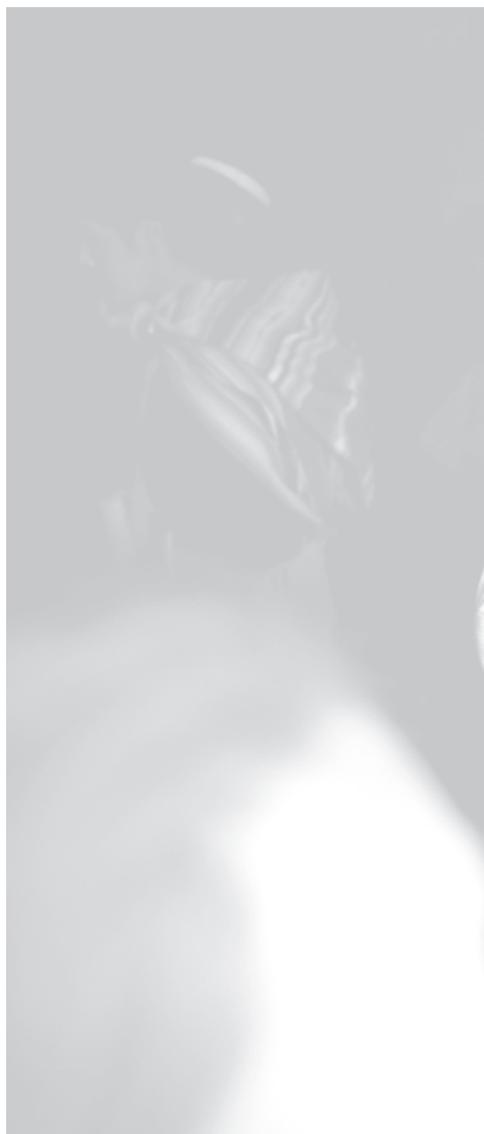


2008 Annual Report

World Organisation Against Torture



OMCT, Switzerland | www.omct.org | Published in June 2009



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“ Dear Friends at OMCT, Thank you all and all those who had expressed their concerns, sent support letters and helped in the process of the acquittal of Ms. Irene Fernandez. Welcome to Ms. Fernandez for her courage and sufferings, her faith and patience while in the custody. Let us celebrate for her in thanking God and in prayers. In solidarity, ”

A Human Rights Defender
from Bangladesh, November 2008



Foreword by the President

In 2008, the World Organisation Against Torture (OMCT) helped through its urgent appeals to put a stop to the maltreatment to which certain prisoners were subjected; it aided those who were freed after undergoing inhuman or degrading treatment to recover their dignity and a normal life; it asked for torturers to be pursued and condemned because without this the practice of torture will continue unchecked. It helped organisations who are members of the SOS-Torture network to present alternative reports to countries' official reports to the United Nations (UN) Committees. Several recommendations contained in these reports have been taken up and sent to the States concerned. Thus OMCT can be satisfied that its action is recognised and contributes to preserving human beings from torture.

In 2007 and 2008, OMCT demonstrated through studying numerous cases that those whose economic, social and cultural rights had been violated were often imprisoned and mistreated if they protested. In this respect OMCT has done pioneer work and it has been heard: the violation of economic, social and cultural rights is now recognised as one of the causes of torture. OMCT will pursue its action in this area while at the same time targeting another cause of torture which was highlighted in its General Assembly in December 2008: that of relativism; the relativism on the part of citizens and States which certainly denounce the practice of torture but find excuses for it or even tolerate it for political, cultural or economic reasons. It is this «but» that must be challenged. By attacking its causes, OMCT opens up new ways to fight against torture.

Having elected to its Executive Board five personalities from the field, OMCT wanted to acknowledge that the SOS-Torture network was its main strength. I would like to thank the Network, which has underpinned the activities of 2008. OMCT would not be able to act without the Network, or without the help of the governments which support it with a level of commitment which is appreciated. It could not do without the donations collected by the Foundation supporting OMCT and those which are sent to it directly. These donations are precious both in themselves and in the commitment against torture that they represent on the part of those who provide them. Our thanks go to all. Finally I would like to personally thank Mr Kofi Annan, who not only chairs the Foundation supporting OMCT but also takes the time to give good and tactful advice, and also Mr Olivier Mach who has assumed the presidency of the Association since 2004 with faith and strength, giving his time no matter how long it takes. ■

Yves Berthelot
President

Introduction by

The year 2008 marked an important stage in the development of OMCT. In December, an International Conference¹, to which all the NGO members of the SOS-Torture network were invited, addressed a serious problem on which the International Secretariat has taken action over the past few years: the erosion of the absolute prohibition of torture and of cruel, inhuman or degrading treatment or punishment under pressure of relativist theories.

Already in the early 90s, certain governments had contested the universal scope of human rights, considering that it arose in fact from a culture which sought to impose its values on the rest of the world. While the Vienna Conference (1993) appeared to have provided a clear and coherent response to the cultural objection, the years that followed saw the emergence of new contestations, especially in the countries of the South, in the name of the priority that needed to be given to the economic growth which is indispensable for the respect and enjoyment of the economic and social rights of large poverty-stricken areas throughout the world.

After 11 September 2001, in the name of protecting the democratic state against the threat of terrorism, we saw the development, mainly in the West, of another type of relativism. For some - a minority - resorting to torture should be conditional on the advantages that can be derived from it; whereas in a more subtle fashion others, while strongly reaffirming the absolute prohibition of torture, argue for a stricter definition of the threshold between torture and cruel, inhuman or degrading treatment or punishment. This approach, supported by the majority, simply hides the fact that the distinction between torture and cruel, inhuman or degrading treatment or punishment is not intended to define what is legal or illegal but rather to grade the punishments with respect to their perpetrators and the compensations due to the victims.

This phenomenon is both disturbing and stimulating. Disturbing, because it incontestably leads to an erosion of the absolute prohibition of torture, an erosion to which populations not only subscribe but adhere fully in the name of different theories, but in the light of which all agree on the need to rethink the conditions of the prohibition. Stimulating, because contrary to what happened just before Vienna, the problem can no longer be considered as referring to a group of particular countries. All are now facing a dangerous challenge which public opinion appears not to perceive. This "globalisation of the phenomenon" – despite

the Secretary-General and the Deputy Secretary-General

its particularities described above – can provide the opportunity for a reaction where all are invited to participate and where no regime can serve as a credible model.

For OMCT, this does not call into question its basic options and the methodology developed in partnership with the organisations on the ground, but it leads one to rethink the mode of communication. Urgent interventions, urgent assistance to victims, monitoring of intergovernmental mechanisms, legal support for victims, prevention through a global approach to the causes of torture, and protection of victims and of those who defend them - all remain indispensable tasks which, despite the difficulties, bear fruit.

But in terms of communication, this information and the awareness it generates remain too limited to certain circles. The idea that this perception and awareness spread almost naturally into public opinion proves to be illusory. And yet public opinions play a crucial role in the promotion and defence of human rights and in vigilance as to internationally accepted principles and rules. The fact that the legal authorities or quasi-judicial mechanisms, such as the UN Committee Against Torture and the Human Rights Committee, the Inter-American and European Courts on Human Rights all resist the pressure of governments, asking them to acknowledge practices which are doubtful to say the least, is encouraging. However it must be admitted that the work of these guardians of the temple is not well known and not necessarily understood by public opinions which, while for the most part rejecting the use of torture, are more willing to accept the need to resort to “rougher” interrogation techniques to ensure a level of security which they feel is slipping away little by little.

The good conscience of most of our contemporaries prevents them from seeing reality. The tolerance they demonstrate with respect to certain practices constitutes, even if they are not aware of it, an initial erosion of the absolute character of the prohibition of torture, which risks being called into question little by little in a more fundamental manner.

OMCT must of necessity find both the words to explain the dangers that face us and the strength to reaffirm that human dignity, even that of a terrorist or a criminal, cannot be swept aside without weakening the barriers which protect us from barbarism.

