

2007 Annual Report

ASSOCIATION FOR THE
PREVENTION OF TORTURE



Founded in 1977 by Jean-Jacques Gautier
Recipient of the Human Rights Prize of the French Republic, 2004
Recipient of the Prize of the Foundation for Geneva, 2004
Recipient of the Chico Mendez Prize, 2007



What is the Association for the Prevention of Torture?

The Association for the Prevention of Torture (APT) is an independent non-governmental organisation based in Geneva, operating globally to prevent torture and other ill-treatment. The APT was founded by the Swiss banker and lawyer, Jean-Jacques Gautier, in 1977.

Vision and Objectives

The APT envisions a world in which no one is subjected to torture or to cruel, inhuman or degrading treatment or punishment, as promised by the Universal Declaration of Human Rights.

The APT specialises in torture prevention, rather than the denunciation of individual cases. This approach enables the APT to collaborate with state authorities, police services, the judiciary, national institutions, academics and NGOs that are committed to institutional reform and changing practices. The APT has been leading the international campaign for the adoption, entry into force and effective implementation of the Optional Protocol to the UN Convention against Torture, an international legal instrument which seeks to open all places of detention to international and national scrutiny.

To prevent torture, the APT focuses on three integrated objectives:

1. Effective Legal Frameworks

To ensure that international, regional and national legal norms for the prevention of torture and other ill-treatment are universally promoted, respected and implemented.

2. Transparency in Institutions

To promote outside scrutiny and accountability of institutions where persons are deprived of their liberty, through independent visiting and other monitoring mechanisms.

3. Capacity Strengthening

To strengthen the capacity of national and international actors concerned with persons deprived of their liberty by increasing knowledge and commitment to prevention practices.

Standard-Setting Achievements

The APT has played a leading role in the establishment of international and regional standards and mechanisms to prevent torture, such as the Optional Protocol to the UN Convention against Torture, the European Committee for the Prevention of Torture and the African Commission's Robben Island Guidelines for the prevention of torture in Africa.

Status and Functioning

The APT is recognised by the Swiss authorities as a non-profit association. The work of the 17-person International Secretariat is supervised by an international Board elected by the annual General Assembly of members of the Association.

Funding

The APT is able to operate thanks to the generous financial support of: Association members, individuals, non-governmental organisations, foundations, United Nations agencies and governments, which are listed in this report.

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Preface from the Secretary General



On the move

2007 was a special year in many ways. It marked the 30th anniversary of the APT, the honour of receiving the Chico Mendez Prize from the Brazilian Tortura Nunca Mais group and a record year for field activities.

2007 was also the year of implementation, mostly at the national level, with an average of one activity a week throughout the world. This was made possible through the creation of two new regional programmes for Asia-Pacific and the Middle East and North Africa. Following the entry into force of the Optional Protocol to the Convention against Torture (OPCAT), the APT focused on supporting national partners in implementing the OPCAT and other torture prevention initiatives. Of all the states that have either ratified or signed the OPCAT, the APT has assisted 95% of the States Parties and 67% of the signatories. In addition to successful advocacy visits to Indonesia, Kyrgyzstan, New Zealand and Peru, one of the APT's main areas of intervention was to assist in the establishment of effective National Preventive Mechanisms (NPMs). This report illustrates certain encouraging examples, such as Benin, where the OPCAT is already starting to remedy the risk of torture.

A new and important partner emerged in 2007 in the form of the UN Subcommittee on the Prevention of Torture (SPT). It met three times in Geneva to develop its working methods and its programme of visits. In

addition, the SPT conducted its first two visits to Mauritius and the Maldives. As part of its comprehensive approach to preventing torture, the APT collaborated with the SPT both at the national and international level as well as with the Special Rapporteur on Torture (e.g. in Indonesia) and the Committee against Torture. In relation to the Convention against Torture, real progress was seen in countries such as Madagascar and Thailand.

In reaction to the disturbing use of the 'ticking bomb scenario' to justify torture and destroy its absolute prohibition, the APT brought together leading international experts to develop effective responses to challenge this misleading and dangerous scenario. The essential arguments against any ticking bomb scenario were published in a brochure and broadly distributed to the anti-torture movement.

