic and even cultural (honour crimes) causes that may lead to torture, and acting not only by relying on public opinion, but also by actively participating in the analysis and monitoring of the implementation –within the legal framework of the

States concerned– of the norms intended to protect these vulnerable categories.

Various types of pressure may be exercised on governments to improve their legislation and their practices by appealing to the international treaty monitoring bodies. Taking advantage of this possibility, OMCT has for several years been presenting alternative reports to the initial and periodical reports provided by States as part of the analysis of the implementation of the international agreements they have ratified in the field of human rights. Within this context, OMCT and the organisations affiliated to its network do not merely denounce violations and request that the perpetrators be punished, but also strive to pinpoint the socio-economic imbalances that need to be remedied. In 2004, OMCT had planned to submit nine alternative reports to various United Nations committees<sup>1</sup>. These were to be drafted in cooperation with local organisations. As of 31 December 2004, ten reports had been submitted and published.

1. Human Rights Committee;
- Economic, Social and Cultural Rights Committee;
- Committee Against Torture;
- Children’s Rights committee;
- Committee for the Elimination of Racial Discrimination, and the
- Committee for the Elimination of Discrimination against women.

### *What is an alternative report?*

All too often, States party to conventions and agreements on the promotion and defence of human rights present an official image of the reality, focusing mostly on the institutional and legal aspects and not dealing with sensitive issues such as the effective implementation of national mechanisms designed to eradicate torture and other grave violations of human rights. The experts sitting on the committees can therefore only make useful recommendations if they have an exact and comprehensive description of the situation.

The alternative reports, written in conjunction with local NGOs, represent a genuine alternative to State reports and provide a more objective picture of the human rights situation in the countries concerned.



Acting on the primary causes of torture has been one of the organisation's most important objectives right from the time of its creation. That is why, after several years of empirical work on this issue, OMCT undertook fundamental research on the socio-economic causes of violence. This study has been conducted on the basis of in-depth research by the Geneva International Academic Network (GIAN), along with partners from the SOS-Torture network, foundations, the United Nations and the International Labor Organization (ILO).

Five countries (South Africa, Egypt, Nepal and Uzbekistan) were also examined in the course of specific research in cooperation with regional analysts. In parallel, an evaluation was undertaken to determine the extent to which the different international institutions take into account the underlying causes and of how they do or do not develop a preventive strategy.

After the publication of these various documents, scheduled for early 2005, this research should culminate in a meeting at the end of the year bringing together local players, analysts and decision-makers, with the aim of establishing some guidelines for coherent action by all partners concerned in order to target the primary causes of torture.

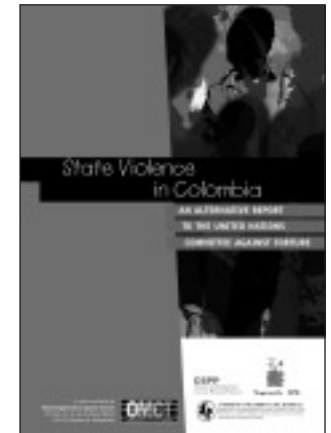
A first series of conclusions has been published in a study entitled "Correlating Violence and Socio-Economic Inequalities: An Empirical Analysis".

The study highlighted:

"(...) income inequality and development are strong predictors of the level of non-state violence in and between countries e.g. nonstate violence is higher in countries where a high proportion of people are economically deprived."

"(...) income has a great influence on state violence as well as non-state violence."

"(...) it is reasonable to suggest that influencing socio-economic development and inequalities may be a realistic strategy to provoke change in the levels of violence both non-state and state."







*At the request of a centre for treatment and support of victims of torture and political violence, located in Europe, OMCT agreed to contribute to covering the costs engendered by the appeal procedure (within the framework of a request for political asylum) instigated by a citizen of Angola, born in 1949, with the competent authorities in a European country.*

*A member of the National Union for the Total Independence of Angola (UNITA) since 1976, this citizen of Angola was suspected, along with her husband, of providing material support to members of UNITA within the context of the civil war following in the wake of the 1992 elections. In 1993, she witnessed the arrest of her husband by four soldiers and she has had no news of him since. She fled to a provincial area where she lived for two years before returning to her native village. Upon her return in 1995, she was arrested by soldiers of the Popular Movement for the Liberation of Angola (MPLA), incarcerated in a dungeon in the town where she was tortured for two weeks (beatings, steam jet burns, whipping, witnessing summary executions). She took advantage of a stay in hospital to escape and then lived in hiding in rural areas. In 2002 she was informed of the arrest and disappearance of her son. In light of the threats against her, she then left the country to seek refuge in Europe, where she filed a request for political asylum.*

*In January 2004, after examining the asylum request file submitted by the centre which requested the assistance, OMCT agreed to cover part of the legal costs engendered by the appeal lodged by this citizen of Angola. On 13 February 2004, OMCT was informed by the treatment centre which requested the legal assistance that this citizen of Angola had been granted political refugee status.*

**Victim who benefited from legal assistance within the framework of the Urgent Assistance to Victims of Torture Programme (which also allocates social and medical assistance)**

## **Keeping assistance as a top priority**

OMCT leaders noted right from the organisation's first few months of activity that many grass-roots organisations were having to cope with serious humanitarian problems. Whether for victims experiencing serious health problems, families confronted with inextricable political and social situations, or people living under threat, humanitarian emergency assistance proved indispensable to the survival and, where possible, to the reinsertion of the people involved.