This is the main conclusion that the International Conference sent to the General Assem-

bly of OMCT, which adopted it as one of its priorities for the years to come, requesting that particular efforts be developed with the public opinions of all the countries where the SOS-Torture network is present.

On an organisational level, the General Assembly also approved a plan for restructuring OMCT which would allow it to better manage its growth. Based on the acknowledgement that the expansion of the SOS-Torture network (294 NGO members at the end of OMCT General Assembly of 6 December 2008) makes it no longer possible to hold Assemblies gathering all affiliated NGOs, the General Assembly voted for a differentiation between activity-related tasks and management tasks. The SOS-Torture network remains the driving force of the OMCT's action, as it inspires the activities and facilitates their implementation. In terms of management, however, a General Assembly, composed of 40 individuals representing the different regions of the world and meeting every two years, will ensure better follow-up of institutional questions. In this context, it was also stressed that regional activities (especially seminars, conferences and campaigns) should be stimulated and encouraged to a greater extent by the International Secretariat.

The Executive Council continues to consist of 11 members, but from now on a majority of these will reside outside Europe, so as to bring the awareness of their region within the framework of the organisation's activities. Its meetings, hitherto monthly, will become half-yearly but will last several days. Finally, and as already suggested in the evaluations by certain donors, the International Secretariat has been reorganised to include the different programmes, which sometimes lacked a link between them, in three divisions: an Operations Division responsible for carrying out the tasks determined by the General Assembly and the Executive Council; a Research and Development Division with the aim of defining, on the basis of the concerns and activities of the SOS-Torture network, the main directions of future activities to be proposed to the General Assembly and the Executive Council. Finally, in line with the conclusions of the International Conference and the General Assembly, a Fundraising and Communication Division is responsible for rethinking the institutional message and the method of communicating it to public opinions, as well as for setting up a fundraising programme relying more on private donations.

The present annual report makes it possible to see how, little by little, OMCT is progressing in the direction described above, and the co-

herence of this strategy with the activities and methodology put in place over the last two decades. In addition to this annual report, the International Conference documents and the decisions of the General Assembly are available on request at the International Secretariat. ■

Eric Sottas
Secretary-General

Anne-Laurence Lacroix
Deputy Secretary-General

“ Je voudrais au nom de ma famille vous remercier pour m'avoir mis en contact avec Maître ... qui m'a été d'une grande utilité pour échapper aux persécutions du régime Mugabe après notre interview sur Rfi et la voix de l'Amérique sur le sinistre Clean Up. Nous réinstallés en Australie par biais du H.C.R. Toute notre Considération. ”

A Human Rights Defender from Zimbabwe, February 2008

¹ «Torture: Political, Cultural and Economic Relativisms, the Clash of Convictions».



Prevention of and Protection Against Torture, Ill-Treatment and Other Related Human Rights Violations, Including by Addressing their Economic, Social and Cultural Root Causes

Circulation of 696 urgent interventions (urgent appeals, action files, press releases and open and closed letters to the authorities) (general, children's, women's, human rights defenders and on economic, social and cultural rights) in favour of 1,335 individuals, 6 groups (composed of several thousands of victims) and 106 NGOs, in the following countries: Afghanistan, Algeria, Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Bolivia, Bosnia-Herzegovina, Brazil, Bulgaria, Burma, Burundi, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Cuba, Democratic Republic of Congo, Djibouti, Ecuador, Egypt, El Salvador, France, Gabon, Georgia, Greece, Guatemala, Guinea Equatorial, Honduras, Hungary, India, Iran, Israel and Occupied Palestinian Territory, Italy, Japan, Jordan, Kenya, Kyrgyzstan, Lebanon, Libya, Malaysia, Mauritania, Mexico, Morocco and Western Sahara, Nepal, Nicaragua, Nigeria, Pakistan, Palestine, Paraguay, Peru, Philippines, Republic of Congo, Russian Federation, Saudi Arabia, Senegal, Serbia, Spain, Sri Lanka, South Korea, Sudan, Swaziland, Sweden, Syria, Tunisia, Turkey, Uganda, United Arab Emirates, United States of America, Uzbekistan, Venezuela, Vietnam and Zimbabwe.

Holding of a regional (Maputo, September 2008) and UN Special Procedures seminar (Geneva, June 2008), with members of the SOS-Torture network, to consider how to address the economic, social and cultural root causes of violence through the UN Special Procedures system. Representatives came from the following countries: Argentina, Bangladesh, Benin, Burundi, Cameroon, Central African Republic, Democratic Republic of Congo, Egypt, Ghana, Gambia, Georgia, India, Kenya, Liberia, Madagascar, Nepal, Niger, Nigeria, Republic of Congo, Senegal, South Africa, Togo, Uzbekistan, Zambia and Zimbabwe.

Publication of the 2007 Annual Report of the Observatory for the Protection of Human Rights Defenders, entitled *Steadfast in Protest*, with simultaneous launching in Cairo, Cape Town, Geneva and Paris on 19 June 2008. Holding of press conferences throughout June and July 2008 in Belarus, Chad, Colombia, Morocco, Nepal, Peru and the Russian Federation thanks to the support from OMCT and FIDH member and partner organisations. ■

Urgent interventions are OMCT's traditional trademark and its main tool to protect victims of torture and other related human rights violations. OMCT's Alert System was launched at the time of the organisation's creation in 1986 as one of the essential founding objectives of the organisation was the rapid and targeted circulation of relevant and reliable information stemming from a broad network of grassroots NGOs and its channelling towards regional and international mechanisms, and other stakeholders liable to intervene effectively.

Over the years, OMCT has continued to develop and refine its strategy of prevention and protection in close consultation with members of the SOS-Torture network through the analysis of results, opportunities and constraints. An impact assessment of OMCT's Alert System clearly demonstrates the added-value and the comparative advantage of the organisation - its SOS-Torture network composed of 294 NGOs worldwide - but also the challenges to which strategic replies still need to be found in order to maximise the efficiency of urgent interventions.

OMCT Activities in 2008

Analysing impacts and adapting action

Since the beginning of its activities, OMCT has endeavoured to determine the impact of its urgent interventions so as to adapt its methods of action to the criteria of the situation in which it intervenes. In fact, it is not possible to apply a standard solution to the variety of the cases submitted and treated. Eight interdependent elements stand out from this analysis: the type of violation committed, the action required, the country concerned, the attitude of authorities, the mode of intervention, the speed of reaction, the extent of the violations committed in the country, and the mobilisation of the SOS-Torture network.

It is clear that the impact cannot be the same in the case of an arbitrary arrest with risks of torture compared to a massacre perpetrated against a given group. In the former case, it will be less difficult to obtain a positive impact (request for respect of legal guarantees) while in the latter (request for an exhaustive investigation and sanctioning of the perpetrators), even in the event of a positive impact, this could only be measured in years. Similarly, the type of violations committed has an influence on the speed of reaction. While it is well-known that in the case of arbitrary detention giving rise to fears of torture, a rapid reaction can make the difference between life and death, when there has already been murder or death under torture, it is appropriate to gather a maximum of information to force the country to open an enquiry and put on trial those responsible. In the same way, the action required also varies considerably between, for example, the request to authorise a lawyer to meet his client to ensure that he is treated correctly, and that of requesting the initiation of legal proceedings against a high-ranking soldier responsible for ordering summary executions.

In other words, to come back to the impact of urgent intervention, one can consider that in the case of an arbitrary detention presenting the risk of torture, the presentation before a judge and the authorisation of a visit by a lawyer chosen by the person constitute a positive impact consistent with the request made. On the other hand, in the case of a massacre, it is clear that the establishment of responsibility and then the judging of those responsible and their punishment take place over a long period. Consequently either one considers that there has been a positive impact only at the end of the process, or one allows that any action effective in opening an enquiry represents already

a positive impact, albeit with the risk that the authorities never go beyond this stage. In fact it can happen that authorities bring to OMCT's attention initiatives which are presented as intended to clarify the case, but which in reality constitute veritable 'smoke screens' to the extent that there is not the will to bring them to conclusion.