All these achievements would not have been possible without the work of our dedicated staff and members of the Board as well as the support from our partners and donors. On behalf of the APT, I would like to thank all those who supported our work to prevent torture in 2007.

Unfortunately, it was also a sad year for the APT, as our colleague Laurence D'Esposito passed away, following her dignified battle against cancer. Her courage and philosophy remain an inspiration to the rest of the team and her family.

Thank you for your interest and support of our work worldwide in the prevention of torture.

Mark Thomson
Secretary General

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Preventing torture worldwide: 2007 APT activities

International and Regional Bodies

- ▶ OPCAT advocacy in UN (council, treaty bodies, general assembly) and regional mechanisms such as Inter American Commission and the African Commission
- ▶ APT's 30th anniversary meeting: defusing the ticking bomb scenario

Africa

- ▶ Advisory mission on the implementation of the UN Convention against Torture (UNCAT), **Madagascar**
- ▶ OPCAT advocacy missions in **Kenya, South Africa** and **Uganda**
- ▶ NPM seminars in **Benin, Senegal** and **Mali**

- ▶ Training courses for francophone National Human Rights Institutions and national NGOs (FIACAT) on torture prevention work, **Morocco** and **Mali**
- ▶ Participation in the African Commission on Human and Peoples' Rights work on the prevention of torture

The Americas

- ▶ NPM seminars in **Argentina, Bolivia, Costa Rica, Mexico** and **Paraguay, Peru**
- ▶ OPCAT promotion in **Canada, Peru** and **Bolivia**
- ▶ Training workshop on detention monitoring for national NGOs, **Mexico**
- ▶ Training members of civil society and the judiciary on monitoring places of detention, **Brazil**
- ▶ Training course for **Latin American NHRIs** on torture prevention work

Asia-Pacific

- ▶ Advocacy visits on the OPCAT to **Australia, Nepal, New Zealand** and **Timor Leste**
- ▶ Assisting and training NGOs in drafting shadow reports to the CAT, **Indonesia**
- ▶ Advising on **Thailand's** ratification and implementation of the UNCAT
- ▶ Advocacy visit on the UNCAT and the Optional Protocol, **Maldives**

Europe and Central Asia

- ▶ NPM seminars in **Albania, Armenia, Georgia** and **United Kingdom**
- ▶ Training judges on their role to prevent torture, **Georgia**
- ▶ OPCAT promotion in **France, Ireland, Kyrgyzstan, Moldova, Romania, Spain, Switzerland** and **Turkey**
- ▶ Advocacy work with European inter-governmental organisations (COE, EU and OSCE) for the prevention of torture

Middle East and North Africa (MENA)

- ▶ Prevention of torture programme in **Egypt**
- ▶ Regional seminar on monitoring human rights in places of detention in the MENA region, **Jordan**
- ▶ Advocating for the ratification of the OPCAT in MENA target countries, **Lebanon, Morocco** and **Yemen**



Message from the President



The APT's 30th anniversary, in 2007, provided us with an opportunity to reflect on the work of the APT and its partners, over the last three decades. The story of the concerted efforts to prevent torture by some remarkable

individuals and organisations is well presented in the recent APT publication "*Letting in the Light*", which I recommend you read.

However, these days the APT can't afford the luxury of reflecting too much on the past as numerous new demands are now made on the Association to assist and advise national actors who want to better prevent torture, and in particular implement the international treaty that we are so associated with: the Optional Protocol to the Convention against Torture (OPCAT).

So what stands out from last year, 2007, has been APT's evolution from a Geneva based advocacy body to an international organisation that now offers daily advice on implementing measures and mechanisms of torture prevention in countries throughout the world. This transition of the role of APT has been achieved by effective

evaluation and planning exercises, involving the Board and Staff of the APT, as well as bringing in new expertise to the Staff and Board. The forging of new partnerships with other institutions and consultants, along with the creation of two new APT programmes, for Asia-Pacific and the Middle-East & North Africa has also contributed to this growing global reach of the Association.