While limiting its assistance exclusively to emergency aid and relying on the efforts of SOS-Torture network members to take over from there, OMCT set up a programme of urgent assistance to victims that was to be of a medical, social and/or legal nature, depending on the case. For 2004, in light of the drop in resources available for this type of programme, OMCT had fixed the number of people to whom assistance could be provided at 121 victims. By the end of 2004, and in particular thanks to new grants provided during the year, it had been able to help 136 people from 22 countries. Such assistance cannot be restricted to material aid, however precious this is. Victims ask that we help them obtain justice including, where necessary, at the level of international authorities.

That is why, in accordance with strict criteria, the Programme for Urgent Assistance to Victims of Torture covers certain legal expenses. Moreover, as part of its "Prevention of Torture" project, OMCT has lodged three complaints with the United Nations Committee on Human Rights, on behalf of victims of torture and for the murder of a detainee.

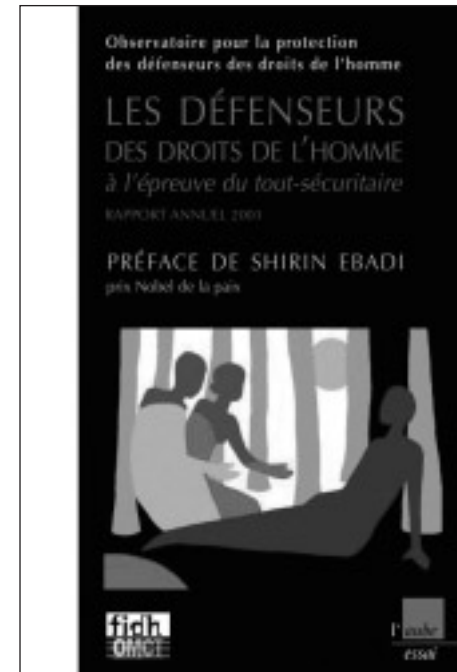
### **Anti-terrorist measures and torture: human rights advocates must be protected**

Mr Théo van Boven, former Director of the United Nations Human Rights Centre and former United Nations Special Rapporteur, often confirms that the information enabling international authorities and monitoring bodies to do their work often stems from human rights advocates working in the field. All too often, however, such people are the object of attacks and smear campaigns, presenting them as objective allies of those who attack the state in a violent manner.

The entire year 2004 was still strongly affected by the fall-out from the terrorist attacks on 11 September 2001 and 11 March 2004, which have led many governments to focus on the fight against terrorism, often to the detriment of the protection of and respect for human rights. OMCT has systematically denounced these abuses, particularly those perpetrated within the Guantanamo and Abou Grahیب prisons. Moreover, this situation has also led it to intensify its work of protecting human rights defenders. As has already been pointed out on several occasions, OMCT and its partner, the International Federation for Human Rights (FIDH) does not believe that human rights defenders have a right to preferential treatment because of their activities, but considers that the link they represent with

victims must be safeguarded. For this reason, the Observatory for the Protection of Human Rights Defenders has always demonstrated its opposition to the repressive authorities who try to silence the victims by a selective policy of repression exercised against organisations defending human rights.

The 2004 annual report of the Observatory for the Protection of Human Rights Defenders will be presented at the United Nations Commission on Human Rights in March-April 2005.





## ***OMCT's modus operandi***

In order to ensure that its actions meet the needs of victims, each year OMCT defines the goals it intends to reach and the results it hopes to achieve. The General Assembly and the Executive Council have established the following guidelines for the organisation during the quadrennial period in progress.

### **Objectives**

- **Ensure the rapid dissemination of information and act as a centre for the exchange of information and ideas;**
- **Offer protection to victims or potential victims of torture or other cruel, inhuman or degrading treatment;**
- **Prevention of acts of torture or other cruel, inhuman or degrading treatment and putting an end to gross human rights violations;**
- **Provision of practical legal support to victims and national NGOs in accessing UN bodies;**
- **Addressing and raising awareness about the structural causes of torture or other cruel, inhuman or degrading treatment, such as poverty, marginalisation and inequalities, and carry out awareness work on this subject;**
- **Decreasing the level of impunity of the perpetrators of acts of torture and other cruel, inhuman or degrading treatment;**
- **Assist victims of such violations in obtaining appropriate reparation and redress;**
- **Further development and implementation of effective international instruments to fight against torture other cruel, inhuman or degrading treatment;**
- **Integration of a gender and children rights perspective at both the national and international levels.**



OMCT's strategy of intervention is based on the idea that human rights violations must be viewed while taking into account the local and international context within which they occur, as well as the actors affected by these violations – be they victims, the perpetrators of these abuses or those who are fighting to put an end to them.