The attitude of the authorities to the international and regional human rights system is one of the other elements that are crucial to the positive resolution of the cases submitted (ratification and implementation of international human rights instruments, cooperation with the UN Special Procedures (standing invitations), etc.). It is undeniable that the economic weight of a country, its isolationist political regime and the lack of a regional human rights mechanism will greatly limit the scope of the actions undertaken. The establishment of such a body within the Association of South-East Asian Nations (ASEAN) is fundamental in this respect. It is also true that in certain circumstances the authorities of certain countries show willingness to collaborate for reasons of image, or due to their dependence on international economic aid or even because of pressure from their own public opinion.

Consequently, in certain cases and especially in function of the elements described above, a confidential intervention or even a conversation directly with a country's delegate can lead to positive results, whereas in other cases only strong media exposure is likely to make the authorities react. Individualised interventions thus prove to be impossible in the face of massive violations such as those which occurred in the Democratic Republic of Congo at the end of the 90s, or again those currently being committed in Sri Lanka or Colombia. It is therefore necessary to resort to other methods of alerting public opinion (audiovisual aids, for example) and to use other instruments to put pressure on governments (for example, association agreements within the Euro-Mediterranean partnership process in the framework of the Common Foreign & Security Policy of the European Union).

The mobilisation of the SOS-Torture network also responds to the same imperatives of effectiveness. While it is true that certain cases (especially those involving women and children) give rise to more indignation at the expense of the fate of a common law prisoner for example, the systematic mobilisation of the network in certain situations of massive violations risks saturating and blunting the capacity of reaction on the part of the beneficiaries of urgent interventions (Colombia, for example).

All these elements are taken into account in managing OMCT's urgent interventions, both to determine the most effective manner of proceeding in a concrete case and to assess the impact of the action. In this respect a number of strategic orientations have been developed both for the follow-up of urgent interventions, for cooperation with international and regional human rights mechanisms, and for the mobilisation of the media and public opinion.

Effectiveness of action in the long term and adapting the message

The follow-up of urgent interventions is essential in the process of documenting human rights violations and, more generally, in order to protect the victims concerned. In particular, once the regional and international human rights mechanisms have been alerted and the concerned authorities seized, it is crucial for OMCT - in partnership with the local NGOs that are at the origin of the information - to closely follow the evolution of the situation. Yet the NGO sources of information are often overloaded by the urgent deadlines and are therefore not always in a position to follow all the cases over a long period. They give priority to alerts in dramatic situations rather than to regular information on previous cases. Acknowledging this problem during its internal evaluations, OMCT has put in place a system of regular follow-up on unresolved cases. In 2008, OMCT managed to ensure a nearly 42% follow-up rate on urgent interventions provided thanks to regular chasing up of the NGOs at the source of the information, participation in the main regional and international human rights fora, and direct contact with the defenders through missions carried out in the field.

The OMCT's research and analysis have led it to consider that violations of economic, social and cultural rights are often the root causes of torture, summary executions, forced disappearances and other cruel, inhuman or degrading treatments. Consequently, the organisation has attempted to identify situations presenting potential risks of degenerating into torture or other serious human rights violations. Urgent interventions in such cases have, however, proved ineffective, with most of the organisations failing to understand the reasons why they were asked to intervene in situations involving economic, social and cultural rights rather than torture. Consultation with the net-

Prevention of and Protection Against Torture, Ill-Treatment and Other Related Human Rights Violations, Including by Addressing their Economic, Social and Cultural Root Causes

work has led the International Secretariat to review this type of intervention.

A new model of alert entitled "Action File" has thus been created. Unlike urgent intervention on civil and political rights which briefly describes the situation and concludes with a request for action of a legal nature (authorisation to see the lawyer, presentation before a competent court, release in the absence of valid charges, etc.), the "Action File" describes the context in which violations of economic, social and cultural rights take place and the reasons why they give rise to concerns that these violations lead to serious breaches of civil and political rights which come within the mandate of OMCT. Consequently the actions requested place more emphasis on prevention and global intervention destined to anticipate the deterioration of the situation and, if possible, intervene on the roots of the problem described.

In this context, OMCT has forged new strategic partnerships with the objective of mobilising new circles of recipients capable of increasing the effectiveness of the urgent interventions provided. Thus a process similar to that carried out with the International Federation of Human Rights (FIDH) in the context of the Observatory for the Protection of Human Rights Defenders (hereafter the Observatory) has been initiated with the Network of Economic, Social and Cultural Rights (ESC-Net) and FoodFirst International Action Network (FIAN).

Strengthening the collaboration with inter-governmental bodies

Regional and international human rights mechanisms are essential partners of OMCT's Alert System. Through their privileged and strategic relationships with the States, they play both the role of "driving belt" in the urgent interventions as well as of "catalyst" of the action undertaken by the different States and non-State actors. As is apparent from the reports of certain mechanisms on cases coming within their mandates, OMCT has become over the years one of the main providers of information and urgent interventions to the UN Special Rapporteur on the situation of human rights defenders; to the UN Special Rapporteur on torture; to the UN Special Rapporteur on violence against women; to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and to the UN Working Groups on enforced or involuntary disappearances and on arbitrary

detention. This collaboration is not limited to denouncing situations of serious violations, but a dialogue is being forged with these mechanisms on the best way to act effectively on the basis of concrete cases.

In 2008 however, OMCT has been obliged to note – with great concern – the weakening of a certain number of mechanisms which have traditionally acted as their best partners for the resolution of cases (attacks on the UN Special Procedures system [implementation of the Code of Conduct adopted in June 2007], state domination of the UN Treaty Bodies [election of government experts]).

Consequently, without abandoning its work with these bodies, OMCT has attempted for two years to work more with regional bodies and to encourage joint work between them. Thus in October 2008 in Brussels, OMCT – within the framework of the Observatory – organised a meeting which brought together UN and regional human rights mechanisms working on human rights defenders² with the objective of improving their coordination with respect to intervention both in individual cases and during visits to the field.

Mobilisation of the media and public opinion

Until today, OMCT has had as yet only limited success in influencing and mobilising the public at large with its urgent interventions, mostly due to a format ill-suited to broad media exposure. In 2008, OMCT has started exploring the potentiality of using audiovisual means of communication to promote its protection actions and to reach out new audiences. Initial results of this reflection process are the intention, in the framework of the Observatory, of developing within the next three years a communication based on brief audiovisual presentations of defenders (spots). Produced in the field, these spots are planned for circulation in the framework of televised programmes and will be broadcast in a private manner on a web video platform (Youtube, Dailymotion or GoogleVideo).

Another vector towards the grand public, OMCT has already produced a first documentary following the solidarity mission carried out in Ciudad Juárez in Mexico in September 2008. The objective of this mission was to spread awareness of the struggle of the women in Ciudad Juárez who denounced the feminicide in this city. This documentary was first shown

during OMCT International Conference in December 2008 as well as during the European Union-NGO Forum held by the European Union French Presidency on discrimination and violence against women on 10 December 2008.

Moreover, this feminicide was the object of denunciations with the Inter-American human rights mechanisms and at the end of 2008, following referral to the Inter-American Court of Human Rights, OMCT decided to put in place a group of legal experts to help the women plaintiffs and support their legal actions, especially through *amicus curiae*. This case is most illustrative of the follow up that OMCT gives to urgent interventions. The organisation, alerted to a concrete case, first got involved in this case through an urgent intervention, then was approached for assistance of a legal and social nature, completed by a mission in the field, and finally legal follow up at the level of regional bodies. ■

² UN Special Rapporteur on the situation of human rights defenders, the Special Rapporteur of the African Commission on Human and Peoples' Rights (ACHPR) on human rights defenders, the Human Rights Defenders' Unit of the Inter-American Commission on Human Rights, the Focal Point for Human Rights Defenders and National Human Rights Institutions of the Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Cooperation in Europe (OSCE), the European Union (EU) and the Council of Europe Commissioner for Human Rights.