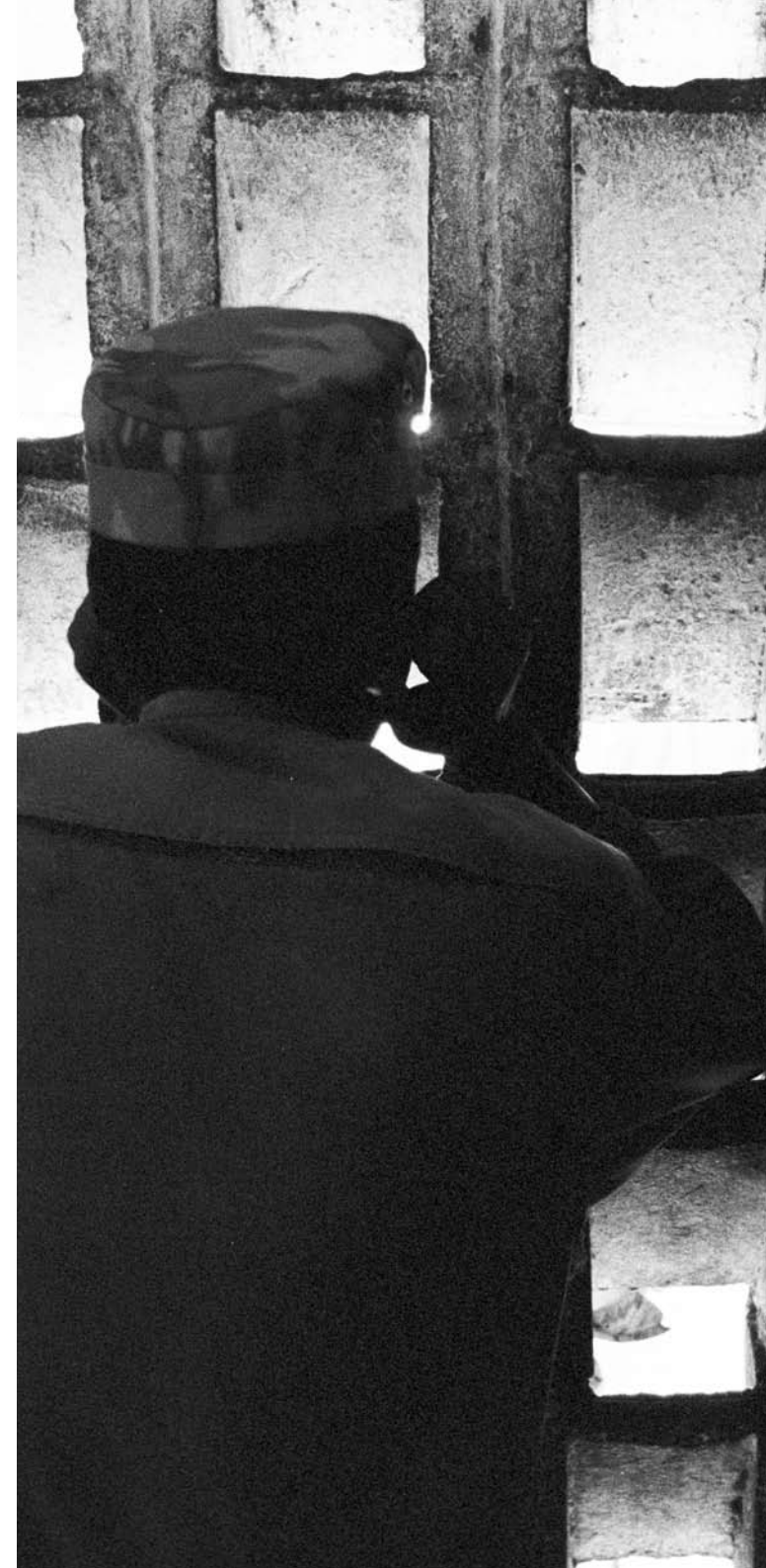
I am pleased to report that it is largely due to the dedication and professionalism of the APT Staff, Board, Advisory Council that we are starting to see some progress in the implementation of the OPCAT. Fortunately new partners in prevention are emerging and a welcome task for the APT is to assist and encourage these other important actors.

Finally, the increase of APT activities in the field came with a price of record expenditure. However, we were fortunate that our supporters matched that with increased contributions. We are counting on all those persons, foundations and governments to continue with their valuable support to enable us to respond to the global demands and historical opportunities for the Association.