Consequently, the practice of torture is analysed as a phenomenon illustrating the dysfunctional elements of a given society. This analysis leads to careful scrutiny of all factors liable to lead to torture and other human rights violations, implying an analysis of the local, regional and international context; of the actors directly or indirectly responsible for these violations; of the groups and individuals attempting to resist these violations and their *modus operandi*; as well as an analysis of the values these groups and these individuals are seeking to promote, their methods and their strategies for intervention in an environment characterised by multiple constraints.

The OMCT International Secretariat has developed this strategy in close cooperation with the partners of the SOS-Torture network which encompasses the main movements grouping human rights defenders fighting against torture on all five continents. Not only do these organisations exchange information on particular situations or cases, but they also share their respective experience acquired by working in the field, their methods of intervention, their evaluations of the impact of their actions and their own reflections regarding the political, legislative, social and economic reforms that should be undertaken to ensure greater respect for human rights.

OMCT's strategy therefore devotes special importance to three interdependent factors:

- The expectations of victims of human rights violations, as well as those of the groups representing them;
- An analysis of various factors liable to lead to human rights violations;
- The normative international human rights system.

OMCT is convinced that in order to be effective, any strategy to fight torture must necessarily combine all three factors.

One of the most important aspects of the OMCT strategy is based on the fact that the organisation adopts an approach integrating the fundamental components of **prevention, denunciation** and **assistance to victims**, with a particular emphasis on the necessity of working in parallel, within the framework of individual cases, on the **socio-economic causes of torture**.

Since **human rights defenders, children** and **women** form specific groups in terms of the causes and consequences of the human rights violations encompassed within the OMCT mandate, dedicated programmes dealing with the specific needs of these victims were set up in 1990, 1991 and 1996 respectively. In 1997 the Observatory for the Protection of Human Rights Defenders, was set up as a joint project with the International Federation for Human Rights (FIDH).

## Prevention

OMCT works on the principle that the prevention of torture cannot be limited to a normative approach. As an active participant in the process of developing new international instruments (such as in the field of forced disappearances, measures for supervising and monitoring conditions of detention, etc.), OMCT logically considers that laws, however perfect they may be, can only be effective if they are actually implemented. Therefore, for almost ten years and in partnership with NGOs that are members or non-members of the SOS-Torture network, OMCT has regularly submitted alternative reports to the United Nations committees. These reports constitute a source of essential objective information for the experts who are members of these mechanisms and responsible for studying the human rights situation of State parties, particularly by focusing on the socio-economic causes of state violence. Moreover, these reports systematically contain sections on the respect for the fundamental rights of women and children. In this respect, promotion of gender equality and the rights of the child represent a theme that is common to all activities within the organisation's struggle against torture.

In 2004, the ten following reports were submitted: Azerbaijan to the Economic, Social and Cultural Committee; Bolivia, Nigeria, Kyrgyzstan and the Philippines to the Children's Rights Committee; Mauritania to the Committee for the Elimination of Racial Discrimination; Chile and Greece to the Committee Against Torture; Benin and Serbia-Montenegro to the Human Rights Committee. These reports are written in one of the working languages of

the committee concerned, and then translated into one of the national languages of the country under consideration.

Three monitoring missions were conducted in Sri Lanka (August 2004), the Philippines (August 2004) and in Serbia-Montenegro (October 2004), the purpose being to measure the progress made by these States and to accompany grass-roots organisations in this process. In 2004, OMCT continued work on writing a practical guide (or handbook) on the conventional and non-conventional international and regional mechanisms of protection against torture. This guide, essentially intended for local NGOs, whether or not they are members of the SOS-Torture network, and for victims, will be published on the occasion of the session of the United Nations Commission on Human Rights in 2006.



## Denunciation

OMCT is aware of the fact that even if all the right conditions are met, laws will not be respected unless violations are systematically documented, unless victims receive the appropriate compensation to which they are entitled, and unless the perpetrators of such violations are judged in an appropriate manner. To accomplish this, it is vital to ensure the establishment of a rapid information system to be able to intervene as soon as reliable allegations of abuse or

risks of abuse are received, and if possible before the people fall victim to serious violations of their rights. This also implies regular follow-up of each situation with a view to ensuring that each case is dealt with by the competent legal authorities at national level, or when this is not possible, to ensure that the case, depending on the theme, is transmitted to the appropriate regional or international institutions. Finally, legal action against the presumed perpetrators of human rights violations is a crucial element both in preventing such acts taking place again in the future, and in ensuring the individual rehabilitation of the victims of torture. On the one hand, court trials and subsequent sanctions of a torturer have a considerable dissuasive effect which proves that there is no impunity for human rights violations; and on the other hand, such action contributes to the re-establishment of a system of values that has been undermined by acts of torture, particularly by regarding victims of torture as criminals who deserved this kind of treatment.

In 2004, 136 victims of torture (65 case files<sup>2</sup>) from 22 countries<sup>3</sup> benefited from legal, medical and/or social assistance provided by OMCT. Among these victims were 42 women and 94 children. Of these 136 victims, 32 were children.

As part of the "Prevention of Torture" project, three complaints were filed with the United Nations Human Rights Committee on behalf of victims from Sri Lanka and Libya.

<sup>2</sup> A case file may concern several victims.