Assisting Victims of Torture, Ill-Treatment and Other Related Human Rights Violations in Obtaining Appropriate Redress, Including Rehabilitation

Urgent medical, legal and/or social assistance to 97 victims of torture or ill-treatment (62 cases³) – of which ten human rights defenders and two NGOs - from 22 countries (Cameroon, Chad, Chile, Colombia, Cuba, Democratic Republic of Congo, Egypt, Ethiopia, Georgia, Lebanon, Libya, Mexico, Palestine, Russian Federation, Rwanda, Senegal, South Africa, Syria, Tunisia, Turkey, Uganda and Uzbekistan). These victims include 41 women and 56 men. Out of these 97 victims, 14 are children.

- With regard to the medical assistance granted to victims suffering from health problems caused by torture, it was provided in close partnership with rehabilitation centres and enabled physical and psychological recovery of the persons concerned (total or partial payment of medical expenses required by the state of the victim).
- As far as the social assistance is concerned, some victims were assisted in making a swift departure from their country, where they were at risk of being tortured (“protective action”), while others were given a one-time support to help them cover basic living expenses in their own country (including social rehabilitation) or in a country of temporary refuge. Furthermore, within the family reunification process, a family - whose father had been granted political asylum in a European country - was reunited thanks to OMCT’s support in cooperation with the International Organisation for Migration (IOM).
- OMCT’s legal assistance comprised analyses of cases in close partnership with members of the SOS-Torture network, provided legal advice within the context of refoulement procedures, and covered legal costs for the defence of the victim. Furthermore, some victims have obtained asylum following OMCT’s assessment and confirmation of the existence of real risks of torture in case of refoulement of the person concerned to his/her country of origin (article 3 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [hereafter the UN Convention against Torture]). Finally, other victims – including the families of victims who had died under torture - have been given legal and/or financial support enabling them to launch or take part in proceedings aimed at obtaining redress and compensation before national courts (contribution to the submission of briefs of *amici curiae*), regional bodies (Inter-American and European Courts on Human Rights) and international human rights mechanisms (filing of individual complaints with the UN Human Rights Committee).

Submission of three cases to the UN Human Rights Committee against Paraguay (2) and South Africa (1); assistance to OMCT member organisations in preparation of an additional four complaints against Paraguay (1), Philippines (2) and Guinea-Conakry (1) and contribution to the submission of two briefs of *amici curiae* in the United States Court of Appeals for the Third Circuit (risk of torture in case of deportation to Haiti and Egypt).

Holding of two Complaints Workshops (Geneva, May and November 2008) to train 19 human rights advocates and one observer in the litigation of cases of torture and ill-treatment before the UN Human Rights Committee, the UN Committee against Torture and the regional human rights mechanisms. Representatives came from the following countries: Argentina, Brazil, Democratic Republic of Congo, France, Georgia, Israel, Mexico, Moldova, Nepal, Niger, the Philippines, Romania, Sierra Leone, Sri Lanka and Uganda. ■

Assisting victims of torture or ill-treatment in obtaining appropriate rehabilitation is part of a collective effort by OMCT, the members of the SOS-Torture network and other NGO partners, to protect women, men and children and help them benefit from legal, medical and/or social assistance. This core activity was set up in 1986 following the urgent demand expressed by members of the SOS-Torture network to respond immediately and adequately to the needs of victims on all continents.

Over its years of practical experience, OMCT – on the basis of regular evaluation of assistance provided - has developed and refined its methodology and its tools. In this way the criteria for accepting cases submitted have been adapted, based on the requests presented, to the needs of the victims on the one hand, and to the resources and capacities of the organisation on the other. As OMCT is not a rehabilitation centre and its action cannot claim to give the same types of service, it has been decided that the assistance provided would be limited to urgent cases, requiring neither significant financial resources nor specialised medical staff. However, as urgent assistance must be integrated within a global approach to the situation of the victim, OMCT has worked to develop close collaborations with certain NGOs of its network capable of either complementing the action it undertakes in this area, or acting as substitutes due to their specialisation. On the practical side, the partners in the field have been informed of the allocation criteria and a so-called “data sheet” has been developed, intended to formalise the request for assistance submitted, to clarify the type of support that can be provided and to guarantee follow up in case of acceptance. Another basic tool for managing files, a data base has been developed enabling the cases treated to be registered and followed up – especially from the accounting point of view.

Finally the urgent assistance provided by OMCT to victims of torture is complemented by the holding of training seminars designed to give NGOs and lawyers an in-depth understanding of how to file individual complaints and to increase their knowledge of the substantive law on tor-

³ A case may involve several victims and include several types of assistance.

Assisting Victims of Torture, Ill-Treatment and Other Related Human Rights Violations in Obtaining Appropriate Redress, Including Rehabilitation

ture and ill-treatment as developed by, in particular, the UN Human Rights Committee, the UN Committee against Torture and the regional human rights Courts and Commissions. Ultimately, this fundamentally important jurisprudence in individual cases serves to clarify the scope and application of the States' legal obligations with regard to the prohibition of torture and other forms of ill-treatment, thereby providing both important guidance to national authorities on their obligations under international law and legal remedies to individual victims.

Analysing impacts and adapting action

The medical assistance provided by OMCT is purely of a financial nature and is within a range which only rarely exceeds US\$ 3000 per case. Destined to help the victim in an urgent situation, this aid must nevertheless be part of a process allowing the victim not only to recover as fully as possible on the physical and psychological level, but also to be reintegrated in the society in which he or she lives, and if that is not possible, in another country.

To reach this objective, OMCT has developed special partnerships with rehabilitation centres and certain NGOs to which it transmits the information received from the source, indicates what it is able to do and solicits the intervention of other partners to ensure proper handling of the case as a whole. This coupling between the urgent assistance of OMCT and work with a specialised network has proved to be very beneficial, by making it possible to obtain with limited means extremely positive results with respect to the rehabilitation of the victim.

This supposes, moreover, an active participation in his/her own rehabilitation on the part of the victim – who will not be taken care of completely by one entity, but accompanied by different partners in his/her process. Even though OMCT had not anticipated this effect, external evaluations have shown that this method helped to stimulate the resilience of the victim, who, often with limited help, was capable of taking up his/her life again in acceptable conditions. As an example, in March 2008, OMCT agreed to help a Lebanese citizen who was a victim of torture to regain his financial independence, the token of his social rehabilitation, by contributing to the purchase of two goats which enabled him to constitute a small herd. Followed in parallel by a rehabilitation centre, this man has benefited accordingly from an improvement in his health.

This is also one of the reasons which have led OMCT to supplement this medical aid and social support with assistance of a legal nature, as the victim considers that he/she is entitled to receive justice for the wrongs and prejudice he/she has suffered, and to have his/her dignity restored. Thus the mere filing of legal complaints to international monitoring bodies such as the UN Committee against Torture and the UN Human Rights Committee may have a positive therapeutic effect on the victim of torture or ill-treatment in that it constitutes a concrete step to deal with the trauma caused by the physical and psychological suffering. For example, in November 2008, the UN Committee against Torture adopted a decision in *Communication No. 291/2006*, brought by OMCT on behalf of a Tunisian citizen, victim of torture, against Tunisia. The applicant was positively relieved when learning that the Committee had concluded that the State party had, in her case, violated articles 1, 12, 13 and 14 of the UN Convention against Torture. However, the full positive impact of the decision will in the end depend on whether the State Party concerned acknowledges its legal relevance and proceeds to strictly comply with its terms. Considering that the views and decisions of the UN Committees provide an important specific legal framework to guide the follow-up actions to ensure compliance with the decisions at the domestic level, OMCT will during 2009 pay close attention to the follow-up of OMCT's cases decided by the UN Human Rights Committee and the UN Committee against Torture and therefore explore new strategies for encouraging State Party compliance with the relevant decisions.

