



# Annual Report 2005





## **World Organisation Against Torture**

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# Contents

- 3** | OMCT's Programmes
- 5** | Action oriented to the needs of victims
- 8** | Eric Sottas. Absolute prohibition of torture: a fundamental rule in jeopardy
- 14** | Leonor Vilas. Experience of the United Nations Commission on Human Rights in the fight against torture and other cruel, inhuman or degrading treatments
- 16** | Mariana Duarte. Fighting against Gender-Based Violence with Due Diligence
- 18** | OMCT-Europe
- 19** | Publications and reports in 2005
- 20** | Renewal within the Executive Council
- 21** | Executive Council  
Assembly of Delegates  
Consultative Council  
Organisation Committee  
OMCT Foundation
- 22** | International Secretariat
- 23** | Annual Accounts



*“ Chers Amis, je profite de cette occasion pour vous remercier très chaleureusement pour votre soutien, votre présence continue à mes côtés. Je vous en suis très reconnaissante. C'est grâce à tout votre support que j'ai pu participer à cette rencontre qui m'apporte beaucoup. Je réitère ce que j'ai toujours dit ; vous faites partie de ma famille. ”*

Member of OMCT's Assembly of Delegates,  
Tunisia, November 2005

Por medio de la presente quiero agradecerle el apoyo y colaboración que me brindo para hacer posible la venida de mi familia a este país. Gracias a su ayuda y la del equipo de colaboradores de la OMCT hoy estamos reunidos iniciando una nueva etapa de nuestras vidas, con la nostalgia del nuestro país y lo que allí ocurre pero con la alegría de estar vivos, sabemos que de nuestro desempeño y progreso como personas aquí, dependerá el apoyo que podamos seguir brindado a los millones de compatriotas que luchan incansablemente por un país mas justo arriesgándolo todo en Colombia, además jamás renunciaremos a la esperanza de regresar a nuestra tierra cuando la condiciones mejoren.

Human Rights Defender, Colombia, December 2005

*“Merci beaucoup pour cette prompte réponse et pour la solidarité que vous ne cessez de manifester envers mon humble personne dans ce travail de défense des droits humains. ”*

Human Rights Defender, Democratic Republic of Congo, July 2005

*“I would like to express you big gratitude that you included in the report my situation and the facts an attack on me in Azerbaijan. Actually due to the international support of our colleagues anyone the facts of infringement of the rights (...) stops from governments. ”*

Human Rights Defender, Azerbaijan, August 2005

*“After we were cut off from our colleagues on February One, we are struggling to bridge the gap and silence. (...). Let me take this opportunity to thank OMCT for every effort they have taken to help the Nepali people in these difficult days. ”*

Human Rights Defender, Nepal, May 2005

## OMCT's Programmes

### Urgent campaigns

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

### Urgent Assistance to Victims of Torture

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

### Economic, Social and Cultural Rights

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

### Children's Rights

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

### Violence against Women

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

## Human Rights Defenders

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

## Follow-up of States' International Commitments

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

## Action oriented to the needs of victims

The fight against torture is developing at different levels based on the actions and methods required to respond to the needs of victims. Schematically, we can distinguish between the different urgent actions and interventions on a long-term basis. The urgent actions are conceived to prevent violence, stop it and, if this is not possible, help the victim. Long-term interventions are, for example, aimed at changing the legal environment in order to offer a better protection from torture, evaluate States

and their international commitments, and ensure that justice sanctions the perpetrators and recognises and sanctifies the rights of victims. Elsewhere, the intervention must also be adjusted to the specificities of the statute of the victim. Finding an adequate response explains the reason for which OMCT has developed distinct, but complementary, programmes. The results obtained thanks to this multiform action are outlined in a synthetic manner below.

## Individual support to victims

• In 2005, in the framework of the programmes disseminating **urgent interventions** (Urgent Campaigns, Children's Rights, Violence against Women and the Observatory for the protection

of human rights defenders), OMCT circulated 532 communications (urgent appeals, letters to authorities, press releases) in favour of several thousand victims.

| Urgent Campaigns |            | Children's Rights |            | Violence against Women |            | Observatory for the protection of human rights defenders |                 |
|------------------|------------|-------------------|------------|------------------------|------------|--|-----------------|
| N° urgent inter. | N° victims | N° urgent inter.  | N° victims | N° urgent inter.       | N° victims | N° urgent inter.   | N° victims      |
| 210              | 1233       | 23                | 70         | 13                     | 50         | 286  | 847 and 98 NGOs |

**Urgent interventions in 2005**

Note: urgent interventions regroup urgent appeals, press releases and bilateral communications



- During the last year, 164 victims of torture in 19 countries, including 25 children, benefited from **direct assistance**, either **legal, medical** and/or **social**. In 2005, out of a total of 74 cases of assistance granted:

31 were of legal-type, 41.90% of the total assistance;

33 were of medical-type, 44.60% of the total assistance;

10 were of social-type, 13.50% of the total assistance.

- Finally, three **complaints** relative to violations of the International Covenant on Civil and Political Rights and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment were submitted to the Human Rights Committee and the Committee against Torture, involving citizens from Cameroon, Libya and Tunisia. OMCT also participated in the research for and elaboration of two *amicus curiae* submitted to the House of Lords and the European Court on Human Rights.

- The 2005 annual report of the **Observatory for the Protection of Human Rights Defenders** described 1172 cases of repression of human rights defenders in 90 countries. It also presented the tendencies of repression aimed at defenders, and the strategies put in place by a certain number of actors, primarily States, to sanction the action of activists. The panoply of methods is broad: assassination, forced disappearances, torture, ill-treatment, death threats, arbitrary arrest and detention, judicial proceedings, the adoption of restrictive legislation, etc. The repression of human rights defenders continued in 2005, and even increased in intensity in certain regions in the world.

In *Africa*, defenders faced grave political situations or conflicts, as well as a number of other barriers impeding their freedom of expression. In *Latin America*, human rights defenders were confronted with repression of a rare violence. Assassination, torture, forced disappearance and death threats are the daily lot of several thousand activists. In *Asia*, the degree of repression against defenders stayed particularly high. In *Europe* and in the Commonwealth of Independent States (CIS), the lock on independent civil society has been confirmed. Furthermore, defenders have been the object of a number of judicial proceedings or defamation campaigns. In the region of *Maghreb / Mashrek*, freedom of association and assembly remains a mockery in a number of countries.



## Global support to victims

• In 2005, in the framework of the Violence against Women, Children's Rights, Follow-up of States' International Commitments and the Prevention of Torture programmes, the following **alternative reports** were submitted to the United Nations (UN) Treaty Monitoring Bodies: Israel to the UN Committee on the Elimination of Discrimination against Women; Russia and Uzbekistan to the UN Committee on the Rights of the Child; Serbia and Montenegro to the UN Committee on Economic, Social and Cultural Rights; Albania, France, Nepal<sup>1</sup>, Democratic Republic of the Congo, Switzerland and Togo to the Committee against Torture; Brazil, Kenya, Uzbekistan, Paraguay<sup>1</sup> and Syria to the Committee on Human Rights.

These reports, written in the working language of the concerned committee, were also translated into the national languages of the country in question in order to promote the recommendations adopted by the committees within local civil society. Diffusing the report in the vernacular language is also aimed at improving the efficiency of lobbying actions with the concerned authorities. A **follow-up mission to the field** was carried out in Benin in February 2005. These missions are an occasion to sensitise a large number of government representatives and civil society on the importance of the adopted recommendations and to create the necessary conditions for a participative approach which includes NGOs in the process.