<sup>3</sup> Algeria, Angola, Bangladesh, Cameroon, Colombia, Congo (Democratic Republic of), Ethiopia, India, Iran, Kyrgyzstan, Morocco, Mauritania, Mexico, Pakistan, Russia, Sierra Leone, Sri Lanka, Switzerland, Chad, Togo, Tunisia and Turkey, 22 countries in all.

and not merely as a humanitarian measure intended to relieve individual suffering. Without underestimating the importance of humanitarian assistance, which remains indispensable within the context of national and international armed conflicts, OMCT believes that assistance to victims must not focus exclusively on the suffering endured by the victims in order to relieve their suffering as much as possible, but must also convey a strong message on the guilt of the presumed perpetrators of these violations. In other words, OMCT works with victims in order to help them recover both physically and mentally, while simultaneously assisting them in the process that will help them ensure that their rights are recognised and respected. That is why the assistance to victims granted by OMCT simultaneously consists of straightforward aid, assistance in rehabilitation, and support in the struggle against impunity.

### The integration of socio-economic factors in the struggle against torture

Right from its inception, OMCT has striven to analyse the reasons for which torture was more broadly practiced in countries facing serious socio-economic difficulties and affected the poorest sections of the population. It is important to note that at that time, some organisations which placed a particular emphasis on the defence of political prisoners expressed doubts about this approach aiming to take into consideration cases of torture affecting people on the fringes of society and common law delinquents. Over the years, OMCT has succeeded in demonstrating that the factors leading to the occurrence of torture are closely intertwined with socio-economic problems and that any action in this field may have positive repercussions on the prevention of torture.

### Urgent assistance to victims of torture

From the very start of its activities, OMCT has observed that granting assistance to victims must be considered an integral part of the fight for human rights

## What results?

Concrete short-term results are achieved thanks to activities focusing on the victims (urgent interventions and granting direct assistance). Over the medium and long term, OMCT's activities contribute to bringing about changes in the situation of a country, to establishing new mechanisms and standards on regional and international levels and to reinforcing the capacity of network members to defend and promote human rights. Examples of global actions include preparation of alternative reports presented to United Nations committees, preparation and publication of general reports, lobbying on the situation of a country or to promote new international norms and mechanisms; as well as training local NGOs in order to reinforce their capacity to react to violations; and organising fact-finding missions.

The recommendations and conclusions of the United Nations committees adopted on the basis of OMCT's alternative reports are also a concrete indicator of OMCT's work. The impact of OMCT reports is confirmed by evaluating the extent to which the recommendations, analyses, detailed proposals to remedy a situation and proposals for legislative reforms which are put forward by the organisation are picked up by the experts of the treaty-monitoring bodies. Their impact can also be measured in terms of the amendments made to national legislation. The presence of human rights defenders to present alternative reports to the United Nations organs, in conjunction with OMCT, helps them to better grasp the way procedures operate so as to use them more effectively in the future, to help other grass-roots organisations to do likewise, and to guarantee an appropriate follow-up for the recommendations and conclusions of the monitoring bodies.

For activities of a more general nature, their impact can be evaluated through the scope of the changes that are taking place on a global level, whether in terms of the elaboration of new mechanisms or standards or in the considerable account that is taken by the regional and international human rights mechanisms of the concerns expressed by OMCT.

*“ This is an extremely useful project, since it not only involves professionalising our NGOs in specific fields of human rights (men, women, children) but also and above all in training members of the NGOs taking part in the session to achieve a better grasp of the UN human rights mechanisms. (...) We would like to thank the entire OMCT staff for the support and all the many ways in which they facilitated our stay, for the quality of the work presented and for the coordination of the entire team ”*

**Message from a Children's Rights NGO in Benin, which took part in the presentation of an alternative report on Benin to the United Nations Human Rights Committee in October 2004.**

*“ Our forum is extremely pleased with the quality of the welcome given to our members and the organisation of their stay, which enabled them to reach essential objectives (...). Through your contribution, you made it possible for this CERD session to prove a historic victory for militants on behalf of legality, equality and hope in Mauritania. ”*

**Message addressed to OMCT and to the FIDH by a coalition of Mauritanian NGOs following the presentation of the alternative report to the Committee for the Elimination of Racial Discrimination in July 2004.**



## OMCT's programmes

### Urgent Campaigns

Using cutting-edge communication technologies, the OMCT Urgent Campaigns Programme aims to react as quickly as possible to cases of torture and other forms of violence occurring around the world by disseminating urgent appeals distributed to carefully targeted recipients (intergovernmental bodies, specialised organisations, individuals, etc.). This programme is based on the information submitted by member organisations of the SOS-Torture network and seeks, by means of international solidarity campaigns, to help victims and to pursue those responsible for human rights violations. Its main contacts within the United Nations system are the Special Rapporteurs and Representatives and the Working Groups which are responsible for ensuring swift reactions to reliable denunciations.

### Follow-up of States' International Commitments

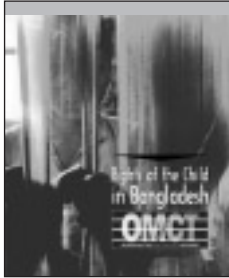
The programme dedicated to the follow-up of States' international commitments complements the Urgent Campaigns Programme by facilitating access for victims and local NGOs to intergovernmental mechanisms fighting against torture. The objective of this programme is to provide legal and practical support to victims and to NGOs wishing to participate in the various procedures of the specialised bodies, such as the United Nations Committee Against Torture and the Human Rights Committee.