Strengthening the capacity of local defenders to obtain justice for victims

The Complaints Workshops provide an exceptional opportunity for the participating NGOs to acquire awareness of the benefit of - and skills in - availing themselves of international and regional complaints procedures when domestic remedies are unavailable or ineffective. They also provide important knowledge of relevant international jurisprudence.

A comprehensive evaluation of the impact of the first three Complaints Workshops began in January 2009, while an evaluation of the November 2008 Workshop will be carried out in April-May 2009. A reading of the first replies to the questionnaire confirms the usefulness of the Workshops. For instance, one participant con-

sidered the Workshop in which he participated "helpful in terms of providing systematic information as to the functioning of the UN Treaty Bodies and also practical matters related to the interaction of NGOs with international human rights monitoring mechanisms". Projects providing free legal assistance to victims of torture and ill-treatment, training and teaching of prison staff, other law enforcement officials and members of the legal professions on the prohibition of torture, and the planned submission of 70 complaints to the European Court of Human Rights, can be linked to the skills and knowledge conveyed to this participant during the Workshop. The successful requests for interim measures under Rule 39 of the Rules of Procedure of the European Court of Human Rights were considered to be "greatly preconditioned" by the "excellent lecture" given by a member of the Court's Registrar.

However, even in the absence of a complete evaluation of the replies to the questionnaire, which will be made later in 2009, a clear direct and immediate positive impact of the Workshops was also the close collaboration between OMCT and local NGOs in drafting complaints (two complaints with Karapatan (Philippines), three complaints with CDE/Coordinadora de Derechos Humanos del Paraguay (CODEHUPY) (Paraguay), one complaint with Libya Human Rights Solidarity (LRHS) (Libya), and one with Primo Levi (Guinea-Conakry). So far, three of these cases have been submitted to the UN Human Rights Committee. Finally, the Workshops have inter alia allowed closer networking between OMCT and the participating NGOs for purposes of elaborating future strategies aimed at preventing and eradicating torture and other forms of ill-treatment.

However, in spite of their positive impact, it appears clear that consistent follow-up would be needed for purposes of maximising their impact. While the evaluation questionnaires are a step in this process, the ideal solution would be to organise some kind of post-Workshop activity to ensure consolidation of the knowledge and skills conveyed in the course of the training. However, such activities would require more human and financial resources for their implementation.

Possibilities and limits of judiciary or quasi-judiciary action

One of the main challenges concern the compliance by States with their strict legal obligation under international law not to subject any

person at any time to torture or other forms of ill-treatment, or to the risk of being subjected to such unlawful treatment. In November 2008, OMCT was called upon by an Italian lawyer to intervene in order to help preventing the re-foulement of a Tunisian citizen who might be at risk of torture if returned to Tunisia (OMCT provided this lawyer with elements confirming the risks of torture and intervened successively with the Italian Ministry of Interior, the European Parliament and the Tunisian authorities). However, whereas on 18 November 2008, the President of the Chamber seized with this case in the European Court of Human Rights had decided to indicate to the Italian Government that it was desirable in the interests of the parties and the procedure before the Court not to expel the applicant to Tunisia until further notice, the Government expelled the person to his country of origin in December 2008.

In this respect, the filing of briefs of *amici curiae* is one of the strategies that can be further developed to influence the development of national and international jurisprudence aimed at ensuring that States comply with their international human rights obligations. In 2008, OMCT and REDRESS thus jointly filed an *amicus brief* in the case of *Sameh Khouzam v. the Attorney General of the United States et al.* in the United States Court of Appeals for the Third Circuit. Mr. Khouzam, who had been released from detention in 2006, was again detained in 2007 - without notice and hearing - by the Department of Homeland Security for purposes of removal to Egypt on the basis of diplomatic assurances that he would not be tortured when returned. The *amicus brief* addressed the question of the validity of diplomatic assurances against torture under article 3 of the UN Convention against Torture in cases of forced return of "a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture". It was argued that, since "diplomatic assurances cannot be used to offset an established risk of torture", they are invalid. The Court found, in particular, that the Government had violated the Due Process Clause in this case by terminating Mr. Khouzam's deferral of removal to Egypt without affording him an opportunity to test the reliability of Egypt's diplomatic assurances and the termination order was therefore invalid. ■



Maintaining and Reinforcing International and National Human Rights Standards and Bodies, Including the Absolute Prohibition of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

UN Conventional Mechanisms

Submission, in partnership with field member and non members NGOs, of:

- 10 alternative reports to the following UN Treaty Bodies: the UN Committee against Torture (5 reports), the UN Human Rights Committee (2), the UN Committee on the Elimination of Discrimination Against Women (1) and the UN Committee on Economic, Social and Cultural Rights (2) on the following countries: Burundi, Indonesia, Kazakhstan, Kenya, Former Republic of Macedonia, Nicaragua, the Philippines and Tunisia.
- 2 notes of information on violence against women to the UN Committee on the Elimination of Discrimination against Women (Switzerland, adoption of the list of issues) and the UN Committee against Torture (Mexico, follow-up to Concluding Observations).

Preparation of a list of issues on Brazil for the consideration of the UN Committee on Economic, Social and Cultural Rights.

Participation of representatives of 17 national NGOs in the sessions of the UN Committee against Torture, the UN Human Rights Committee and the UN Committee on Economic, Social and Cultural Rights.

Implementation of 7 field missions in Benin, Kenya (2), Nicaragua, the Philippines, Tunisia and Zambia, either to prepare the drafting and the submission of the alternative reports or to follow up the implementation of the recommendations of the UN Treaty Bodies. In Nicaragua, holding of a workshop aimed at informing on UN Treaty Bodies' work and the reporting process but also at sensitizing civil society on the integration of children and women human rights (participation of 25 NGOs representatives).

Submission of a written comment on the UN Human Rights Committee's draft General Comment No. 33 concerning "*The Obligations of States Parties under the Optional Protocol to the International Covenant on Civil and Political Rights*", a modified version of which was subsequently adopted by the Committee at its 94th session.

UN Non-Conventional Mechanisms

Within the framework of the Universal Periodic Review (UPR), follow-up of the review of 13 countries namely Benin, Colombia, Guatemala, India, Indonesia, Japan, the Philippines, Sri Lanka, Switzerland, Tunisia, Turkmenistan, Uzbekistan and Zambia by providing written information to feed the UN Office of the High Commissioner for Human Rights (OHCHR) synthesis and meeting representatives of some 20 Geneva diplomatic missions.

Holding of a training workshop for Uzbek human rights defenders from Uzbekistan in preparation of the review of Uzbekistan by the Human Rights Council (UPR). ■

Since its creation, OMCT has defined itself essentially as an advocacy organisation with the mission of enabling victims to have a voice and to ensure that their cases are heard and handled as rapidly as possible. However, since its first years of activity, the International Secretariat has also focused on the necessary conformity of national legislations with international human rights standards and their implementation in the field, the mark of the respect of the State for the law and for democracy.

The Universal Periodic Review (UPR): an opportunity for a better respect for human rights?

Four UN bodies have proved crucial for such an effort. The Commission on Human Rights (transformed into the Human Rights Council in 2006), the Treaty Bodies responsible for ensuring the implementation by the States subject to the obligations of the conventions, the Special Procedures established by the former Commission on Human Rights and later by the Council, and finally, the UPR created by the Human Rights Council.

While OMCT declared itself in favour of a reform of the Commission on Human Rights, especially in view of the fact that it had become highly politicised, it has also indicated its scepticism with respect to the structure of the Human Rights Council, and above all to the modus operandi of the UPR. In effect, while a regular examination of all States is positive in itself, the fact that this examination is carried out by government representatives and not by experts, considerably weakens its impact. Along with the UN High Commissioner for Human Rights, Ms Louise Arbour, OMCT had recommended that the evaluation phase – assigned to independent experts – be separated from the po-

litical debate on the measures to be taken, a debate which comes under the competence of the Ambassadors. Unfortunately this model was not retained, and on several countries, (Algeria, Tunisia and Colombia in particular), OMCT – which had supplied information in the framework specified by the UPR – has been able to note that the recommendations addressed to the States at the end of the UPR fell well short of the conclusions and recommendations adopted by the UN Treaty Bodies or the Special Procedures which had to deal with these same States at the same time. Thus in the context of the adoption of the final report of the UPR of Japan, this country even refused to take measures aimed at applying the recommendations on the sexual slavery perpetrated by Japanese troops during the Second World War, recommendations which were nevertheless adopted by the UN Committee against Torture.