Thank you for interest and support of our work.

Martine Brunschwig Graf
President

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A 101 ways to establish a National Preventive Mechanism

Not only did 22 June 2007 mark the first anniversary of the entry into force of the OPCAT, but it also marked the deadline for the establishment or designation of the first 20 national preventive mechanisms (NPMs). To help ensure that these mechanisms are adequately funded, representative, multi-disciplinary, independent and effective in visiting all places of detention, the APT assisted governments, National Human Rights Institutions (NHRIs), NGOs and other key actors in developing a dialogue to establish these NPMs. This strategic priority of the APT saw activities carried out in countries that had ratified, signed or were contemplating the ratification of the OPCAT. As there is no one NPM model to suit all countries, the focus was on developing models based on a review of existing visiting mechanisms and available resources. Through these activities, countries shared their experiences and best practices and provided the opportunity for the members of the new United Nations Subcommittee on the Prevention of Torture (SPT) to meet with their future national counterparts. This was especially important, as the international and national bodies will be working closely together to ensure effective prevention. APT missions to advice on NPMs were carried out in over 16 countries in Africa, Asia Pacific, Europe, Central Asia and Latin America (see highlights below).

National Level

Supporting an inclusive NPM process in Benin

As one of the first African countries to ratify the OPCAT, Benin was keen to design and establish an effective NPM. Together with the Ministry of Justice, the APT organised a seminar for 30 representatives from the



MR NÈVE (CPT), MS GASANA (UNDP), MR NIYIZURUGERO (APT), MS ZINKPE (MOJ) AND MR ALIA (MOJ) DURING THE SEMINAR IN BENIN

Ministries of Justice, Interior and Foreign Affairs, police, judiciary, penitentiary services and NGOs. This inclusive consultative process reviewed the obligations and implications of the OPCAT and carried out a situation analysis of existing visiting mechanisms. The seminar, which took place in July, resulted in recommendations which served as a roadmap to guide the authorities in establishing an effective NPM. This roadmap foresaw the establishment of a new institution. To ensure its independence, the draft legislation on the NPM included: an appropriate procedure to appoint expert members; a powerful mandate for the NPM; as well as an appropriate procedure for the approval of a budget and resources necessary for implementation. The 2007 seminar also set up an Ad Hoc Working Group to follow up on the implementation of the recommendations. The Working Group was tasked with assisting the Ministry of Justice to draft the NPM legislation, advocating for the adoption of the legislation by Parliament and appointing competent NPM members. The APT facilitated the first Working Group meeting to discuss a pre-

liminary draft of a law on the NPM. Benin's NPM model and inclusive process could become a prime example for other countries in the region.

The SPT advises on NPMs in Brazil

Brazil was the first State Party to formally invite a member of the SPT to provide advice on the establishment of its NPM as foreseen in its mandate. In April, Mario Coriolano, a member of the SPT, attended a seminar on the NPM which was convened by the Human Rights Secretariat of Brazil and the APT. The participants included NGOs, state human rights committees, representatives from the *Ministerio Público* and professional organisations, such as the Bar Association, Federal Council of Psychology, Union of Penitentiary Guards and representatives of the Human Rights Secretariat. They were familiarised with the OPCAT, NPM standards, NPM models under discussion in other countries and a potential model for Brazil. As a result of the seminar, the Brazilian Human Rights Secretariat re-evaluated its preliminary version of the bill of law before continuing inter-ministerial consultation.

High level advisory missions to Peru and Bolivia

As Bolivia and Peru were in the early stages of establishing their NPMs, the APT organised a high-level expert mission to both countries in September 2007. The delegation included two members of the SPT, Victor Rodriguez (Vice-president) and Mario Coriolano, as well as Marco Mona (former APT President). In both countries, the focus was on discussing NPM options and ensuring their compliance with the OPCAT. In the case of Peru, two NPM models were being examined,

A 101 ways to establish a National Preventive Mechanism

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MARIO CORIOLANO (SPT), CELIMA TORRICO (MINISTER OF JUSTICE OF BOLIVIA) AND VICTOR RODRÍGUEZ RESCIA (SPT)
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the most OPCAT compliant one being the Ombudsman's Office (*Defensoria del Pueblo*). The Peruvian process was unusual, as local NGOs were campaigning for the Ombudsman's Office to become the NPM due to its legitimacy and independence. In addition to the support of the NGOs, the Ombudsman Office also received a lot of support from other actors to take on this role.

