

THE WORLD ORGANISATION AGAINST TORTURE'S (OMCT)

GUIDELINES FOR THE SUBMISSION OF URGENT APPEALS

Introduction

The guidelines for the submission of information for urgent appeals have been conceived in order to facilitate the rapid exchange of information or complaints between members of the SOS-Torture network and OMCT. The precision and fluidity of the exchange of information is vital in order to allow information provided by network members, concerning situations in which human rights violations have been recorded, to be used by OMCT to launch urgent appeals. Through its urgent appeals, OMCT seeks to intervene on behalf of the victims these abuses. As the name indicates, the element of time is of great importance to OMCT's urgent appeals.

To this end, these guidelines provide a framework for action, along with an explanation of the urgent appeals system and how it works, in order to enable network members to participate more effectively in the program. The guidelines are followed by a questionnaire, which includes the types of specific information that are required by OMCT for the production of an urgent appeal.

The SOS-Torture network comprises local, grass-roots NGOs, covering the world's regions, with specialised knowledge of the current, local human rights situations. OMCT benefits from the expertise of its network partners in order to convey precise information about these situations both to the international surveillance bodies and to a global audience, including international, regional and local organisations and individuals, in order to inform them and garner their support for the improvement of human rights conditions around the world. It is imperative that OMCT is provided with all the information it requires at the first time of asking, or else delays can occur in the launching of urgent appeals, if some vital element of information is found to still be required.

During their meeting on April 7th and 8th, 2001, OMCT's Assembly of Delegates concluded that several members organisations of the network needed to have a better understanding of the urgent appeals system, in order to improve their participation in the program and provide conditions under which information can be handled and disseminated in an optimal way, which has led to the formulation of the guidelines and questionnaire that follow.

One area of particular importance in improving the flow and impact of information given to OMCT, is the need for SOS-Torture network member organisations to systematically inform OMCT of developments which occur following the launch of an initial urgent appeal. It is vital that OMCT be informed, for example, of the release of a person who was being detained, or of developments in trial, so that a case can be closed or follow-up action can be taken, where required, in order to improve the use of OMCT's resources and the results of specific campaigns over the long term.

This document has been prepared based on OMCT's experience of collaborating with network member organisations and launching urgent appeals, which has been acquired over its sixteen years of existence.

OMCT's Action

OMCT's mandate is "to fight against torture, summary executions, forced or involuntary disappearance [...] and all other cruel, inhuman or degrading treatment".

OMCT's activities focus mainly on these types of violations. However, the International Secretariat may also intervene in other cases communicated by members of the SOS-Torture network (e.g. detention), if there are good reasons to believe that the person or persons concerned have been or may be victim to one or another of the afore-mentioned violations, or if there is flagrant or systematic abuse of fundamental rights in the country in question.

The need for an urgent appeals program

States have the obligation to foresee, prevent, investigate and sanction any act that constitutes a human rights violation. In certain cases, such as torture, this obligation also covers collusion or participation. However, many States adopt a passive attitude, thus rendering themselves directly responsible for human rights violations.

Very often, human rights violations also involve non-state actors against whom States seem incapable or, in many cases, unwilling to take action.

NGOs, whatever their aims or activities may be, are in a position to survey and intervene to halt abuses committed by States. Their work frequently involves mediating with the authorities and, less frequently, with other bodies which they may consider to be directly or indirectly responsible. This activity is not always effective and often needs to be complemented by the pressure of national or international public opinion.

This work requires first hand and accurate knowledge of the real or potential risks of human rights violations as well as of concrete facts, including the state of impunity or risk of impunity prevailing in the country in question.

The work also requires the concerned NGOs to have at their disposal the means to bring about a rapid, concerted and appropriate reaction on a global level, and the ability to overcome unwieldy bureaucratic structures and procedures. It is often more difficult to find the appropriate means of action when the perpetrators are non-State actors, and especially if they are transnational actors.

While local NGOs benefit from having first-hand knowledge of the human rights situation in their respective countries, they do not always have the means to rapidly and effectively communicate their findings to the relevant persons or bodies that are required to intervene. Without adequate support, the investigation of a case, the dissemination of the findings and the follow-up process for each case will likely prove too difficult, and the value of the NGOs work may be wasted.

OMCT's urgent appeals programme provides the NGOs with the means to communicate to a select and targeted audience, enabling them to continue working where their efforts are most valued.

The urgent appeals are an instrument of consultation and cooperation between the NGO members of the OMCT network¹, between member and non-member NGOs, as well as between member NGOs and regional, international and universal and organisations responsible for supervising and checking the manner in which States fulfil the international obligations derived from the international legal mechanisms to which they have subscribed.