In the face of the objective and predictable limits of the UPR, OMCT therefore opted for an intervention prior to the exercise, namely through the holding of parallel events, support to field NGOs in their lobbying of the member states of the Human Rights Council (especially of the troikas) and through press conferences destined to give media exposure to the position of the national and international NGOs on these countries (Algeria, Colombia, Mexico and Uzbekistan, for example).

In addition, during 2008, OMCT again placed emphasis on the defence of the Special Procedures which had been called into question, sometimes in vehement fashion, by certain members of the UN Human Rights Council who wish to limit their possibilities of intervention, or even control the mandate-holders (the UN Special Rapporteur on torture, the Special Rapporteur on the situation of human rights defenders and the Working Group on arbitrary detention). The lobbying focused essentially on the maintenance of the mandates in their entirety, the need to limit state interference through restrictive regulations (especially the Code of Conduct) and lastly the safeguarding of the independence of the experts.

Reports to UN Treaty Bodies: an opportunity for networking

Support for the UN Treaty Bodies is therefore crucial. Since 1992, the date of the first report presented by OMCT to the UN Committee against Torture, the International Secretariat

attempted to persuade the local NGOs to join together in presenting, together with OMCT or on their own, alternative reports giving a different overview from the information provided by the State under examination. The increase and diversification in sources of information reaching the different committees can be attributed to a large extent to this effort of over 15 years on the part of the organisation.

The dozen alternative reports and information notes presented in 2008 by OMCT - in close collaboration with the NGO members and non-members of the SOS-Torture network – to the UN Treaty Bodies have been widely used by the experts, as is apparent from the debates and from the conclusions and recommendations of these mechanisms. The presence of NGOs in the field, the dissemination of the reports in the countries in their national languages (made possible thanks to funding from OMCT) and the sending of follow-up missions have also greatly contributed to increased awareness of the experts' recommendations on the part of the authorities of the countries concerned, and to facilitating the dialogue between civil society and government authorities, at least in cases where such dialogue is possible. As an example, no fewer than 23 NGOs in Benin participated in the seminar organised by OMCT for the follow-up of the recommendations adopted by the UN Human Rights Committee (November 2007).

It is also worth underlining that national coalitions, favoured or created by OMCT in the context of drafting an alternative report, have often continued to develop within the framework of the follow-up of this effort. Thus the Japanese women human rights NGOs, which had submitted a joint report with OMCT to the UN Committee against Torture in May 2007, presented their own report to the UN Human Rights Committee in October 2008 on the basis of the experience acquired previously. Similarly the coalition of three Burundi NGOs, created at the initiative of OMCT for the submission of the alternative report to the UN Committee against Torture in November 2006, submitted its own contribution at the UPR of Burundi in December 2008.

With the same intention of improving the conformity of national legislations with international human rights standards and their effective implementation on the ground, OMCT has developed a strategy aiming at compensating for the absence of continuous examination of States by the UN Treaty Bodies. In fact, while the latter meet regularly, the countries are only examined – exceptions apart – every four to eight years, which considerably weakens the

“ Chère Madame,
Ce petit message pour vous informer de la bonne nouvelle dans le dossier de Monsieur ... : la chambre des mises en accusation n'a pas rendu le mandat d'arrêt ... exécutoire. Je vous remercie encore pour votre aide. Bien à vous. ”

A lawyer from Belgium, March 2009

“ Chers Amis,
Merci de cet Appel Urgent à propos de ma consoeur Julienne Lusenge! Je vais entrer en contact avec elle pour partager l'expérience sur la sécurité et la protection des DDH en danger et autres actions à mener ici à l'intérieur de la RDC, notre Pays! Je pense qu'avec votre soutien de l'extérieur et avec nos actions en RDC, notre consoeur Julienne pourra être protégée de la mort et continuer ses activités quotidiennes de militante pour l'humanité en RDC! Amitiés. ”

Human Rights Defender from the Democratic Republic of Congo, April 2009

Maintaining and Reinforcing International and National Human Rights Standards and Bodies, Including the Absolute Prohibition of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

monitoring of the implementation of the recommendations. OMCT has therefore opted for the presentation of alternative reports and information notes on the same country within the different UN Treaty Bodies, and has also provided the same UN Treaty Body with reports addressing the subject from distinct angles.

Thus Benin was the object of three reports submitted to the UN Human Rights Committee (October 2004), to the Committee on the Rights of the Child (September 2006) and to the Committee against Torture (November 2007) with the sending of a follow-up mission in November 2008. Kenya, for its part, was addressed in the framework of two reports submitted in parallel to the UN Committee against Torture (November 2008), one focusing on violations of civil and political rights including dimensions covering "rights of the child" and "gender", and the other analysing the link between violations of economic, social and cultural rights and the occurrence of torture and ill-treatment. Finally, OMCT noted with satisfaction, from the submission to the UN Committee on the Elimination of Discrimination against Women in January 2008 of a report on violence against women in Burundi, the taking up of a recommendation issued by the UN Committee against Torture on the situation of women deprived of liberty (mentioned in the report submitted by OMCT in November 2006).

Another element of OMCT's proactive strategy is that the International Secretariat intends to focus its efforts increasingly in advance of the exercise, in other words by developing its work on the list of issues of the UN Treaty Bodies. In fact, the content of the examination of a State

by a committee is strongly conditioned by this preliminary list of questions posed to the government concerned.

However in the light of the evolution of the international human rights system and especially the exploitation by certain States of the weaknesses of the UPR to escape from their obligations, or again the tendency of nominating ambassadors to expert posts rather than personalities without any links with their government, a consultation process is now underway within the organisation on how to make better use of regional human rights mechanisms, so as to strengthen at local level the respect of international standards, and more especially of the absolute prohibition of torture and cruel, inhuman or degrading treatment. In 2008, OMCT thus participated actively in the two sessions of the African Commission on Human and Peoples' Rights (ACHPR) and submitted contributions relating to Benin, the Democratic Republic of Congo, Sudan, Tunisia and Zimbabwe, recalling the relevant elements of the contributions previously submitted to the international human rights mechanisms. At European Union level, OMCT has, in particular, actively worked on developing Guidelines on Violence against Women, and has contributed with proposals to the drafting of national strategies for 10 identified countries in connection with the implementation of the priority theme of violence against children within the framework of the relevant Guidelines. In addition, it has played an active part in preparing and running the Round Table organised by the Office of the Council of Europe Commissioner for Human Rights on the situation of human rights defenders in the member States of the Council of Europe. ■

“ Nous pensons qu’une telle réunion [Séminaire sur les droit économiques, sociaux et culturels] est d’une urgence à souligner. Nous pensons que l’OMCT a mit le doigt sur un important sujet, celui de la marginalisations par la pauvreté et l’exclusion de jeunes. Qui un jour ou l’autre se transforment en vivier aux mains de groupes assassins. La lutte contre la violence des groupes non étatiques et le piétinements des droits humains, de la pauvreté de l’inaction sociale, par certains états sont une bombe a retardement qui finira par faire exploser le monde. Comment lutter? Quelles sont les solutions? Comment guérir individuellement ou collectivement le monde de la violence qui le caractérise? Ces termes ne doivent pas faire l’impasse dans les ateliers organisés par l’OMCT. ”

Feedback from Human Rights Activists from Algeria, February 2008



Foundation supporting OMCT

The Foundation supporting OMCT was created in Geneva in 2003 at the request of certain major donors who preferred their donations to be collected by a Foundation subject to the control of the Canton Geneva Foundation Surveillance Department. Donations to the Foundation serve to progressively build up capital from which the interest would then ensure an essential complementary source of funding for OMCT's activities. As a Swiss-law foundation, it benefits from more substantial tax exoneration granted by the country's fiscal authorities.