• **An international conference** was held in Geneva from 4th to 6th October 2005, "Poverty, inequality and violence: is there a human rights response?", attended by the United Nations High Commissioner for Human Rights, with the objective of analysing

the socio-economic roots of torture. The participants, from all continents, had the opportunity – based on an in-depth study of international cases – to refine their reflection and pinpoint their methods of intervention in this domain. From 21st to 23rd September 2005, OMCT also co-organised an international conference in Bern on the concept of due diligence of States in the matter of violence against women, in which the United Nations Special Rapporteur on violence against women took part (see below).

• During an international consultation on women human rights defenders, held in Colombo (Sri Lanka) from 29th November to 2nd December 2005, OMCT organised a **workshop** entitled "Urgent Intervention Tools" during which the work of the organisation was presented, as well as the international, regional and national human rights protection mechanisms available to activists.

<sup>1</sup>. At the request of NGOs from Nepal and Paraguay, OMCT provided logistical support in terms of lobbying and submitting of alternative reports to the United Nations Committees.



**Eric Sottas, Director**

## *Absolute prohibition of torture: a fundamental rule in jeopardy*

*We could have hoped, after the Vienna Conference nearly 15 years ago, that the absolute prohibition of torture would not be put into question, even though we already knew that the practice is far from being eradicated. Unfortunately, over the last few years, a regression in this domain has happened. The following notes take stock of the outcome of last year.*

### **1 - Torture and the fight against terrorism**

**As already mentioned in previous reports, the emphasis recently placed in many industrialised countries on the need to tighten security and to toughen the fight against terrorism has led to practices which contradict the fundamental principles of human rights, but which public opinion unfortunately tends to accept.**

#### **“Rendition policy”**

One of the methods used by industrialised democracies consists of “contracting out” or “outsourcing” hard-line interrogations to countries endowed with less human rights guarantees. It has been clearly shown that a full-fledged organisation of exchanges of prisoners and information has developed in recent years, culminating in the scandal of clandestine prisons in certain European countries currently under investigation for the European Union by former Swiss prosecutor Dick Marty. As soon as it received the first information on this issue, particularly via members of its network, OMCT reacted strongly by systematically recalling the fact that any suspect, even if he is responsible for terror-

ist acts, is protected either by human rights or by humanitarian law, both of which absolutely prohibit the use of torture. OMCT asked States to refuse fly-over of their territory by planes that might be carrying detainees destined for interrogation, without the guarantees provided by the international instruments, in third-party countries. It sincerely hopes that the parliaments of the countries concerned will take the necessary legislative measures to put a swift end to this practice.

#### **Use of confessions obtained by torture**

A corollary effect of the random policy is of course to make use of the information obtained under torture or by cruel, inhuman or degrading treatment. During the past year, the International Secretariat of OMCT has noted attempts to relativise the prohibition on basing judgments on confessions obtained under torture. The best-known took occurred in the United Kingdom, where the government considered that it could make use of information of this type stemming from third-party countries, in so far as this information was vital for national security. Along with other NGOs, OMCT prepared an *amicus curiae* for the House of Lords which, to its credit, ruled that no information obtained under torture could be used in regular legal proceedings. OMCT is pursuing its efforts in other European countries to prevent confessions obtained in obscure circumstances from being used against defendants, particularly relating to terrorist crimes. Moreover, neither should this information be made available to specialised anti-terrorist services.

## Definition and prohibition of torture

For several years, democratic States have striven to restrict the scope of the prohibition of torture, either by relativising this interdiction, or by narrowing the definition of this crime. This relativisation aims to introduce a false sense of proportion between the suffering inflicted on the person being tortured and the victims potentially saved by his confessions. As already mentioned above, this approach is unfortunately fairly widely accepted among public opinion, greatly encouraged by a spate of television and film productions presenting as heroes certain special agents “showing the courage” to resort to torture in order to avoid thousands of deaths. Nonetheless, no State currently dares to refer explicitly to such a justification. It is worth pointing out, however, that it took three years for OMCT – subsequently joined by all the other human rights defence NGOs – to succeed in convincing the United Nations Commission on Human Rights to incorporate within the text of its resolution against torture a sentence confirming that the prohibition of torture is regarded as *jus cogens* (peremptory norm), a principle that should have been self-evident.

On the other hand, the increasing weakening of the prohibition of torture is largely due to the narrowing – beyond acceptable limits – of the internationally recognised definition of torture, and above all by tolerance – in contradiction with international conventions – of cruel, inhuman or degrading treatment. The combination of a restrictive definition and a relativisation of the prohibition of cruel, inhuman and degrading treatment has been repeatedly denounced by OMCT, recalling in particular that the prohibition of cruel, inhuman or degrading treatment is also a non-derogable right according to article 4 of the United Nations Covenant on Civil and Political Rights and that in no way may a situation prevailing in any one country be invoked to justify it. On these occasions, OMCT has been careful to recall the international jurisprudence rulings clarifying the criteria for the definition of torture as they are stated in Article 1 of the United Nations Convention Against Torture – minimal criteria below which States may not fall. In particular, OMCT has

specifically challenged and denounced the American administration’s memorandums and interpretations in this area.

## 2 - Torture and its ethical and cultural foundations

In the early 1990s, during preparatory meetings for the Vienna World Conference on Human Rights, there was fierce debate on the universality of human rights. In its final declaration, the 1993 Vienna Conference unequivocally reaffirmed the three fundamental characteristics of human rights: their universality, their indivisibility and interdependence. This affirmation was an indispensable response to currents of thought seeking to present human rights as a set of rules created solely by industrialised democracies and imposed on the rest of the world without taking account of the cultural diversities and ethical values of each civilisation.

This challenge to the definition of torture and to the absolute prohibition of torture and of cruel, inhuman or degrading treatment introduces a new form a relativism which is political in this case, since it attempts to render this prohibition subject to the existence of stable and secure conditions. In other words, the prohibition would no longer be absolute if it were to result in unacceptable danger to society. By running the risk of such a relativistic approach, not only are Western democracies challenging one of the very foundations of any policy of human rights advocacy and prevention, but they are also reopening the debate on relativism, including in its cultural and social terms. The prohibition of torture may now be debated, not only based on issues of State or citizens’ security, but also in accordance with the social problems being experienced by such or such a country, or the cultural perceptions of certain populations more inclined to protect collective rights than to ensure that torture is prohibited in all circumstances. OMCT believes it is fundamental to reaffirm the established principles of the Vienna

Conference and that in-depth reflection must be developed in the years to come, involving not only lawyers and philosophers, but also communication specialists and social actors. This is vital to avoiding a situation where the relativism rejected in Vienna might now be accepted with the very help of those who had ensured its refusal at that time.

### **3 - Torture and social marginalisation**

Since the start of its activities in the 1980s, OMCT emphasised the fact that, in quantitative terms, the number of cases of torture relating to social problems or to common-law criminality was quite probably higher than that stemming from political repression. Its International Secretariat did all in its power to draw the attention of its network members, as well as the authorities concerned, to the necessity of documenting all torture-related cases. It was not a question of denying or neglecting the torture to which political opponents are subjected, but of getting a clearer global picture of this plague and of shedding the spotlight on all the victims and all the factors leading to this crime. In 2005, a seminar in which the United Nations High Commissioner for Human Rights took part, analysed the socio-economic roots of torture. Participants from all continents had the opportunity – based on a careful study of national cases – to sharpen their thinking and to specify their possible modes of intervention in this field.