The aim of the urgent appeals program

General aims

- i. to combat against all serious abuses of human rights, in particular, torture, forced disappearances, summary executions and in general, all forms of cruel, inhuman and degrading treatment;
- ii. to combat impunity;
- iii. to prevent the development and prevalence of conditions conducive or favourable to human rights abuses;
- iv. to promote cooperation and international solidarity by the dissemination, defence and protection of human rights.

Specific aims

- i. to publicise serious human rights violations, impunity of the perpetrators of violations, situations favourable to violations and the responsibilities of the relevant authorities;
- ii. to provoke a reaction of and pressure by international public opinion on the authorities of the State in question, in order to force it to seek a solution to a particular case or situation;
- iii. to motivate national authorities to adopt measures guaranteeing adequate reparation to the victim and/or his/her family;
- iv. generate intervention by regional and universal mechanisms of control commensurate with their respective functions and mandates.

How the system functions

Role of member NGOs of the network

The system of urgent appeals is dependent on the efficiency of the NGOs which make up the SOS-Torture network². It is their responsibility to provide the impetus, especially where local

¹ Currently, OMCT's SOS-Torture network is the world's largest coalition of NGOs fighting against torture. This network composed of around 250 national, regional or international organisations is the backbone of the urgent appeals programme.

² The main characteristic of the network is the participation, on an equal footing, of traditional human rights organisations and organisations working for the rights of children, adolescents and women; trade unions, farmer's unions, professional associations of lawyers, doctors, etc.

NGOs are concerned, since they have access to first hand grassroots information about cases of human rights abuses.

Request for intervention

When NGOs receive information about human rights abuses, they have to evaluate and check the information on the case or situation in question, determine the possible means of action and forward their report to the OMCT Secretariat.

Follow-up mechanism for cases

NGOs must remain alert to the development of the case they have communicated and provide rapid information on new developments. This is a vital element of the program, which allows it to be more effective in gaining results over the long term.

Assistance in checking information

When necessary, NGOs must collaborate in checking information that the Secretariat may have received from other sources.

Role of the International Secretariat of OMCT

The International Secretariat supports initiatives of member NGOs of the network principally in the following ways:

- a) Defining the most appropriate strategy;
- b) Identifying the authorities, governments, national and international institutions and organisations able to intervene to find a rapid solution to a problem;
- c) Immediate communication, either globally or specifically targeted, of information pertinent to national authorities, governments, national institutions, inter-governmental organisations; non-governmental organisations, individuals, means of communication, etc.
- d) Identifying procedures and mechanisms for the best possible handling of the case at the regional and/or global level;
- e) Follow-up of the case with international surveillance organs and mechanisms.

Reception and handling of information

OMCT possesses several tools based on the most up to date communication technology that permits it to receive, treat and archive information in a rapid and effective way.

When information is received from an NGO that is a member of the network, the International Secretariat determines the most appropriate strategy for the treatment of this information, based on suggestions by the NGO. OMCT translates the information where necessary³,

³ Urgent appeals are published in Spanish and English, and in French in cases concerning the children's programme. This is subject to revision.

prepares a summary⁴ of the case and relays the information that has been processed to people in a position to act rapidly and efficiently. These operations are carried out in the shortest possible time⁵

Responsibility of the member NGO of the network

The NGO that is the source of the information, or who has requested the appeal, is responsible for verifying the accuracy, objectivity and impartiality of the information provided.

This is the general reason for which the name of the NGO having supplied the information, or complementary information, is cited. If mentioning the name of the source puts the NGO, its members, third parties or witnesses at risk, or if the NGO has requested that such information be kept confidential, then the name of the source will not appear.

Basic recommendations for the submission of information

It is advisable to avoid using local, national or regional linguistic expressions so as to facilitate general understanding of the information, or else, to include a brief explanation.

The use of abbreviations or acronyms should also be accompanied by the complete name of the organisation, institution, organism or individual referred to.

Identity of the victim(s)

If possible, please indicate the type of national identity document (NID) and its number.

In view of the risks of computer viruses in databases, it is advisable to avoid sending e-mails with attachments.

⁴ We have noticed that communicating information *in extenso* is not the best means of retaining the attention of the recipient. A summary permits us to avoid a lengthy description which may distract the reader from the essential points or even hinder comprehension of a specific case, even though it may be useful.

⁵ Urgent appeals are processed and relayed in a maximum of 24 hours.