In Bolivia, the Ministry of Foreign Affairs and the APT organised a workshop for over 40 representatives from the government and NGOs to follow-up on their discussion about the composition of the NPM and ensure its compliance with the OPCAT. The two missions were amongst the first high-level mission by the APT which involved SPT members, specifically to advise on NPM processes. The SPT's international perspective helped clarify the implications of the OPCAT and strengthened links between the international preventive body and the key actors who were developing the national ones.

Reviving the NPM process in Georgia

Throughout 2007 the APT continued its efforts to ensure that an NPM was established in Georgia. During its three visits, it participated in national seminars on NPMs and lobbied government officials. A roundtable in Tbilisi in June, which was co-sponsored by the APT, Penal Reform International and the Global Initiative on Psychiatry, was the second event of a three-year project entitled 'Prevention of Torture' to promote independent detention monitoring in accordance with the OPCAT. The seminar coincided with the deadline by which Georgia should have put in place its NPM. At the time, the authorities had made little headway in establishing such an institution. Nonetheless, the seminar, which was attended by around 70 governmental and non-governmental representatives, was a timely reminder to the government of its international human rights obligations. As a result of the seminars, the authorities became more aware of their obligation to establish an NPM as



GEORGIAN GOVERNMENT, NGOS AND THE APT DISCUSSING NPM ESTABLISHMENT DURING THE ROUNDTABLE IN JUNE
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A 101 ways to establish a National Preventive Mechanism

well as the form this mechanism should assume. In the meantime, civil society began elaborating its vision of such a body which it later submitted to the government. Following these seminars, the authorities were expected to move quickly to establish an NPM in early 2008.

Facilitating cooperation for an inclusive NPM process in Spain

As the dialogue between the Spanish government, the Ombudsman's Offices and NGOs was strained, the APT and AEDI, a Spanish Academic group, convened a roundtable for these national actors to discuss key issues for an NPM, namely its independence, decentralisation and transparency. In late 2007, the Ministry of Foreign Affairs (MFA) convened an official meeting with all the actors, including NGOs, to debate the NPM. At the event, the MFA announced that the mechanism would include a mixture of actors and anchored in law. Two working groups were formed to discuss the structure of the NPM. As a result of its involvement in both the government's and NGOs' processes, the APT played the role of facilitator, bringing different actors together to develop the most effective NPM.

Regional Level

Using MERCOSUR to promote NPMs to a broad audience

Member states of the Southern Cone Common Market (MERCOSUR) and associated states are at the vanguard of the ratification and/or implementation of the OPCAT. With the exception of Colombia and Venezuela, all the states have either ratified or signed the OPCAT.



MR BARREIRO (PARAGUAY MINISTRY OF FOREIGN AFFAIRS), MS GEREZ (APT) AND MR RODRÍGUEZ (SPT) AT THE OPCAT SEMINAR FOR MERCOSUR

The APT was invited to the MERCOSUR meeting of high-level human rights authorities, which took place in Paraguay in May, to organise a seminar on the implementation of the OPCAT for official representatives and several NGOs. In view of the advanced stages in the NPM processes in the region, four thematic panels were held during the meeting, which included: the process of designation, independence of NPMs, mandate and guarantees as well as inter-institutional relations. The seminar provided a platform for state actors to share their experiences in establishing NPMs and for international experts to highlight the minimum standards for an effective NPM. Not only was it the first regional meeting on OPCAT implementation, but it was also the first time three SPT members – Mario Coriolano, Victor Rodriguez and Miguel Sarre – participated in an NPM focused activity. The general trend in many countries from the region was to develop new mechanisms rather than designating existing ones. This regional platform

provided a great opportunity to reach out to state actors and certain NGOs in several countries and help follow-up their ratification or NPM processes.