### Urgent Assistance to Victims of Torture

OMCT is currently the only international non-governmental organisation to provide indispensable, urgent legal, medical and/or social assistance directly to women, men and children who are victims of torture. Thanks to the SOS-Torture network, OMCT is able to identify and to verify requests for urgent assistance and to grant the necessary assistance at the least possible cost and within a very short timeframe.

### Children's Rights Programme

Right from its inception, OMCT recorded a growing number of denunciations of grave violations committed against children. The SOS-Torture network requested that a programme be set up to ensure reinforced protection against torture and any other form of violence. Almost all States of the world have recognised this reality by ratifying the Convention on the Rights of the Child adopted on 20 November 1989. The OMCT Children's Rights Programme aims to ensure that these rights are not only recognised in theory, but also implemented in practice.





## Violence against Women Programme

Torture and violence are often directed against women, particularly due to the inferior position they continue to occupy in many societies. Rape, ill-treatment and sexual humiliation –which are common practice in many detention centres and particularly during situations of internal conflict– mostly affect women and are often hushed up. The same goes for certain forms of domestic violence. OMCT's programme on Violence against Women aims to raise awareness, both among members of the SOS-Torture network and within the United Nations mechanisms, of the problem of violence against women, and to act on behalf of victims of this violence.

## Human Rights Defenders Programme

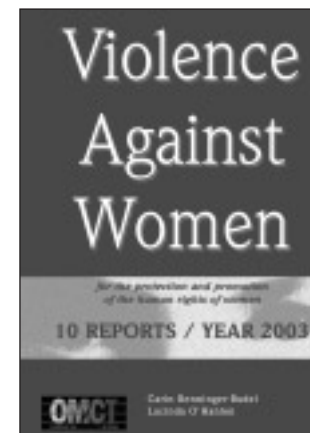
Due to their commitment, human rights defenders – lawyers, non-governmental organisations, trade unions etc. – are a favourite target for repression by many regimes. Since its creation, OMCT has denounced acts committed against defenders. In 1997 it joined forces with the International Federation for Human Rights (FIDH) to create the Observatory for the Protection of Human Rights Defenders. The Observatory intervenes through a special alert system and by missions in the field. Its work is based on cooperation with national, regional and international non-governmental organisations.

## Economic, Social and Cultural Rights programme

By setting up and operating this programme, OMCT intends to contribute to the eradication of torture and any other form of violence by identifying and remedying the socio-economic obstacles that impede absolute protection against these acts. A weakening of the regulatory capacity of States, resulting from excess liberalisation and the growing inequalities in the spread of revenues, along with the ever stronger influence of non-state actors on respect for human rights, underscore the urgent need to take account of the current socio-economic context, while simultaneously supporting victims of violations of economic, social and cultural rights.

(...) “ *It was a very interesting and enriching experience to work in coordination with OMCT in the elaboration of the alternative report. It was the first time we did such a piece of work, in collaboration with an European NGO, which enabled us to directly come in contact with one of the official bodies of the UN, namely the CAT.* ”

**Message from a Chilean NGO which took part in presenting the alternative report on Chile to the United Nations Committee Against Torture in May 2004.**





## OMCT-Europe

The mission of the European branch of OMCT is to lobby for a more consistent and more effective European human rights policy, meaning not only effective integration of human rights norms on an internal level, but also the establishment of an external control system of the activities and measures adopted by the European Union (EU). This also means instating genuine consistency between the legal principles proclaimed by the Union and its actual foreign policy.

In 2004, OMCT-Europe pursued its efforts on themes related to the activities of the OMCT International Secretariat and took initiatives on current theme-based or geographical issues:

- Through the weekly Newsletter and other briefing papers, OMCT-Europe regularly informs the International Secretariat (and through it the SOS-Torture network) on the policies and meetings of European institutions in fields falling within the mandate of the organisation. This then enables OMCT to contribute as quickly as possible to the debates and initiatives within the European Institutions (European Commission, Council and Parliament), as well as in the Human Rights Group within the Council of Europe. The OMCT-Europe Secretariat also maintains close contact with the key persons within these institutions, as well as with deputies who are sensitive to OMCT's concerns.
- OMCT is also in a position to cooperate closely in establishing or evaluating the EU instruments intended to ensure the integration of human rights norms into European policies, such as guidelines and the human rights clauses in the bilateral and regional agreements. Such was the case in 2004 through

OMCT's active participation in the elaboration and implementation of the new Guidelines on the protection of defenders, under the Presidencies of Ireland and The Netherlands, as well as by written and verbal contributions to the internal evaluation conducted by the Council on the Orientations relating to the fight against torture in States outside the EU.