The Foundation may raise funds from individuals and legal entities in order to increase its assets with a view to effectively supporting OMCT. The Foundation's resources stem from:

- the revenues and potentially the capital of its assets;
- donations, legacies and other forms of gift.

The capital of the Foundation is intended to provide a reserve fund for OMCT. The decision to use it for one or other of the Organisation's activities is taken by the Board of the Foundation, according to specific needs and on a case-by-case basis. According to article 3 of its Statutes, the Foundation supporting OMCT aims to *"promote and support the activities of OMCT. The Foundation does not intervene in the definition and implementation of the policy and projects of OMCT."*

The Foundation supporting OMCT is managed by the Board of the Foundation, which currently comprises Mr Kofi Annan (President), Mr Pierre de Senarclens (Vice-President), Mr Olivier Mach (Secretary), Mr Yves Berthelot and Mr Jean Bonna (Members). ■

Foundation supporting OMCT
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8, rue du Vieux-Billard
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Phone: +41 22 809 49 39
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E-mail: all@omct.org

Bank account
LOMBARD ODIER
DARIER HENTSCH & Cie
Rue de la Corraterie 11
1211 Geneva 11

Account n° 44333.00
Holder: Foundation supporting
the World Organisation Against
Torture (OMCT)
IBAN: CH49 0876 000000 44333 00
Swift Code: LOCYCHGG

Annual Accounts

MARCEL LAUPER - EXPERT COMPTABLE  - GENÈVE

RAPPORT du vérificateur des comptes
à l'attention du Conseil exécutif de

L'ORGANISATION MONDIALE CONTRE LA TORTURE - SOS TORTURE

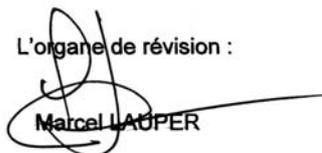
Conformément au mandat que votre Conseil a bien voulu nous confier, nous avons vérifié les comptes annuels 2008 arrêtés au 31 décembre 2008.

Nous avons constaté la concordance de l'état de fortune et du compte de recettes et dépenses avec la comptabilité tenue avec exactitude.

L'exercice dégage un excédent de recettes de CHF 21'264.31. Nous confirmons le bien fondé des actifs de CHF 2'452'419.20.

En conclusion, nous vous proposons l'approbation des comptes qui vous sont soumis.

L'organe de révision :


Marcel LAUPER

Genève, le 20 mars 2009

**ANNEXE : Etat de fortune au 31 décembre 2008 et
Compte de recettes et dépenses 2008**

AUDITOR'S REPORT

To the Executive Council of

THE WORLD ORGANISATION AGAINST TORTURE – SOS-TORTURE

In accordance with the mandate entrusted to us by your Council, we have audited the annual accounts for 2008 up to 31 December 2008.

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 income of CHF 21,264.31.
We confirm the legitimacy of the assets of CHF 2,452,419.20.

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

The auditor

Geneva, 20 March 2009

ANNEX: Balance Sheet as of 31 December 2008 and
Statement of Income and Expenditure in 2008

Balance Sheet as of 31 December 2008



CONSEILS ET PRESTATIONS EN GESTION D'ENTREPRISE

8, rue des Maraichers - 1205 Genève
 tél: + 41 22 809 40 00 fax: + 41 22 809 40 01
 www.ndc-conseil.ch

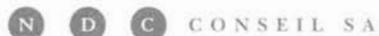
OMCT - World Organisation Against Torture - Geneva

Currency : CHF

BALANCE SHEET ON 31 DECEMBER 2008 (with 2007 comparative)			
		YEAR 2008	YEAR 2007
ASSETS			
CASH		2'244'790.81	1'536'598.30
Cash funds	2'598.31		2'605.84
Postal cheque account	108'098.22		51'419.42
Bank Lombard & Odier	1'804'960.53		987'178.15
Bank UBS	329'133.75		495'394.89
OTHER ASSETS		207'628.39	286'955.13
Withholding tax recoverable	669.79		342.71
Other assets	36'022.92		68'061.08
Guarantees	10'468.20		10'468.20
Debtors and grants to be received	160'467.48		208'083.14
TOTAL ASSETS		2'452'419.20	1'823'553.43
LIABILITIES			
CREDITORS		1'936'672.58	1'304'071.12
Creditors	505'667.16		624'588.92
Other liabilities	122'660.67		127'805.02
Grants paid in advance	1'308'344.75		551'677.18
OTHER LIABILITIES		510'000.00	535'000.00
Provision for Quadrennial Assembly	0.00		275'000.00
Provision for Biennial Assembly	150'000.00		0.00
Provision for Executive Council	50'000.00		0.00
Provision for salaries and social charges	250'000.00		200'000.00
Provision for Training	30'000.00		30'000.00
Provision for Violence against Women	30'000.00		30'000.00
RESULTS		5'746.62	-15'517.69
Carried forward on 1 January 2008	-15'517.69		-68'818.46
Contribution from the Foundation supporting OMCT	0.00		68'818.46
Excess of receipts	21'264.31		-15'517.69
TOTAL LIABILITIES		2'452'419.20	1'823'553.43

Geneva, 10 March 2009

Statement of Income and Expenditure



CONSEILS ET PRESTATIONS EN GESTION D'ENTREPRISE

8, rue des Maraichers - 1205 Genève
 tél: + 41 22 809 40 00 fax: + 41 22 809 40 01
 www.ndc-conseil.ch

OMCT - World Organisation Against Torture - Geneva

Currency : CHF

STATEMENT OF INCOME AND EXPENDITURE ON 31 DECEMBER 2008

YEAR 2008

INCOME		3'170'473.92
Urgent Assistance to Victims of Torture	159'283.82	
Children's Rights	115'286.08	
Violence against Women	77'870.75	
Human Rights Defenders/Observatory	209'509.80	
Urgent Campaigns	24'509.80	
United Nations Treaty Bodies	272'820.17	
Operations Division (management)	24'509.80	
TOTAL OPERATIONS DIVISION	883'790.22	
Economic, Social and Cultural Rights	517'795.58	
Training	54'428.40	
Conference and statutory meetings	16'791.75	
Research and Development Division (management)	24'509.80	
TOTAL RESEARCH AND DEVELOPMENT DIVISION	613'525.51	
Fundraising and Communication Division (management)	24'509.80	
TOTAL FUNDRAISING AND COMMUNICATION DIVISION	24'509.80	
Membership fees	2'601.29	
Donations "Club des Cent"	105'500.00	
Private donations	62'890.00	
Gala evenings / Mailings	32'353.00	
Bulletins and various donations	12'402.21	
Federal, cantonal, communal grants	213'100.00	
Grants from European governments	676'387.10	
Grants from foundations and others	543'414.79	
TOTAL EXTENSIONS, DEVELOPMENT OF THE NETWORK, REPRESENTATION OUTSIDE GENEVA HEADQUARTERS	1'648'648.39	
EXPENDITURE		-3'174'937.71
Urgent Assistance to Victims of Torture	159'513.19	
Children's Rights	131'545.71	
Violence against Women	133'106.74	
Human Rights Defenders/Observatory	539'457.44	
Urgent Campaigns	175'933.81	
United Nations Treaty Bodies	522'920.22	
Operations Division (management)	43'241.07	
TOTAL OPERATIONS DIVISION	1'705'718.18	
Economic, Social and Cultural Rights	444'483.41	
Training	69'874.03	
Conference and statutory meetings	208'745.39	
Research and Development Division (management)	59'545.21	
TOTAL RESEARCH AND DEVELOPMENT DIVISION	782'648.04	
Promotion	298'930.50	
Communication	11'304.65	
Fundraising and Communication Division (management)	84'245.22	
TOTAL FUNDRAISING AND COMMUNICATION DIVISION	394'480.37	
Extensions and development of the network	73'532.63	
Representation outside Geneva Headquarters	62'675.93	
Management	155'382.56	
TOTAL EXTENSIONS, DEVELOPMENT OF THE NETWORK, REPRESENTATION OUTSIDE GENEVA HEADQUARTERS	292'091.12	
RESULTS BEFORE CREDITORS INTERESTS AND OTHER INCOMES		-4'463.79
CREDITORS INTERESTS AND OTHER INCOMES		25'728.10
Creditors interest	24'668.25	
Other income	1'059.85	
EXCESS OF RECEIPTS		21'264.31