#### **Situation of certain categories of victims**

Women and children are the object of torture which is all too often not documented or not even recognised as torture due to an overly restrictive approach to the definition of Article 1 of the United Nations Convention against Torture. Three examples may serve to substantiate this problem: excision of young girls; violence against street children; and honour crimes.

As far as excision is concerned, the fact that this is a traditional practice perpetrated by older women and that most countries have laws forbidding this practice has led to the belief that this is an exclusively common criminal law crime. OMCT has shown that this practice is only possible in circumstances where the State shows tolerance or at the very least an absence of due diligence. In Europe and in the United States, OMCT has presented several cases to the courts in order to avoid refoulement of young girls or young women at risk of excision if returned to their country. In doing so, OMCT based itself on Article 3 of the United Nations Convention against Torture, demonstrating to the relevant courts that the States to which these people might be sent back offered no guarantees against this practice that is widely tolerated by authorities and that it was thus reasonable to consider that there was, in the sense of the Convention, tacit agreement by State agents, and thus torture. OMCT is pleased to note that this interpretation is currently broadly accepted by jurisprudence in both Europe and the United States, but remains concerned by the current trends that are tending to challenge this established principle.

In the same way, street children subjected to grave acts of violence perpetrated by members of private security services have sometimes been considered as not being victims of torture, given that the authors were not State agents in the strictest sense of the term. Not only has OMCT systematically denounced cases brought to its knowledge, but it has striven to ensure that international mechanisms should take account of the role played by State authorities in this context and sanction these cases as tantamount to torture. For several years, OMCT has been requesting that a Special Rapporteur on violence against children be appointed by the Commission on Human Rights in the hope that, as in the case of women, such a mechanism might make it possible to take better account of the specific features of violations committed against this category of victims.

In its urgent interventions and in its reports, OMCT has also denounced honour crimes that are perpetrated against many women and go unpunished. There too, OMCT has highlighted the fact that this type of crime must be considered as a breach of human rights due to State tolerance and not as a crime falling within the province of the criminal law of the State concerned. While OMCT is pleased with the reception such statements have been given by United Nations committees, it is concerned by the tendency to turn back on the principles established by jurisprudence rulings, as mentioned above.

### **Situation in prisons**

During the various missions conducted by OMCT in recent years, and particularly in 2005, the situation prevailing in the prisons of numerous countries has been the subject of various interventions with the authorities concerned. Economic difficulties, combined with the political instability prevailing in particular in many countries of Africa as well as Asia and South America, often translate into subhuman detention conditions: prisoners crammed into overcrowded cells, lack of due care and hygiene, and even a lack of food. This problem has been a source of debate with the authorities concerned for several years now. Unfortunately, we are clearly confronted with a genuine vicious circle. The difficulties that certain States are experiencing for various reasons translate into increasing insecurity, which is inappropriately repressed. Authorities resort to imprisonment even though the criminal justice system does not provide sufficient guarantees of fair trial and that the penitentiary system is inadequate. Conditions in places of detention are worsening. It is increasingly frequent for women and children to be detained, often without being tried and sentenced, with adult male delinquents –a situation which leads to abuse, particularly of a sexual nature, against the weaker individuals. Prisons, which are supposed to re-educate delinquents, often turn into a school of delinquency, thus further aggravating the security situation.

It is vital that the international principles stipulating that imprisonment

should be a last resort measure, especially for children, be effectively applied and that alternatives to prison sentences be established, including in countries without sufficient resources to establish a model penitentiary system.

## **4 - Torture and armed conflict**

Torture is unfortunately widely practiced during armed conflicts, whether international or internal conflicts.

### **Occupied territories**

Following American intervention in Afghanistan and Iraq, cases of torture have been signalled, often perpetrated not by agents of the occupying power, but by private individuals under contract who did not have the status of State agents. This particular situation can in no way release the occupying power from its responsibility, nor be used as a means of justifying that the crimes committed do not correspond to the definition of Article 1 of the United Nations Convention against Torture.

Moreover, territorial occupation raises other problems, particularly with regard to responsibility for the security of people residing in this territory. In the case of the Territories under Israeli occupation, the Palestinian Authority has been rendered responsible for the ineffectiveness of the fight against terrorism, while being denied the means to exercise its authority in an effective manner. As is stated in the international conventions, the occupying power is responsible for the protection of civilian populations and must exercise its authority in full compliance with the guarantees of both humanitarian law and human rights. In several instances, OMCT has intervened to denounce the crimes committed either directly by the occupying troops, or by the authorities established in the occupied territories, whether in Palestine, Iraq or in Afghanistan.

Moreover, within this context, violence perpetrated by movements opposing the occupation cannot in all circumstances be justified in the name of the right to resistance. The prohibitions against torture, hostage taking and other violations against civilians, provided for the Geneva Conventions, mean that such acts constitute crimes according to humanitarian law, as OMCT has stated on many occasions.

### **Internal conflicts and non-State actors**

A special case which is tending to spread within many States in crisis, such as Nepal, the Great Lakes region of Africa, Colombia, etc., is that of internal conflicts pitting governmental forces and paramilitary groups against rebel movements. Within this framework, the various parties involved in the conflict unfortunately frequently resort to torture, whether to obtain information or to terrorise “enemies” or those regarded as such. The fact that governments refuse in certain circumstances to admit to the situation of internal conflict, results in a denial of the application of humanitarian law and of placing combatants in the category of common law criminals, thereby rendering denunciation of torture more difficult in that these movements are refused the status of combatants and the responsibilities stemming from humanitarian law. OMCT has always considered that within the framework of internal conflicts, and whatever the position adopted by the authorities of the countries in question, the rebel forces or the so-called self-defence forces should be regarded either as combatant rebels who may be sanctioned according to the norms of humanitarian law, or as para-state entities acting with the tacit agreement of the country concerned. This is why these cases have been systematically documented as cases of torture according to the United Nations Convention against Torture and/or as statutory offences under Article 3 of the Geneva Conventions.

### **Torture within armed forces**

The goal of national armed forces is supposed to be to protect the nation against external threats, but they are increasingly used against

the “enemy within” and soldiers’ training is sometimes diverted from its purpose. In order to “teach” soldiers to withstand the treatments to which they might be subjected by guerrilla forces, Argentine and Colombian officers have subjected members of their troops to exercises including torture sessions to which they had to learn to resist. These sessions included extremely grave forms of physical violence: blows, sexual abuse, serious burns on various parts of the body which have often caused irreversible trauma for the persons subjected to such treatment. In the Russian army, soldiers’ “initiation”, as it has recently been denounced, is often accompanied by extreme violence having led to the death of over 50 soldiers in 2005 and disabled several others.

It is far harder to find documented evidence of torture committed within the context of armed conflict or within the army itself against the very troops that one is claiming to toughen up, than it is for other types of torture. As far as the army situation is concerned, the hierarchical system and the fact that military courts are given exclusive jurisdiction over such cases when the victim and the perpetrator are both members of the armed forces, makes it particularly easy to cover up such practices.

## **5 - Torture and transitional justice**

Emerging from periods of dictatorship of armed conflict brings difficulties not only on a political level (in pacifying and reuniting the nation) but also of a judicial nature (sanctioning the perpetrators and compensating/rehabilitating the victims). This problem is further exacerbated by the fact that the process of institutional stabilisation is often still very fragile and that the judiciary system must face a vast number of cases at a time when it is often in crisis or is undergoing a purge. In an attempt to combine the contradictory objectives of a reconciliation process and a full justice process, experiences with so-called transitional justice have been developed in Central America, South Africa, the Great Lakes region of Africa, in Sierra Leone, in Timor and in other regions of Asia.