- Finally, OMCT-Europe took part in the name of the International Secretariat in several geographical initiatives such as on Togo, India, Colombia, Russia/Chechnya.
- OMCT-Europe was also particularly vigilant with regards to the financial commitments of the European Union on behalf of the promotion of human rights; in addition to the vote on the annual budget for 2005, the year 2004 witnessed the adoption of the new 2005-2006 programming document for the European Initiative for Democracy and Human Rights (IIEHD), as well as the initiation of debates on the financial prospects of the EU from 2007 onwards.
- Moreover, as part of its role in implementing the OMCT mandate on a European level, OMCT-Europe has submitted a report to the European network of independent experts in the field of fundamental rights, a report aimed at calling attention to existing jurisprudence and progress in the field of interpreting and defining torture, and since January 2004 is also conducting a project aimed at reinforcing civil society, and particularly human rights NGOs, in Uzbekistan.

## Reports and Publication for 2004 - OMCT

### Children's Rights Programme

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#### *ALTERNATIVE REPORTS SUBMITTED TO THE COMMITTEE ON THE RIGHTS OF THE CHILD*

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- **Children's Rights in Pakistan** - submitted in 2003, published in 2004 in English
- **Children's Rights in Madagascar** - submitted in 2003, published in 2004 in English
- **Children's Rights in Georgia** - submitted in 2003, published in 2004 in English
- **Children's Rights in Bangladesh** - submitted in 2003, published in 2004 in English
- **Children's Rights in Kyrgyzstan** - submitted in 2004, scheduled for publication in 2005
- **Children's Rights in Nigeria** - submitted in 2004, scheduled for publication in 2005
- **Children's Rights in Bolivia** - submitted in 2004, scheduled for publication in 2005
- **Children's Rights in the Philippines** - submitted in 2004, scheduled for publication in 2005

### Violence Against Women Programme

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- **Violence against women for the protection and the promotion of women's fundamental rights - 10 reports / Year 2003** available in French, English and Spanish, published in 2004

#### *ALTERNATIVE REPORT SUBMITTED TO THE UNITED NATIONS COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS:*

- **Violence against women in Azerbaijan** - available in English, submitted in 2004, published in 2005

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

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#### *ANNUAL REPORT:*

- **Human Rights Defenders in a "Security First" Environment. Annual report 2003** - published in March 2004, in French, English and Spanish

#### *MISSION REPORTS:*

- **Brazil: Trial of the planners of the murder of João Canuto de Oliveira. Landless peasants and their defenders in the Pará State** published in February 2004, in French and Portuguese
- **2003: Systematic Repression of Human Rights Defenders in Zimbabwe** - published in February 2004, in English and French
- **Israel / Palestinian Occupied Territories: Bridges instead of Walls. Conditions and Challenges experienced by Human Rights Defenders in carrying out their work** - published in March 2004, in English
- **Belarus: The "Liquidation" of Independent Civil Society** published in April 2004, in English and French
- **Russia: Human Rights Defenders faced with the "Dictatorship of the Law"** - published in September 2004
- **Nepal. An appalling situation: Human Rights Defenders increasingly victims of the internal armed conflict** - publication in the first semester 2005, in English and French
- **Bolivia** - publication in the first semester 2005, in Spanish and English

## Follow-up of States' International Commitments (Within the Torture Prevention Project)

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### ALTERNATIVE REPORTS SUBMITTED TO THE UNITED NATIONS HUMAN RIGHTS COMMITTEE:

- **State violence in the Philippines** - submitted in October 2003, published in 2004, in English and in Filipino / Tagalog
- **State violence in Sri Lanka** - submitted in October 2003, published in 2004, in English and in Shingala
- **State violence in Serbia-Montenegro** - submitted in July 2004, published in 2004, in English and in Serbian
- **State violence in Benin** - submitted in October, scheduled for publication in 2005, in English and in French

### ALTERNATIVE REPORTS SUBMITTED TO THE UNITED NATIONS COMMITTEE AGAINST TORTURE:

- **State violence in Morocco** - submitted in November 2003, published in 2004, in English and in French
- **State violence in Colombia** - submitted in November 2003, published in 2004, in English and in Spanish
- **State violence in Chile** - submitted in May 2004, published in 2004, in English and in Spanish
- **State violence in Greece** - submitted in November 2004, publication scheduled for 2005, in English and in Greek

## Other joint Publications

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- **Juntos Contra la Tortura – Colombia** - Joint publication (MINGA, Corp. AVRE, REINICIAR, CCJ, CSPP, DNI, Terre des Hommes and OMCT), published in Spanish, February 2004
- **Alternative report on the human rights situation in Mauritania** - Joint publication (Forum des Organisations Nationales de défense des droits de l'homme (FONADH), FIDH and OMCT), submitted to the Committee on the Elimination of Racial Discrimination (CERD) in July 2004, not published but available on the [www.omct.org](http://www.omct.org) website