Implementing the OPCAT in Europe and Central Asia

Armenia hosted the first regional meeting on the OPCAT for countries from Europe and Central Asia in November. Representatives from Armenia, Bulgaria, Georgia, Macedonia, Moldova, Montenegro, Ukraine and Tajikistan met during a seminar to discuss best practices in implementing the OPCAT, with a strong focus on NPMs. During the event, co-organised by the Armenian Helsinki Association, Bulgarian Helsinki Committee and the Open Society Institute's Assistance Foundation, the APT conveyed its experiences of interesting examples of emerging national visiting mechanisms. The participants shared their national experiences of independent detention monitoring and processes of establishing NPMs. In certain states there was progress in establishing the appropriate mechanisms, while in others there was very little headway. This regional meeting provided an important opportunity for the national actors to exchange ideas regarding how to approach the issue of OPCAT implementation.



Assisting the SPT in becoming a leading prevention body

Following its creation in December 2006, the United Nations Subcommittee for the Prevention of Torture (SPT) held its first three meetings in 2007 to begin developing its working methods to fulfil its mandate. Having focused on assisting the Office of the High Commissioner for Human Rights (OHCHR) in establishing this new body through expert meetings, working papers, lobbying for an adequate budget as well as emphasising the ideal profile of the body during the elections, the APT made itself available to the SPT and its Secretariat, offering its assistance or expertise on the implementation of the OPCAT. Prior to the Committee against Torture (CAT) and the SPT's meeting to discuss possible areas of cooperation, the APT organised a reception for the members of the two bodies to meet in an informal setting. The APT is establishing a promising working relation with the SPT respecting its *modus operandi*, while providing its members and staff with information and assistance.

Monitoring the establishment of the SPT

In preparation of the first meeting of the SPT, the APT sent each member key APT documents and publications on the OPCAT and NPMs. The APT also laid out its expectations of the SPT in a hearing for NGOs during the initial SPT meeting in February. This first session focused on developing the SPT's identity and discussing its programme of visits, future relationship with NPMs, development of partnerships and adoption of working methods. Upon the request of the SPT during this session, the APT drafted a position paper entitled "Providing the Subcommittee on Prevention of Torture with additional experts". During the second meeting in June, the SPT notified the authorities of Mauritius,



INAUGURAL MEETING OF THE NEW SUBCOMMITTEE
ON THE PREVENTION OF TORTURE

Sweden, Maldives and Paraguay of its plans to carry out visits to these four States Parties in 2007 and early 2008. Finally, during its third session in November, the SPT announced that the second phase of visits in 2008 would include Benin and Mexico.

Promoting the participation of the SPT in developing NPMs

In addition to its official visits to Mauritius and Maldives, the APT encouraged the SPT to take part in national and regional seminars or workshops to promote the OPCAT, provide its vision of NPMs and explain how the SPT could interact with the NPMs to ensure effective visits to places of detention. For instance, the APT invited SPT members or encouraged their participation in events in Bolivia, Brazil, Indonesia, Mexico, Paraguay and Peru.

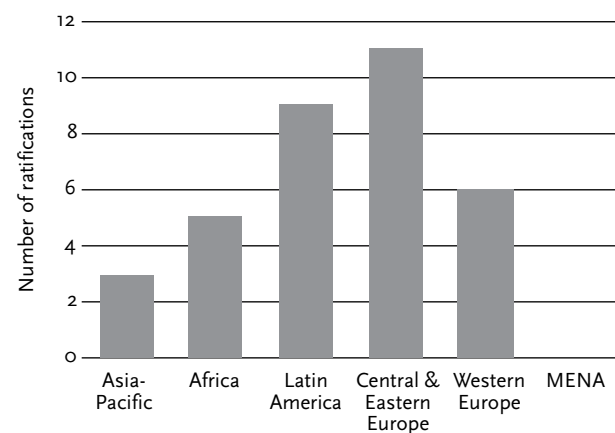
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Intensifying prevention activities in Asia-Pacific and MENA

When the OPCAT entered into force, there was only one State Party from Asia-Pacific and none from the Middle East and North Africa (MENA). The APT therefore created two new programmes to focus on the ratification campaign and other torture prevention activities in these regions. The APT's approach was to introduce torture prevention through training on visiting places of detention, advising on draft legislation to criminalise torture as well as providing support or advocating for the adoption or implementation of existing treaties, such as the UNCAT.