## Impunity

These experiences inevitably raise a certain number of problems. The democratic transitions in Guatemala and in Chile were achieved by guaranteeing total impunity for the main perpetrators of the crimes committed during the dictatorship period. Likewise, after the genocides that devastated Burundi in the late 1960s and the 1990s, national reconciliation processes were conducted without dealing with the perpetrators. This approach, apart from being totally unacceptable in terms of equity and justice, carries the seeds of new conflicts resulting from the frustration of the victims and the arrogance of the perpetrators. It is thus important to set up appropriate mechanisms in order to ensure that justice is rendered and that in particular the rights to truth and to the identification of the perpetrators will be effectively guaranteed, along with recognition of the damage suffered by the victims. This is hard to achieve if the perpetrator is not sanctioned in proportion to the gravity of the established facts. Argentine courts, bound by the so-called “due obedience and final point” laws, have in recent years distinguished between the victim’s right to know the truth and the impossibility of sanctioning the perpetrator stemming from the above-mentioned laws. Trials that have brought to light the atrocities committed have facilitated challenging the amnesty laws adopted at a time when the Argentine State feared that sanctioning the guilty members of the military would lead to a new coup d’état. This extremely lengthy process has nonetheless enabled, after two decades, a transition that has not been accomplished totally to the detriment of justice. By other means, South Africa has also succeeded in balancing the contradictory demands of reconciliation and justice.

OMCT, based on the experiences of recent years and on essential elements that must be protected by any judicial system, has intervened on several occasions regarding the manner in which the authorities of many countries were diverting the principles of transitional justice in order to ensure the impunity of various sectors. In particular, it denounced the so-called “Justice and Peace” law in Colombia, because of its provisions guaranteeing sanction limits for paramilitary who laid

down their weapons that were entirely disproportionate to the gravity of the crimes committed. Moreover, this law, far from guaranteeing full restitution to victims deprived of their property, in particular unduly appropriated lands, protected beyond acceptable limits the “new owners” who are not liable in terms of their personal assets for the losses sustained by the victims.

## Rehabilitation of victims

Within the framework of transitional justice, victims’ rights must be entirely respected, and yet this is sadly rarely the case. As already mentioned in relation to the Justice and Peace law in Colombia, the losses sustained by the victims are frequently not compensated on a par with the damages suffered. Moreover, rehabilitation – and in particular symbolic rehabilitation – is often hard to implement, since it may be perceived as a form of revenge by a certain proportion of public opinion. What happens is that people presented up to that point as terrorists, as criminals and as enemies to be eliminated, must now be considered and recognised as victims of State injustice and violence, which is no easy matter even when the situation has been modified. What often happens is that ruling non-suit on charges against victims and putting an end to their persecution are considered sufficient action. Moreover, transition is often accompanied by a deliberate attempt to forget the exceptional period that the country has experienced and victims – in the name of national reconciliation – are thus denied their right to full rehabilitation. In recent years, OMCT has focused on court actions against national justice and has worked within United Nations committees to establish full State responsibility for the crimes committed and to thus contribute towards restoring their full rights to victims, including the right to justice and dignity.





**Leonor Vilas,**  
Associate legal adviser

## *Experience of the United Nations Commission on Human Rights in the fight against torture and other cruel, inhuman or degrading treatments*

The right to be free from torture and cruel inhuman or degrading treatment is one of the most fundamental human rights. Accordingly, the Commission on Human Rights has throughout the years undertaken a number of initiatives aiming at protecting against torture and ill-treatment. Despite the several shortcomings of the Commission, which has led to the process of its reform, it has made undeniable contributions to the establishment, enhancement, development and definition of the content of the prohibition of torture and ill-treatment, as well as to the setting up of monitoring mechanisms for its application.

The Commission has played a central role in the universal enshrinement of the aforementioned right in Article 7 of the ICCPR. It should be noted that no legitimate restrictions or limitations were envisaged as far as torture and ill-treatment are concerned, unlike most of the rights guaranteed in the Covenant. Moreover, the right to be free from torture and ill-treatment was categorised as non-derogable (Article 4).

Additionally, the Commission promoted and prepared the setting of a convention entirely devoted to torture and ill-treatment. The resulting UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 contains a comprehensive regime primarily focused on the prevention and repression of torture. It defines international legal concepts of torture and cruel, inhuman or

degrading treatment in Articles 1 and 16 respectively. It clearly stipulates a number of positive obligations to be imposed on State Parties that go beyond the mere abstention to inflict torture or ill-treatment, which includes the *non-refoulement* principle, the criminalisation of torture, the duty to investigate allegations of torture and to reject any statement extracted under torture as evidence in any kind of procedure. Further, it establishes a regime of jurisdiction over acts of torture designed to minimize possibilities of impunity for acts of torture and provides a basis for universal jurisdiction in relation to this kind of offence (Article 5.2). The Convention further requires State Parties to ensure the right of victims to complain and to obtain redress (Article 13 and 14).

More recently, in 2002, the Optional Protocol to the Convention was adopted. Its objective, as made explicit in Article 1, is to “establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.”

Another significant contribution of the Commission was the creation in 1985 of a specific thematic mandate, a Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. In the course of over 20 years, the Special Rapporteur has performed



valuable tasks as a monitoring mechanism, particularly by carrying out numerous country visits. He has described and drawn attention to situations of serious abuses all over the world. At the same time, the Special Rapporteur has extensively elaborated on both theoretical and practical matters concerning the prohibition of torture and ill-treatment. In this respect, the reports of the Special Rapporteur – which have benefited from the high calibre of expertise of the successive mandate-holders - have become authoritative materials, greatly assisting to clarify various aspects related to the nature and content of the norm (e.g. the distinction between the concept of torture and the notion of cruel, inhuman and degrading treatment, the peremptory nature of the prohibition, its non-derogable character, and the qualification of intimidation or corporal punishment as torture or ill-treatment). Equally, the Special Rapporteur has shed light on current issues of concern in connection to the prohibition of torture and ill-treatment, such as respect of the said prohibition in the context of anti-terrorist measures or the trade and production of equipment specifically designed to inflict torture of cruel, inhuman or degrading treatment, or specific forms of violation of this ban, like corporal punishment, poor prison conditions or the sending back of persons to countries where they are at real risk of being subjected to torture.

The Commission has also adopted, since 1985, twenty resolutions systematically reaffirming the prohibition of torture and ill-treatment and recalling specific duties that it encompasses. Through these resolutions, the Commission has reflected and endorsed the progressive legal developments and evolutions in this particular field. The Commission has furthermore recognised the *jus cogens* nature of the prohibition of torture and ill-treatment, emphasised its non-derogable character and reiterated specific obligations such as duties to investi-

gate allegations of torture, prosecute their authors and grant redress to the victims, refuse the admission of any evidence obtained under torture, and respect the principle of *non-refoulement*. It also highlights that certain kinds of conduct have been found to constitute a breach of the prohibition of torture and ill-treatment and called upon States to ratify or comply with the various international legal instruments relevant for that matter.

In sum, as slow, ineffective, uneven or politically tainted as the Commission's functioning may be, its endeavours have resulted in certain positive and non-negligible accomplishments. They are the outcome of long-time efforts and, as limited as they may seem, they embody the core of the international legal arsenal that can be relied upon in the fight against torture and ill-treatment. The achievements of the Commission, both at the normative and at the enforcement level, must be fully and scrupulously conserved and built upon, rather than traded off in the process of institutional reform. If the attempts to reinforce the mechanisms entrusted with the protection of fundamental human rights are justified, and even necessary, they must nevertheless not lead us to throw out the baby with the bath water.