## OMCT-Europe

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- **Draft informal joint comments on the “Provisional draft non-paper: Programming European Commission funding activities to promote human rights and democratisation in third countries in 2005 and 2006”**, Human Rights and Democracy Network, January 2004
- **Joint letter to the European Parliament on the budget for 2005**, AI-CICC-FIDH-OMCT-OSI, 16 August 2004
- **IDSN, OMCT and FIDH Position in response to the European Union's Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee entitled “An EU-India Strategic Partnership”**, 31 August 2004 and joint media release: **EU-India Summit: Human Rights must be on the agenda!**
- **Interpretation of the definition of torture or cruel, inhuman and degrading treatment or punishment in the light of European and international case law, the need to preserve legal and jurisprudential evolutions and acquis**, report submitted to the UE Network of Independent Experts on fundamental rights, 30 October 2004
- **Implementation of the EU Guidelines on Torture: Food for Thought for a Comprehensive Approach**, OMCT Paper to the COHOM (EU Council Working Group on Human Rights), 17 November 2004
- **Open Letter to the European Commission, the European Council and the European Parliament, on the EU Human Rights and democracy support during the Financial Perspective 2007-2013**, AI-CICC-FIDH-OMCT-OSI, 13 December 2004

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### Vice-presidents

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 François-Régis de la Renaudière  
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 Antoine Maurice  
 François-Michel Ormond  
 Elisabeth Reusse-Decrey  
 Pierre de Senarclens

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Eric Sottas

### Associate Director

Anne-Laurence Lacroix

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 Daniel Nufer  
 Kifle Araia

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Julia Double, *Manager*  
 Clemencia Devia Suarez

### Urgent Assistance to Victims of Torture Programme

Anne-Laurence Lacroix, *Manager*

### Violence against Women Programme

Carin Benninger-Budel, *Manager*  
 Alexandra Kossin

### Special Procedures Programme

Patrick Mützenberg, *Manager*  
 Boris Wijkström, *Main legal adviser*  
 Leonor Vilás Costa, *Associate legal adviser*

### Children's Rights Programme

Cécile Trochu, *Manager*

### Economic, Social and Cultural Defenders Programme

Tom McCarthy, *Manager*

### Human Rights Defenders Programme

Mariana Duarte, *chargée de mission*  
 Delphine Reculeau, *chargée de mission*

### Computer systems

Alain Gross

### Website

Sébastien Courvoisier

### Accountants

Marc Aebersold, *NDC*

**MARCEL LAUPER - EXPERT COMPTABLE  - GENÈVE**

**AUDITOR'S REPORT**  
To the Executive Council of

**THE WORLD ORGANISATION AGAINST TORTURE - SOS-TORTURE**

In accordance with the mandate with which we have been entrusted by your General Assembly, we have audited the annual accounts for 2004 up to 31 December 2004.

We have noted that the balance sheet and the statements of income and expenditure exactly concur with the books, which have been accurately kept.

The financial year has shown an excess in spending of CHF 186,970.15, bringing the deficit to CHF 241,942.95 at the end of December.

Although all commitments toward third parties, amounting to CHF 1,532,302.58, are covered by the cash flow, your Council should act for an absorption of the deficit during the financial year.

In conclusion, we recommend the approval of the accounts submitted to us.

The auditors:



Geneva, 11 February 2005

ANNEX I: Balance sheet as at 31 December 2004

ANNEX II: Statement of income and expenditure in 2004

As every year, OMCT publishes the auditor's report for the Board as well as a brief statement of income and expenditure for the past year. In addition this year, there is an audit report from PriceWaterhouseCoopers SA confirming the good management of the organisation, based on an in-depth examination of the 2003 financial year.

## Annex 1

### BALANCE SHEET AS OF 31 DECEMBER 2004

<u>ASSETS</u>	<u>CHF</u>
Cash funds	4'428.52
Postal check account	20'783.33
Banks	<u>1'525'420.89</u>
	<u>1'550'632.74</u>
Contributions	195'603.33
Costs paid in advance	<u>46'841.81</u>
	<u>1'793'077.88</u>
<u>LIABILITIES</u>	
Grants paid in advance	950'181.15
Creditors	229'491.35
Other liabilities	<u>352'630.08</u>
	<u>1'532'302.58</u>
Provision for specific activities	305'000.00
Deffered income	<u>197'718.25</u>
	<u>2'035'020.83</u>
<u>NET BALANCE</u>	
Surplus expenditure 2004	CHF186'970.15
Balance brought forward	CHF 54'972.80
	<u><b>- 241'942.95</b></u>

**N.B.** In order to cover the cumulated deficit, the OMCT Council asked for the exceptional intervention of the Support Fund - created on the initiative of the Pro Victimis Foundation - to manage a unique donation. This request was accepted on 18 February 2005, for an amount of CHF 241,942.95.