STATUS OF OPCAT RATIFICATIONS PER REGION



To identify the countries most likely to sign or ratify the OPCAT, the APT analysed the existing torture prevention activities in these regions. For the MENA ratification campaign, the focus was on Morocco, Yemen and Lebanon while for Asia-Pacific, APT focused on Australia, Indonesia, Nepal and Timor-Leste. The APT also advocated for the ratification of the UNCAT in Thai-

land, as the ratification process was close to completion. To reach out to broader audiences, the APT jointly organised a first regional conference on detention monitoring in Jordan and took advantage of the Asia-Pacific Forum annual meeting in Sidney to promote increased interest of National Human Rights Institutions (NHRIs) in torture prevention.

Middle-East and North Africa

Monitoring human rights in places of detention in the MENA region

Independent monitoring of places of detention is a relatively new approach in the prevention of torture in the region. However, authorities in certain states have increasingly begun opening up their places of detention and allowing independent observers to monitor human rights in their prisons and police stations. In other states, NGOs, lawyers and human rights institutions are stepping up their efforts to obtain access to



PARTICIPANTS AT THE FIRST REGIONAL SEMINAR ON MONITORING PLACES OF DETENTION IN MENA

prisons. Together with the Rehabilitation and Research Centre for Torture Victims (RCT), Jordanian National Centre for Human Right and Law Group for Human Rights (Mizan), the APT organised a joint seminar in Amman in September. All the participants were in some way involved in conducting independent visits to places of detention. They included human rights NGOs, national human rights institutions, parliamentarians, law firms and ministries of human rights. The participants were from Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Morocco, Palestine, Qatar, Syria, the United Arab Emirates and Yemen. This was the first time they were able to exchange their experiences, working methods, best practices and discuss common challenges. They also drew lessons from the experiences of international bodies such as the SPT and the International Committee of the Red Cross (ICRC) and from countries in other regions (e.g. Bulgaria). In addition, many participants discovered the OPCAT and its implications for their work. Meanwhile, international actors such as RCT, ICRC, OHCHR, Amnesty International (AI), the SPT and the UN Special Rapporteur on Torture benefited from this unique opportunity to gain an overview of detention monitoring in the region. At the end of the seminar, participants issued a declaration calling for increasing independent monitoring of human rights in places of detention. They also created a network for organisations involved in detention monitoring in the region.

Supporting OPCAT ratification in Morocco

Due to Morocco's favourable position to influence states in Africa and the Middle East, Morocco is a priority country for OPCAT advocacy. Since a visit in 2006,

Intensifying prevention activities in Asia-Pacific and MENA

when senior government officials responded positively to the APT's arguments to ratify the OPCAT, there have been a number of follow-up meetings in Morocco and in Geneva. In 2007, the Inter-Ministerial Commission on Public Liberties, which is responsible for recommending the ratification of treaties, programmed the OPCAT as part of its agenda. During the follow-up meetings, the APT continued advocating for the ratification of the instrument and provided advice on the implications of the OPCAT to the Minister of Justice, members of the penitentiary system and NGOs. The Ministry of Justice approached the APT to conduct a training workshop programmed for early 2008 for judges, attorneys, police chiefs as well as magistrates to discuss their new legislation for the criminalisation of torture. The APT also continued supporting NGOs in their national ratification campaign and presented the implications of the establishment of an NPM.

Asia-Pacific

Promoting the implementation of the CAT and its Optional Protocol in Maldives

As the first country to ratify the OPCAT in the Asia-Pacific region, the APT was keen to support Maldives in strengthening its torture prevention measures, including the establishment of its NPM. In April, the APT brought together representatives from government agencies, Human Rights Commission and NGOs to discuss the state's obligations under the UNCAT and the OPCAT as well as the concept of preventive visits. During the seminar, participants looked at existing visiting structures and assessed their level of compliance with the Protocol. In addition, the practical aspects of



DISCUSSION ON THE METHODOLOGY OF VISITING PLACES OF DETENTION IN MALDIVES
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the monitoring functions were analysed in the presence of representatives of visiting structures and detention facilities. The participants came up with suggestions for changes to ensure that new pieces of legislation such as the Penal Code, Criminal Procedure Code and Prisons Bill complied with the requirements of the UNCAT. Furthermore, the participants considered the options for their NPM, namely to designate the Human Rights Commission or create a new one. Following the seminar, the APT sent the resulting recommendations to the government to assist in the establishment of their NPM. In November 2007, the Human Rights Commission officially became the NPM.