**Mariana Duarte,**  
*Violence against Women Programme Manager*

## *Fighting against Gender-Based Violence with Due Diligence*

In the course of its work for the protection of victims of torture, OMCT progressively noticed that gender plays an important role in the form which torture takes, the circumstances in which torture occurs, its consequences, and the availability and accessibility to remedies.

In 1996 OMCT created its Violence against Women Programme to protect women around the world from gender-based violence and to raise awareness on this form of violence. From that time on, such cases have been documented and denounced by the organisation in different forms.

Following a thorough study into violence against women in different parts of the globe and into how it was being addressed by different international human rights mechanisms, published in 1999, OMCT combined its expertise on torture with the need to have gender-specific forms of torture recognised by the relevant human rights bodies and started submitting a large number of alternative reports on violence against women to “mainstream” or “gender-neutral” UN Treaty Monitoring Bodies. Indeed, there was room in different conventions and covenants to address the issue of gender-based violence against women but the treaty bodies were sometimes reluctant to do so. A major achievement was the concluding observations issued by the Committee against Torture on Egypt in May 1999, expressing its concern about “The allegation from the World Organization against Torture of treatment of female detainees, by both the police and the State Security Intelligence, which some-

times involves sexual abuse or threat of sexual abuse in order to obtain information relating to husbands or other family members”.<sup>2</sup>

The recognition of gender-based violence by State agents was indeed a major step. However the most pervasive and widespread forms of violence against women are carried out by non-governmental actors – most likely within one’s family or community. Hence a great challenge taken up by the Violence against Women Programme has been the effort to hold States accountable for acts of violence against women committed by private parties. To achieve this goal OMCT has consistently utilised the concept of due diligence and pushed for wider recognition of this principle, culminating with the co-organisation on 21-23 September 2005 in Bern, Switzerland, of a international symposium on Due Diligence: The Responsibility of the State for the Human Rights of Women.<sup>3</sup>

<sup>2</sup>. A/54/44, paras. 197-216.

<sup>3</sup>. The symposium was organised by OMCT’s Violence against Women Programme in collaboration with Amnesty International Switzerland, Human Rights Switzerland, and the Centre for Interdisciplinary Gender and Women’s Studies (Bern University).

The Inter-American Court on Human Rights' landmark decision on the Velásquez Rodríguez vs. Honduras case<sup>4</sup> defined the concept of due diligence as the State's legal duty in all circumstances to prevent human rights violations, to effectively investigate into violations committed within its jurisdiction, to identify those responsible, impose the appropriate punishment and ensure the victim adequate compensation.

The notion has been successfully taken up in the realm of violence against women, with as primary concern as domestic and community violence: the Declaration on the Elimination of Violence against Women states in Art. 4(c) that States should "exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons".

Despite its subsisting limitations vis-à-vis internal conflict situations, community-based authorities, transnational corporations and other forces limiting the scope of State power, the concept of due diligence remains an essential element in the fight against gender-based violence. Indeed the perpetuation of any type of violence against women cannot be prevented unless the State takes up its primary duty to eliminate those stereotypes and social structures

that makes violence against women so widespread and banal in certain societies and to ensure an effective system – to receive complaints, to protect victims, and to duly investigate and punish such acts – is in place to guarantee perpetrators do not enjoy impunity.

4. IACHR, 1988, Ser. C, no. 4, 9 Human Rights L. J. 212 (1988).



## OMCT-Europe

The mission of the European office of OMCT is to advocate for a more coherent and efficient European policy on human rights, which signifies not only the effective integration of human rights norms at an internal level, but also to evaluate the external policy of the European Union (EU) in terms of their contribution to defending and promoting human rights in third countries, and the fight against torture and ill-treatment in particular.

In order to do so, OMCT-Europe ensures the rapid diffusion of information and analysis by OMCT to key actors at the heart of European institutions (*for example feeding and updating the urgent appeals database, sending alternative reports or presenting the ESCR study results to the Sub-Commission on human rights*), and maintains direct contact with the key persons in these institutions, as well as with the deputies sensitive to the preoccupations of OMCT.

Furthermore, through the bias of weekly newsletters and 'briefing papers', OMCT-Europe informs the International Secretariat, and through which the network, about the policies and meetings of

European institutions relevant to the mandate of the organisation. This allows OMCT contribute, in the shortest of delays, to the debates and initiatives at the heart of European institutions (*for example, the evaluation of the "Justice and Peace" law in Colombia, the report of the European Parliament on the establishment of the human rights clause in cooperation agreements with Third World countries*) as well as within the Council of Europe Human Rights Grouping.

OMCT-Europe also closely follows the financial means the European Union devotes to human rights activities, in order to promote an integrated approach in the fight against torture as a priority activity, and particularly that of the European Initiative for Democracy and Human Rights (EIDHR) whose revision began at the end of 2005.

Finally, in the framework of its role to carry out the mandate of OMCT at the European level, OMCT-Europe continues to accomplish its project to reinforce human rights NGOs in Uzbekistan, notably by publishing information flyers destined to the population on the rights of

refugees, violence against women, children's rights and the rights of detainees, as well as a global report on the situation of human rights within the judicial system of the country ("Denial of Justice in Uzbekistan"). A trip to Europe was also organised for four representatives of Uzbek NGOs.

## Publications and reports in 2005

### Children's Rights Programme

ALTERNATIVE REPORTS SUBMITTED TO THE UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD:

- **Rights of the Child in Russia** - submitted in 2005, published in 2006 in English
- **Rights of the Child in Uzbekistan** - submitted in 2005, published in 2006 in English

### Violence Against Women Programme

ALTERNATIVE REPORT SUBMITTED TO THE UNITED NATIONS COMMITTEE ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN:

- **Violence against Palestinian Women** - available in English, submitted and published in 2005

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

ANNUAL REPORT:

- **Human Rights Defenders in the front line. Annual Report 2004** - published in April 2005 in French, English and Spanish

MISSION REPORTS:

- **Nepal: An appalling situation : Human rights defenders increasingly victims of the armed internal conflict** - published in February 2005 in English and French
- **Turkey: Trial of two human rights defenders** - published in March 2005 in French
- **Ethiopia : Human rights defenders under pressure** - published in April 2005 in English
- **Cameroon : Judicial harassment against MDDHL members** published in November 2005 in French

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

ALTERNATIVE REPORTS SUBMITTED TO THE UNITED NATIONS HUMAN RIGHTS COMMITTEE:

- **Violations of human rights in Kenya** - submitted in March 2005, published in November 2005 in English and Swahili
- **Violations of human rights in Uzbekistan** - submitted in March 2005, published in 2006 in English and Russian
- **Violations of human rights in Syria** - submitted in July 2005, published in October 2005 in English and Arabic
- **Violations of human rights in Brazil** - submitted in October 2005, published in 2006 in English and Portuguese

ALTERNATIVE REPORTS SUBMITTED TO THE UNITED NATIONS COMMITTEE AGAINST TORTURE:

- **Violations of Human Rights in Albania** - submitted in May 2005, published in December 2005 in English and Albanian
- **Violations of Human Rights in Togo** - submitted in May 2005, published in 2006 in French and English
- **Switzerland : An asylum policy always more restrictive** - submitted in May 2005, in French, not published
- **Violation of Human Rights in the Democratic Republic of Congo (DRC)** - submitted in November 2005, published in 2006, in French and in English
- **France: Policies on asylum and on detention centres more and more precarious** - submitted in November 2005 in French, not published

## Renewal within the Executive Council

During the first annual session, the Council of OMCT registered the resignation of **Elisabeth Reusse-Decrey** (Switzerland), from her position as President, to which she was elected in 2001. As she expressed to the members of the Executive Council, Elisabeth Reusse-Decrey intends to pursue her collaboration with OMCT. Very attached to the organisation, she will continue to be a member of the Council to which she has brought an enormous amount and will continue to support the organisation in her work.

