LITIGATION BEFORE THE UN COMMITTEE AGAINST TORTURE: STRENGTHENING THIS IMPORTANT TOOL AGAINST TORTURE

Cosponsored by American University Washington College of Law and the World Organisation Against Torture

April 15, 2013 (8:30 a.m. – 6:00 p.m.)

American University Washington College of Law
4801 Massachusetts Ave. N.W., Room 603, Washington, D.C.

Overview: Article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment sets forth the Committee against Torture's individual complaints procedure. Under Article 22, the Committee considers petitions ("communications") from or on behalf of alleged victims of a violation of a Convention provision(s) by a State Party that has recognized the Committee’s competence to receive and consider communications (currently, 65 of the 153 State Parties to the Convention have done so). Since the establishment of this procedure, the Committee has decided numerous cases, giving a clear response to acts of torture committed around the world. This conference will gather worldwide experts, including UN experts, lawyers, NGOs representatives, scholars and practitioners, to discuss the Committee’s practice, challenges and best practices moving forward to better protect and assist victims of torture.

8:30 – 9:00 Registration

9:00 – 9:20 Opening Remarks
João Vale de Almeida, European Union Ambassador to the United States (tbc)
Claudio Grossman, Dean, American University Washington College of Law and Chairperson, UN Committee against Torture
Gerald Staberock, Secretary-General of the World Organization Against Torture (OMCT)

9:30–11:00 Panel I: The Use of Interim Measures by the Committee against Torture: Towards a Comprehensive Instrument for the Protection of Victims and Witnesses in Torture Cases
Worldwide, victims and witnesses in cases of torture face threats and great challenges when denouncing cases of torture at national and international
levels. Protection measures are crucial for victims to present cases. Participants will discuss how to further strengthen the protection of victims alleging violation(s) of Convention provision(s) before the Committee against Torture.

**Moderator: Helene Legeay**, Middle East and North Africa programme manager

**Panelists:**
- Carla Ferstman, Director of Redress
- Diego Rodriguez-Pinzón, Professorial Lecturer in Residence and Co-Director of the Academy on Human Rights and Humanitarian Law at American University Washington College of Law

**11:10-12:30**

**Panel II: The Role of the Committee against Torture in Providing Full and Adequate Reparation to Victims**

International human rights law provides that victims of human rights violations are entitled to full and adequate reparation, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition. General Comment 3 of the Committee against Torture explains and clarifies the fundamental State Party obligation under article 14 of the Convention.

Participants will analyze the nature of the reparations required by the Committee against Torture and challenges towards comprehensive redress.

**Moderator: Claudio Grossman**, Dean, American University Washington College of Law and Chairperson, UN Committee against Torture

**Panelists:**
- Ibrahima Kane, Advocacy Director, Open Society Initiative for East Africa (OSIEA)
- Octavio Amezcua, Mexican Commission for the Defense and Promotion of Human Rights

**12:30– 1:45**

**Lunch**

**2:00– 3:45**

**Panel III: Challenges in the Implementation of the Decisions of the Committee against Torture**

This session will share best practices and identify obstacles to seeking full implementation of the Committee’s decisions, drawing upon the experiences of various stakeholders (e.g., OHCHR, practitioners, State parties and victims).

**Moderator: Gerald Staberock**, Secretary-General of the World Organization Against Torture (OMCT)

**Panelists:**
- Karina Moskalenko, Russian Human Rights Lawyer
- Christian De Vos, Advocacy Officer, Open Society Justice Initiative
- Elsy Chemurgor Sainna, International Commission of Jurists, Kenya
4:00–5:30  Panel IV: Challenges to Proving Cases of Torture before the Committee against Torture

The Committee against Torture considers communications in the light of all information made available to it and may freely assess the facts based upon the full set of circumstances. How can victims/practitioners make sure to adequately present their allegations? What types of proof are persuasive? What is sufficient to shift the burden of proof? Panelists will discuss these questions and the interesting variation of the burden of proof throughout the complaints procedure.

Moderator: Gabriela Echeverria, Visiting Scholar, Human Rights Institute, Columbia Law School

Panelists:
Mario Lopez Garelli, Senior Human Rights Specialist at the Inter-American Commission on Human Rights
Hari Phuyal, Advocacy Forum Nepal
Juan E. Méndez, Visiting Professor of Law, American University Washington College of Law and UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

5:30  Concluding Remarks

Claudio Grossman, Dean, American University Washington College of Law and Chairperson, UN Committee against Torture

Reception