## Annex 2

### STATEMENT OF INCOME AND EXPENDITURE AS OF 31 DECEMBER 2004

<b>INCOME</b>	2'447'327.33
Federal grants	150'000.00
Grants from the State of Geneva	4'000.00
Grants from Swiss communes and towns	36'670.00
Grants from European governments	364'136.00
Grants from foundations and others	43'414.33
Network membership fees	12'383.80
Donations from "Club des Cent"	152'210.00
Private donations	123'933.90
Sale of bulletins, fees, special events	204'268.61
Grants for Torture Victims Programme	209'370.76
Grants for Children's Programme	51'559.98
Grants for Women's Programme	75'472.82
Grants for Human Rights Defenders' Programme	220'352.50
Grants for Democratisation (ESCR) Programme	215'796.91
Grants Special Procedures Programme	457'788.92
Grants for Urgent Campaigns Programme	38'490.00
Grants for Training Programme	87'478.80
<b>EXPENSES</b>	- 2'637'476.20
Extensions / Development of the network	125'767.90
Support events	30'394.93
Assistance to Victims Programme	209'369.90
Children's Programme	159'490.04
Women's Programme	205'165.24
Human Rights Defenders' Programme	306'829.87
Democratisation (ESCR) Programme	378'592.56
Special Procedures Programme	652'057.47
Urgent Campaigns Programme	152'996.51
Training Programme	11'614.63
Promotion Programme	198'988.08
Special and unforeseen events	79'011.21
Audit costs	127'197.86
<b>RESULTS BEFORE CREDIT INTEREST AND OTHER INCOME</b>	- 190'148.87
<b>CREDIT INTEREST AND OTHER INCOME</b>	3'178.72
Credit interest	2'016.59
Other income	1'162.13
<b>DEFICIT</b>	- 186'970.15

Geneva, 8 February 2005





PricewaterhouseCoopers SA  
 Avenue Giuseppe-Morini 90  
 Case postale 2045  
 1201 Genève 2  
 Téléphone +41 22 748 11 11  
 Fax +41 22 748 11 11  
 Fac direct 022 748 55 96

### Report on the examination of the financial statements of OMCT for fiscal year 2003

To the attention of the President's office,

In accordance with the terms of our appointment, we have examined your organisation's financial statements for fiscal year 2003 and, in addition to having examined documentation, have interviewed a number of persons (employees of the organisation and members of its governing bodies).

We have examined on a test basis the balance sheet and the profit and loss accounts for 2003. Our work has not disclosed any irregularities in the financial accounting (balance sheet, profit and loss by type of expense). Moreover, we have ascertained that the funds raised by the OMCT have been applied in pursuit of the objectives foreseen in its statutes.

For your information however, we take the opportunity of proposing certain measures designed to improve the presentation of expenses in the accounts, with a view to:

- documenting and regulating the way in which expenses are charged to the programmes on the basis of allocation keys
- disclosing structural costs (administrative expenses) in the costs of each programme.

This report has been prepared in good faith on the basis of documents made available to us. We must make the usual caveats regarding any instances where facts or documents were not disclosed to us.


  
 Jean-Pierre Gallay  
 Partner  
 Charles Hill  
 Senior Manager

Geneva, October 22<sup>nd</sup> 2004

#### Appendix

- Financial statements 2003 (balance sheet, profit and loss account) as published by OMCT

## Annex 1

### BALANCE SHEET AS OF 31 DECEMBER 2003

<u>ASSETS</u>	CHF
Cash funds	5'795.40
Postal check account	16'916.42
Banks	<u>1'184'586.36</u>
	1'207'298.18
Contributions	164'070.25
Costs paid in advance	<u>68'665.46</u>
	<u>1'440'033.89</u>
<u>LIABILITIES</u>	
Creditors	49'949.25
Other liabilities	<u>455'447.57</u>
	505'396.82
Provision for specific activities	325'000.00
Deferred income	<u>664'609.87</u>
	<u>1'495'006.69</u>
<u>NET BALANCE</u>	
Surplus expenditure 2003	CHF 57'714.35
Balance brought forward	CHF (2'741.55) <u>- 54'972,80</u>

## Annex 2

### STATEMENT OF INCOME AND EXPENDITURE AS OF 31 DECEMBER 2003

<b>INCOME</b>	2'794'145.89
Federal grants	150'000.00
Grants from the State of Geneva	150'000.00
Grants from the City of Geneva	18'000.00
Cantonal grants	4'000.00
Grants from Swiss communes and towns	19'650.00
Grants from European governments	395'994.67
Grants from foundations and others	44'265.00
Network membership fees	9'950.08
Donations from "Club des Cent"	78'308.80
Private donations	23'825.85
Sale of bulletins, fees, special events	223'950.86
Grants for Torture Victims Programme	174'789.82
Grants for Children's Programme	112'730.56
Grants for Women's Programme	373'215.67
Grants for Human Rights Defenders' Programme	208'223.63
Grants for Democratisation (ESCR) Programme	137'758.93
Grants Special Procedures Programme	279'157.17
Grants for Urgent Campaigns Programme	380'703.40
Grants for Training Programme	9'621.45
<b>EXPENSES</b>	-2'869'884.57
Extensions / Development of the network	176'388.04
Support events	19'183.76
Assistance to Victims Programme	246'471.42
Children's Programme	244'695.65
Women's Programme	467'160.79
Human Rights Defenders' Programme	301'774.60
Democratisation (ESCR) Programme	371'247.52
Special Procedures Programme	399'162.93
Urgent Campaigns Programme	397'217.10
Training Programme	28'009.16
Racism Programme	0.00
Promotion Programme	93'026.73
Special and unforeseen events	125'546.87
<b>RESULTS BEFORE CREDIT INTEREST AND OTHER INCOME</b>	- 75'738.68
<b>CREDIT INTEREST AND OTHER INCOME</b>	18'024.33
Credit interest	14'286.95
Other income	3'737.38
<b>DEFICIT</b>	- 57'714.35