The rapid development of the activities of the foundation, "Geneva Call", for which Elisabeth Reusse-Decrey is President and where she directs its operations, has meant that she frequently travels to different continents. 'Appel de Genève', who's aim is to obtain the agreement of insurgent movements to cease using anti-personnel mines, is today present in most countries which have internal conflicts and where it negotiates with concerned organisations as well as ensuring the effective destruction of arms. This intense activity requires Elisabeth Reusse-Decrey to travel frequently, and does not allow her – as she explained to the Council – to assume the tasks related to being President of OMCT.

The members of the Council and the International Secretariat thank Elisabeth Reusse-Decrey for the work she has carried out during the five years of her Presidency, her availability and unwavering support for the orientations and actions of the organisation.

Upon announcing her resignation, Elisabeth Reusse-Decrey proposed that **Olivier Mach**, (Switzerland), previously Treasurer and Vice-president of OMCT, replace her. His candidature was accepted unanimously. According to the statutes of OMCT, the Council, elected by the General Assembly, chooses the President, and as such, Olivier Mach has become President based on the Council decision. His long experience within the organisation and the devotion he has shown through the different positions he has taken on within the Council is a guarantee to the continuity of activities based on the direction defined by the General Assemblies.

As soon as he took up his position, the President proposed that

**José Domingo Dougan Beaca**, Treasurer of OMCT, be named Vice-president. José Domingo Dougan Beaca (Equatorial Guinea), international official of the United Nations High Commission for Human Rights, has participated actively for a number of years in the activities of OMCT. In particular, he took part in training sessions in Africa and collaborated on a regular basis with previous Presidents of OMCT's Council and the International Secretariat.

The new President also proposed appointing **Anthony W. Travis** (United Kingdom), expert-accountant, former «partner» with PriceWaterHouseCoopers (PwC) in Geneva, as Treasurer. Anthony W. Travis joined the Council in May 2005. His competence in the domain of financial management naturally designates him to take on the position as treasurer of the organisation.

During the session in May 2005, the Council also co-opted Anna Biondi and Yves Berthelot.

**Anna Biondi** (Italy), is the representative of the International Confederation of Free Trade Unions (ICFTU) in Geneva. She has participated in a number of international conferences relating to workers rights and followed cases concerning the repression of trade unionists for a number of years.

**Yves Berthelot** (France), former international official of the national administration, has for the last few years assumed the function of Deputy Secretary General of the United Nations Conference on Trade and Development (UNCTAD) and the Executive Secretary of the United Nations Economic Commission for Europe. For a number of years, Yves Berthelot has been part of OMCT's Scientific Council in the framework of the programme on economic, social and cultural rights.

The new President also announced that he envisaged convoking the OMCT General Assembly during the first quarter of 2007. Until then, he will put in place – at the heart of the Council – different thematic and organisational working groups to ensure that a maximum number of members of the SOS-Torture network – which counts 282 affiliated NGOs – can participate in this important meeting.

## Executive Council

### President

Olivier Mach

### Vice-Presidents

José Domingo Dougan Beaca

Denis von der Weid

### Treasurer

Anthony W. Travis

### Members

Yves Berthelot

Anna Biondi

José Figueiredo

Pascal O'Neill

Florence Notter

Elisabeth Reusse-Decrey

Christine Sayegh

## Assembly of Delegates

### Africa

Madeleine Afite, *Cameroon*

Innocent Chukwuma, *Nigeria*

Aminata Dieye, *Senegal*

Osman Hummada, *Sudan*

Guillaume Ngefa, *Democratic Republic of Congo*

### Latin America

Helio Bicudo, *Brazil*

Alberto Leon Gomez, *Colombia*

Ernesto Alayza Mujica, *Peru*

### North America

Al Bronstein, *United States*

### Asia

Joseph Gathia, *India*

Ravi Nair, *India*

Elisabeth P. Protacio, *Philippines*

Khalida Salimi, *Pakistan*

### Europe

Panayote Elias Dimitras, *Greece*

Nazmi Gür, *Turkey*

Hélène Jaffe, *France*

Tinatini Khidasheli, *Georgia*

Frauke Seidensticker, *Germany*

### Middle East and North Africa

Hasan Moosa, *Bahrain*

Radhia Nasraoui, *Tunisia*

Lea Tsemel, *Israel*

## Consultative Council

Susanna Agnelli

Francis Blanchard

Edouard Brunner

Bernard Comby

Hans Danelius

Leandro Despouy

Alexis Dipanda Mouelle

Toine van Dongen

Asbjorn Eide

Kurt Furgler

Konrad Ginther

Fritz Honegger

Peter Jankovitsch

Louis Joinet

Lea Levin

Bent Sorensen

Rodolfo Stavenhagen

Desmond Tutu

Liliane Uchtenhagen

Simone Veil

Jacques Vernet

Joseph Voyame

Amos Wako

Laurie Wisberg

## Organisation Committee

Carole Argand

Inès Bruntschwig-Mirabaud

Hélène Durand-Ballivet

Catherine Fauchier-Magnan

Agnès Geyres

Laurence Landman

Brigitte Lescure

Sibylle Montier

Anny Noels

Florence Notter

Pascal O'Neill

Brigitte Rivoire

Michaela Troyanov

## OMCT Foundation

### President

Florence Notter

### Members

Jean Bona

Olivier Mach

Antoine Maurice

François-Michel Ormond

Elisabeth Reusse-Decrey

Pierre de Senarclens



## International Secretariat

### Director

Eric Sottas

### Deputy Director

Anne-Laurence Lacroix

### Administrator

Hans-Peter Haslebacher

### Administration

Dorothea Hoehtker  
(Annik Malburet until april 2006)  
Carole Argand

### Computer systems

Alain Gross

### Website

Sébastien Courvoisier

### Accountants

Marc Aebersold, *Société NDC*

### Urgent Campaigns Programme

Evelien van Essen, *Manager*  
(Julia Double until January 2006)  
Clemencia Devia Suarez

### Urgent Assistance to Victims of Torture Programme

Anne-Laurence Lacroix, *Manager*

### Economic, Social and Cultural Rights Programme

Tom McCarthy, *Manager*  
Mohamed Lotfy

### Children's Rights Programme

Cécile Trochu, *Manager*

### Violence Against Women Programme

Mariana Duarte, *Manager*  
(Carin Benninger-Budel until September 2005)  
Alexandra Kossin

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

Delphine Reculeau, *Manager*

### Follow-up of States' International Commitments Programme

Patrick Mützenber, *Manager*  
Boris Wijkström, *Legal Counsellor*  
Leonor Vilas Costa and Victoria Lee, *Deputy Legal Counsellors*



**MARCEL LAUPER - EXPERT COMPTABLE  - GENÈVE**

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

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

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In accordance with the mandate with which we have been entrusted by your General Assembly, we have audited the annual accounts for 2005 up to 31 December 2005.