Geneva, 10 March 2009

Non-governmental grants

Catholic Committee against Hunger and for Development
 Diakonisches Werk
 Human Rights at Work Foundation
 ICCO
 Karl Popper Foundation
 Loterie Romande
 Misereor
 Oak Foundation
 Open Society Institute
 Taiwan Foundation for Democracy
 Tides Foundation

Government grants

France
 Liechtenstein
 The Netherlands
 Sweden (Sida)
 Switzerland

Grants from international or intergovernmental organisations

European Commission
 United Nations Voluntary Fund for Victims of Torture

Cantonal grants (Switzerland)

Basel countryside
 Fribourg
 Geneva
 Nidwald
 Schaffhausen
 Schwyz
 Solothurn

Municipal grants (Switzerland)

Aire-la-Ville
 Avusy
 Bottmingen
 Cartigny
 Choulex
 Collex-Bossy
 Corsier
 Fribourg
 Geneva
 Herrliberg
 Huenenberg
 Lancy
 Lausanne
 Le Sentier
 Maur
 Meinier
 Morges
 Onex
 Puplinge
 Sion
 Troinex
 Winterthur

Others

SOS-Torture network membership fees
 Private donations - Club des Cent
 Foundation supporting OMCT

OMCT extends its sincere thanks to all the contributing individuals, institutions and governments for their support and generosity.

OMCT Bodies

Executive Council

President Yves Berthelot, *France*

Vice-President José Domingo Dougan Beaca, *Equatorial Guinea*

Treasurer Anthony Travis, *United Kingdom*

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Kamel Jendoubi, *Tunisia* - Tinatin Khidasheli, *Georgia* - Jahel Quiroga Carrillo, *Colombia*
Christine Sayegh, *Switzerland* - Henri Tiphagne, *India*

Assembly of Delegates (as of December 2008)

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Innocent Chukwuma, *Nigeria*
Aminata Dieye, *Senegal*
Osman Hummada, *Sudan*
Guillaume Ngefa, *Democratic Republic of Congo*

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Elisabeth Protacio Marcelino, *India*
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Tinatin Khidasheli, *Georgia*
Frauke Seidensticker, *Germany*

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Hasan Moosa, *Bahrain*
Radhia Nasraoui, *Tunisia*
Lea Tsemel, *Israel*

North America

Al Bronstein, *United States of America*

International Secretariat

Secretary-General Eric Sottas

Deputy Secretary-General Anne-Laurence Lacroix

Operations Division Rolin Wavre (Director)

Urgent Campaigns Alexandra Kossin (Coordinator) - Clemencia Devia Suarez

Urgent Assistance to Victims of Torture Anne-Laurence Lacroix (Coordinator)

Children's Rights Cécile Trochu Grasso (Coordinator)

Human Rights Defenders/Observatory for the Protection

of Human Rights Defenders Delphine Reculeau (Coordinator) - Martina Schmidt

Violence against Women Mariana Duarte (Coordinator)

United Nations Treaty Bodies Rolin Wavre (Coordinator) - Anna-Lena Svensson-McCarthy (Legal Adviser) - Orlane Varesano

Research & Development Division Michael Miller (Director)

Economic, Social and Cultural Rights Tom McCarthy (Special Adviser) - Francesca Restifo

International Conference Yaël Reinharz Hazan

Fundraising & Communication Division Isabelle Vila (Director)

Florence Noël (Consultant) - Ilona Pongracz (Consultant)

Administration Halima Dekhissi - Claudine Fäsch - Kurt Hofstetter

Webmaster Sébastien Courvoisier

Accounting Marc Aebersold - Marinella Gras-Michiellini

IT Support Alain Gross

OMCT-Europe

European Coordinator Laëtitia Sedou

Publications and Reports

Violence Against Women

UN Committee on the Elimination of Discrimination Against Women

- *Violence Against Women in Burundi* – submitted in January 2008 in French
- *Information Note on Discriminations and Domestic Violence Against Women with Uncertain Legal Status in Switzerland* – submitted in November 2008 in French

UN Committee against Torture

- *Denial and Impunity: Update on the Cases of the Tortured Women of San Salvador Atenco and Observations on the Mexican Government's Failure to Respond Adequately to the Recommendations of the Committee Against Torture in its Written Response* – submitted in September 2008 in English

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

Annual Report

- *Steadfast in Protest* – 2007 Annual Report of the Observatory for the Protection of Human Rights Defenders, published in June 2008 in French, English, Spanish, Arabic and Russian

Missions Reports

- *CAMBODIA: Defending Economic and Social Rights in Cambodia: A High Risk Activity* published in February 2008 in English and French
- *ZIMBABWE: Run up to the March 29 Presidential and Parliamentary Elections: A Highly Repressive Environment for Human Rights Defenders* published in March 2008 in English
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- *GUINEA BISSAU: A Detrimental Environment to the Work of Human Rights Defenders* – published in November 2008 in English and Portuguese

United Nations Treaty Bodies

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- *Indonesia* – submitted in May 2008, to be published in 2009 in English and Bahasa
- *Violence Against Women and Children in Kenya* – submitted in November 2008, to be published in 2009 in English and Kiswahili
- *Human Rights Violations in Macedonia* – submitted in May 2008, to be published in 2009 in English and Macedonian
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- *The Human Rights Situation in Benin* published in May 2008 in French and to be published in Fon

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- *La situación de los derechos humanos en Nicaragua* – submitted in October 2008, to be published in 2009 in Spanish
- *La situation des droits de l'homme en Tunisie* submitted in March 2008, to be published in 2009 in French and Arabic
- *The Human Rights Situation in Uzbekistan* published in April 2008 in English and Russian
- *The Human Rights Situation in Zambia* published in May 2008 in English

Economic, Social and Cultural Rights (ESCR)

UN Committee on Economic, Social and Cultural Rights

- *The Lie of the Land. Addressing the Economic, Social and Cultural Root Causes of Torture and Other Forms of Violence in Kenya* – submitted in November 2008, to be published in 2009 in English and Kiswahili
- *Addressing the Economic, Social and Cultural Root Causes of Torture and Other Forms of Violence in the Philippines* – submitted in November 2008, to be published in 2009 in English and Filipino

UN Committee against Torture

- *Addressing the economic, social and cultural root causes of Torture in Kenya* submitted in November 2008, to be published in 2009 in English and Kiswahili

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“ Recibí el día de hoy las copias enviadas por la OMCT del corto que hicieron sobre su misión a Ciudad Juárez, y de verdad me pareció muy bueno, por lo que no tengo ningún inconveniente de que se distribuya de manera amplia como habían ustedes propuesto.

No hay manera de agradecer todo lo que han hecho por esta causa y en particular por Nuestras Hijas de Regreso a Casa. Pero sepan que nos han hecho sentir mas fuertes y menos temerosas, es un enorme contributo a esta lucha sostenida a base de muchos riesgos y esfuerzos que ahora vienen ustedes a validar de esta manera maravillosa. Gracias por acompañarnos y por favor reitera mis agradecimientos a todos y todas quienes de alguna manera participaron en esta estrategia, y díles que sus esfuerzos valieron la pena, de manera muy contundente. Y seguimos trabajando. Un abrazo ”

Marisela Ortiz Rivera from Mexico, February 2009