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

The financial year has shown an excess in spending of CHF 14,945.81. We confirm the legitimacy of the assets of CHF 1,452,313.42.

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

The auditors:

  
Marcel LAUPER

Geneva, 7 March 2005

Annex I: Balance sheet as at 31 December 2005

Annex II: Statement of income and expenditure in 2005

## Annex I

| <b>BALANCE SHEET AS OF</b>        | 31.12.2005          | 31.12.2004          |
|-----------------------------------|---------------------|---------------------|
| <b>ASSETS</b>                     | CHF                 | CHF                 |
| Cash funds                        | 2'971.34            | 4'428.52            |
| Postal check account              | 19'565.94           | 20'783.33           |
| Banks                             | <u>1'136'203.96</u> | <u>1'525'420.89</u> |
|                                   | 1'158'741.24        | 1'550'632.74        |
| Contributions                     | 222'515.05          | 195'603.33          |
| Costs paid in advance             | <u>71'057.13</u>    | <u>46'841.81</u>    |
|                                   | <u>1'452'313.42</u> | <u>1'793'077.88</u> |
| <b>LIABILITIES</b>                |                     |                     |
| Grants paid in advance            | 6'895.00            | 950'181.15          |
| Creditors                         | 231'535.90          | 229'491.35          |
| Other liabilities                 | <u>556'110.08</u>   | <u>352'630.08</u>   |
|                                   | 794'540.98          | 1'532'302.58        |
| Provision for specific activities | 490'000.00          | 305'000.00          |
| Differed income                   | <u>182'718.25</u>   | <u>197'718.25</u>   |
|                                   | <u>1'467'259.23</u> | <u>2'035'020.83</u> |
| <b>DEFICIT</b>                    |                     |                     |
| Deficit brought forward           | –                   | 54'972.80           |
| Surplus expenditures              | <u>14'945.81</u>    | <u>186'970.15</u>   |
|                                   | 14'945.81           | 241'942.95          |
| Coverage from the Support Fund    | <u>–</u>            | <u>– 241'942.95</u> |
|                                   | <u>14'945.81</u>    | <u>–</u>            |

## Annex II

### STATEMENT OF INCOME AND EXPENDITURE ON 31 DECEMBER 2005 (currency: CHF) with 2004 comparative

|   | YEAR 2005      | YEAR 2004      |
|---|----------------|----------------|
| <b>INCOME</b>   | 2'977'493.78   | 2'447'327.33   |
| Membership fees   | 9'397.85       | 12'383.80      |
| Donations "Club des Cent"                                   | 110'000.00     | 152'210.00     |
| Private donations   | 302'830.0      | 123'933.90     |
| Events & bridges  | 116'338.90     | 134'627.11     |
| Bulletins and various donations                             | 36'889.64      | 157'120.30     |
| Federal, cantonal, communal grants                          | 190'450.00     | 190'670.00     |
| Grants from European governments                            | 707'316.00     | 364'136.00     |
| Grants from foundations and others                          | 45'858.12      | 43'414.33      |
| Urgent Assistance to Victims of Torture                     | 300'569.56     | 209'370.76     |
| Children's Rights   | 126'424.42     | 51'559.98      |
| Violence against Women                                      | 104'832.28     | 75'472.82      |
| Human Rights Defenders / Observatory                        | 119'709.00     | 220'352.50     |
| Economic, Social and Cultural Rights                        | 318'600.85     | 215'796.91     |
| State Compliance  | 450'309.16     | 457'788.92     |
| Urgent Campaigns  | 37'968.00      | 38'490.00      |
| <b>EXPENDITURE</b>  | - 2'993'870.98 | - 2'637'476.20 |
| Urgent Assistance to Victims of Torture                     | 312'184.82     | 209'369.90     |
| Children's Rights   | 171'661.40     | 159'490.04     |
| Violence against Women                                      | 202'418.71     | 205'165.24     |
| Human Rights Defenders / Observatory                        | 309'695.55     | 306'829.87     |
| Economic, Social and Cultural Rights                        | 418'225.85     | 378'592.56     |
| State Compliance  | 918'568.32     | 652'057.47     |
| Urgent Campaigns  | 102'897.00     | 152'996.51     |
| Training  | 11'363.55      | 11'614.63      |
| Extensions  | 151'490.25     | 125'767.90     |
| Promotion   | 139'220.59     | 198'988.08     |
| Special and unforeseen events                               | 219'566.08     | 79'011.21      |
| Miscellaneous   | 36'578.86      | 157'592.79     |
| <b>RESULTS BEFORE CREDITORS INTERESTS AND OTHER INCOMES</b> | - 16'377.20    | - 190'148.87   |
| <b>CREDITORS INTEREST AND OTHER INCOMES</b>                 | 1'431.39       | 3'178.72       |
| Creditors interest  | 256.07         | 2'016.59       |
| Other income  | 1'175.32       | 1'162.13       |
| <b>EXCESS OF EXPENDITURES</b>                               | - 14'945.81    | - 186'970.15   |



## Annex II B

DETAILED PRESENTATION OF THE **RECEIPTS**  
FROM 1 JANUARY TO 31 DECEMBRE 2005 (currency: CHF)

### ACCOUNT RESULTS with 2004 comparative

| RECEIPTS                                       | YEAR 2005  | YEAR 2004  |
|--|------------|------------|
| <b>Membership fees</b>                         | 9'397.85   | 12'383.80  |
| <b>Donations "Club des Cent"</b>               | 110'000.00 | 152'210.00 |
| <b>Private donations</b>                       | 302'830.0  | 123'933.90 |
| <b>Events &amp; bridges</b>                    | 116'338.90 | 134'627.11 |
| <b>Bulletins and various donations</b>         | 36'889.64  | 69'641.50  |
| <b>Federal, cantonal, communal grants</b>      | 190'450.00 | 190'670.00 |
| Switzerland                                    | 150'000.00 | 150'000.00 |
| City of Geneva                                 | 18'000.00  | 18'000.00  |
| Others cantons (according to the list)         | 1'000.00   | 4'000.00   |
| Other communes (according to the list)         | 21'450.00  | 18'670.00  |
| <b>Grants from European governments</b>        | 707'316.00 | 364'136.00 |
| Finland  | 139'914.00 | 77'280.00  |
| France   | 77'960.00  | 107'954.00 |
| Lienchtenstein                                 | 15'000.00  | 15'000.00  |
| The Netherlands                                | 310'960.00 | 0.00       |
| Sweden (SIDA)                                  | 163'482.00 | 163'902.00 |
| <b>Grants from foundations and others</b>      | 45'858.12  | 43'414.33  |
| CCFD   | 40'858.12  | 38'414.33  |
| Migros   | 5'000.00   | 5'000.00   |
| <b>Urgent Assistance to Victims of Torture</b> | 300'569.56 | 209'370.76 |
| Canton of Geneva                               | 135'500.00 | 44'500.00  |
| Caritas Switzerland                            | 5'000.00   | 5'000.00   |
| Diakonisches Werk                              | 73'970.76  | 73'538.76  |
| Oak Fondation                                  | 37'968.00  | 38'490.00  |
| UN Voluntary Fund for Victims of Torture       | 48'130.80  | 47'842.00  |



|   |            |              |            |              |
|---|------------|--------------|------------|--------------|
| <b>Children's Rights</b>                    |            | 126'424.42   |            | 51'559.98    |
| European Commission (Prevention project)    | 39'777.19  |              | 20'807.38  |              |
| Juvenile justice handbook                   | 63'760.04  |              | 7'502.60   |              |
| Misereor Foundation                         | 22'887.19  |              | 23'250.00  |              |
| <b>Violence against Women</b>               |            | 104'832.28   |            | 75'472.82    |
| European Commission (Prevention project)    | 50'736.28  |              | 21'744.32  |              |
| ICCO  | 54'096.00  |              | 53'728.50  |              |
| <b>Human Rights Defenders / Observatory</b> |            | 119'709.00   |            | 220'352.50   |
| Oak Foundation                              | 37'968.00  |              | 38'490.00  |              |
| Hivos                                       | 0.00       |              | 99'911.50  |              |
| Sweden (SIDA)                               | 81'741.00  |              | 81'951.00  |              |
| <b>Economic, Social and Cultural Rights</b> |            | 318'600.85   |            | 215'796.91   |
| Switzerland (SDC)                           | 18'005.77  |              | 22'715.46  |              |
| Human Rights at Work Foundation             | 36'011.53  |              | 45'430.93  |              |
| ICCO  | 147'546.07 |              | 0.00       |              |
| Geneva International Academic Network       | 117'037.48 |              | 147'650.52 |              |
| <b>State Compliance</b>                     |            | 450'309.16   |            | 457'788.92   |
| Foundation for Geneva                       | 0.00       |              | 15'000.00  |              |
| European Commission (Prevention project)    | 433'642.51 |              | 426'076.57 |              |
| Switzerland (MFA)                           | 16'666.65  |              | 16'712.52  |              |
| <b>Urgent Campaigns</b>                     |            | 37'968.00    |            | 38'490.00    |
| Oak Foundation                              | 37'968.00  |              | 38'490.00  |              |
| <b>Audit</b>                                |            | 0.00         |            | 87'478.80    |
| Pro Victimis                                | 0.00       |              | 87'478.80  |              |
| <b>TOTAL RECEIPTS</b>                       |            | 2'977'493.78 |            | 2'447'327.33 |



## Annex II B

DETAILED PRESENTATION OF THE EXPENDITURE  
FROM 1 JANUARY TO 31 DECEMBRE 2005 (currency: CHF)

### ACCOUNT RESULTS with 2004 comparative

| EXPENDITURE   | YEAR 2005  | YEAR 2004  |
|---|------------|------------|
| <b>Urgent Assistance to Victims of Torture</b>                | 312'184.82 | 209'369.90 |
| Legal fees and costs  | 113'669.92 | 68'717.02  |
| Medical costs   | 64'567.99  | 77'429.93  |
| Social assistance   | 74'469.55  | 32'329.44  |
| Information campaigns,<br>case management and travel expenses | 59'477.36  | 30'893.51  |
| <b>Children's Rights</b>                                      | 171'661.40 | 159'490.04 |
| Personnel costs (according to time sheets)                    | 70'966.52  | 117'091.47 |
| Information campaigns   | 5'560.03   | 9'752.90   |
| Communications and publications                               | 78'355.46  | 5'091.02   |
| Procedures, lobbying and participation in committees          | 14'179.74  | 26'550.65  |
| Travel expenses   | 13'768.00  | 1'004.00   |
| <b>Violence against Women</b>                                 | 202'418.71 | 205'165.24 |
| Personnel costs (according to time sheets)                    | 118'297.84 | 152'165.90 |
| Information campaigns   | 8'600.97   | 12'022.24  |
| Communications and publications                               | 36'116.97  | 4'190.88   |
| Procedures, lobbying and participation in committees          | 25'634.93  | 33'017.22  |
| Travel expenses   | 13'768.00  | 3'769.00   |
| <b>Human Rights Defenders / Observatory</b>                   | 309'695.55 | 306'829.87 |
| Personnel costs (according to time sheets)                    | 205'686.76 | 193'753.60 |
| Information campaigns   | 17'428.75  | 288.81     |
| Communications and publications                               | 27'254.77  | 55'372.58  |
| Procedures and lobbying                                       | 46'413.55  | 41'147.18  |
| Travel expenses   | 12'911.72  | 16'267.70  |
| <b>Economic, Social and Cultural Rights</b>                   | 418'225.85 | 378'592.56 |
| Personnel costs (according to time sheets)                    | 181'822.66 | 240'960.28 |
| Information campaigns   | 12'678.05  | 11'292.98  |
| Communications and publications                               | 27'490.68  | 51'991.90  |
| Procedures  | 90'177.55  | 68'688.25  |
| Travel expenses   | 106'056.91 | 5'659.15   |

|  |            |              |            |              |
|--|------------|--------------|------------|--------------|
| <b>State Compliance</b>                              |            | 918'568.32   |            | 652'057.47   |
| Personnel costs (according to time sheets)           | 368'970.59 |              | 212'904.95 |              |
| Information campaigns                                | 90'924.16  |              | 72'308.17  |              |
| Communications and publications                      | 298'649.89 |              | 235'916.28 |              |
| Procedures, lobbying and participation in committees | 75'316.96  |              | 84'469.80  |              |
| Travel expenses                                      | 84'706.72  |              | 46'458.27  |              |
| <b>Urgent Campaigns</b>                              |            | 102'897.00   |            | 152'996.51   |
| Personnel costs (according to time sheets)           | 78'897.87  |              | 107'495.18 |              |
| Postage costs and electronic management fees         | 21'988.70  |              | 36'101.37  |              |
| Translations and publications                        | 0.00       |              | 0.00       |              |
| Travel expenses                                      | 2'010.43   |              | 7'275.96   |              |
| Development of the Internet website                  | 0.00       |              | 2'124.00   |              |
| <b>Training</b>                                      |            | 11'363.55    |            | 11'614.63    |
| Personnel costs (according to time sheets)           | 8'713.18   |              | 8'137.13   |              |
| Training seminars                                    | 983.18     |              | 1'602.60   |              |
| Telecommunication equipment                          | 1'667.19   |              | 1'874.90   |              |
| Travel expenses                                      | 0.00       |              | 0.00       |              |
| <b>Extensions</b>                                    |            | 151'490.25   |            | 125'767.90   |
| Development of network                               | 54'564.90  |              | 47'311.41  |              |
| Support for OMCT Europe                              | 96'925.35  |              | 78'456.49  |              |
| <b>Promotion</b>                                     |            | 139'220.59   |            | 198'988.08   |
| Personnel costs (according to time sheets)           | 56'643.04  |              | 122'559.09 |              |
| Telecommunication costs                              | 8'225.06   |              | 24'672.94  |              |
| Campaign and media costs                             | 12'034.60  |              | 24'037.62  |              |
| Travel expenses                                      | 8'110.51   |              | 6'614.38   |              |
| Administrative fees                                  | 57'207.38  |              | 21'104.05  |              |
| <b>Special and unforeseen events</b>                 |            | 219'566.08   |            | 79'011.21    |
| Personnel costs (according to time sheets)           | 17'675.97  |              | 31'019.22  |              |
| Telecommunication costs                              | 1'994.53   |              | 6'109.22   |              |
| Campaign and media costs                             | 1'857.54   |              | 2'468.60   |              |
| Travel expenses                                      | 0.00       |              | 320.05     |              |
| Meeting fees and assemblies                          | 198'038.04 |              | 39'094.12  |              |
| <b>Miscellaneous</b>                                 |            | 36'578.86    |            | 157'592.79   |
| Support day event                                    | 21'859.05  |              | 30'394.12  |              |
| Audit  | 14'719.81  |              | 127'197.86 |              |
| <b>TOTAL OF EXPENDITURES</b>                         |            | 2'993'870.98 |            | 2'637'476.20 |



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