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Intensifying prevention activities in Asia-Pacific and MENA

Promoting comprehensive torture prevention measures in Nepal

Since the examination of Nepal by the Committee against Torture (CAT) and the visit of the UN Special Rapporteur on Torture in 2005, Nepal has seen the emergence of a new political context in which torture prevention work is likely to yield results. In March, the APT visited Nepal to explore potential collaboration to implement the recommendations of the CAT and the Special Rapporteur, advocate for the prevention of torture and promote the ratification and implementation of the OPCAT. The APT met the government, National Human Rights Commission (NHRC), NGOs and OHCHR. As the government was drafting new legislation to criminalise torture, the APT offered to provide advice on this law before its submission to parliament.

To strengthen the preventive initiatives in Nepal, the NGO Advocacy Forum, OHCHR and the APT organised a roundtable on the implementation of the UNCAT and the ratification of the OPCAT in September. The roundtable brought together the Attorney General, the Speaker of parliament, government representa-

tives from the Department of Penitentiaries and the Ministry of Justice, NHRC and NGOs to discuss how Nepal's obligations under the UNCAT could best be reflected in domestic legislation. They also discussed capacity building of key stakeholders, such as training law enforcement personnel as well as meth-



THE EXECUTIVE DIRECTOR OF ADVOCACY FORUM AND THE SPEAKER OF THE NEPALESE INTERIM PARLIAMENT LAUNCHING THE NPM GUIDE IN NEPALI

odologies to visit places of detention. The roundtable also resulted in the creation of an informal task force composed of national non-governmental actors and OHCHR to follow-up the drafting of the anti-torture law and the ratification of the OPCAT with the support of the APT. This second visit also provided the APT and the Advocacy Forum with the opportunity to promote the OPCAT during a public ceremony to launch the new Nepali versions of APT's monitoring and NPM guides.

Developing national preventive measures in Indonesia

Due to its imminent reporting on the implementation of the UNCAT and its interest in ratifying the OPCAT, the APT carried out complementary activities in Indo-

nesia. These included: strengthening the capacity of NGOs to produce an alternative report for the CAT, raising awareness and advocating for the OPCAT through the translation of key materials and high level meetings, and providing training on detention visits.

As part of a training programme, a member of staff from the Indonesian NGO ELSAM spent 3 months at the APT. Her close involvement in the management of the project made her an ideal partner upon her return to Indonesia. The materials translated into Bahasa Indonesia included the OPCAT Manual, the Monitoring Guide and the guidelines on alternative reporting. The public launch of these tools was used to raise awareness about the OPCAT and its implications.

In July, the APT met key government officials, National Commission on Human Rights (NCHR – known as Komnas HAM), academics and United Nations Devel-



MANFRED NOWAK (SPECIAL RAPPORTEUR ON TORTURE) AND APT'S PHILIPPE TREMBLAY AT A ROUNDTABLE TO DISCUSS THE UNCAT IN INDONESIA



Intensifying prevention activities in Asia-Pacific and MENA

opment Programme to discuss the ratification and implementation of the OPCAT and measures to implement the CAT. In addition, the APT and the OMCT also organised a workshop to strengthen the capacity of local NGOs, who were part of the National Coalition of NGOs on Torture, to prepare their shadow report on the UNCAT. The APT had previously supported the NGOs reporting to the CAT in 2001. During a workshop in November, the NGOs discussed the data collected and analysed for inclusion in the shadow report.

On the occasion of the visit of the UN Special Rapporteur on Torture in November, the APT organised a roundtable discussion on the implementation of the UNCAT and the ratification of the OPCAT. These discussions among key stakeholders provided policy-makers with a number of practical measures to improve the implementation of international standards related to

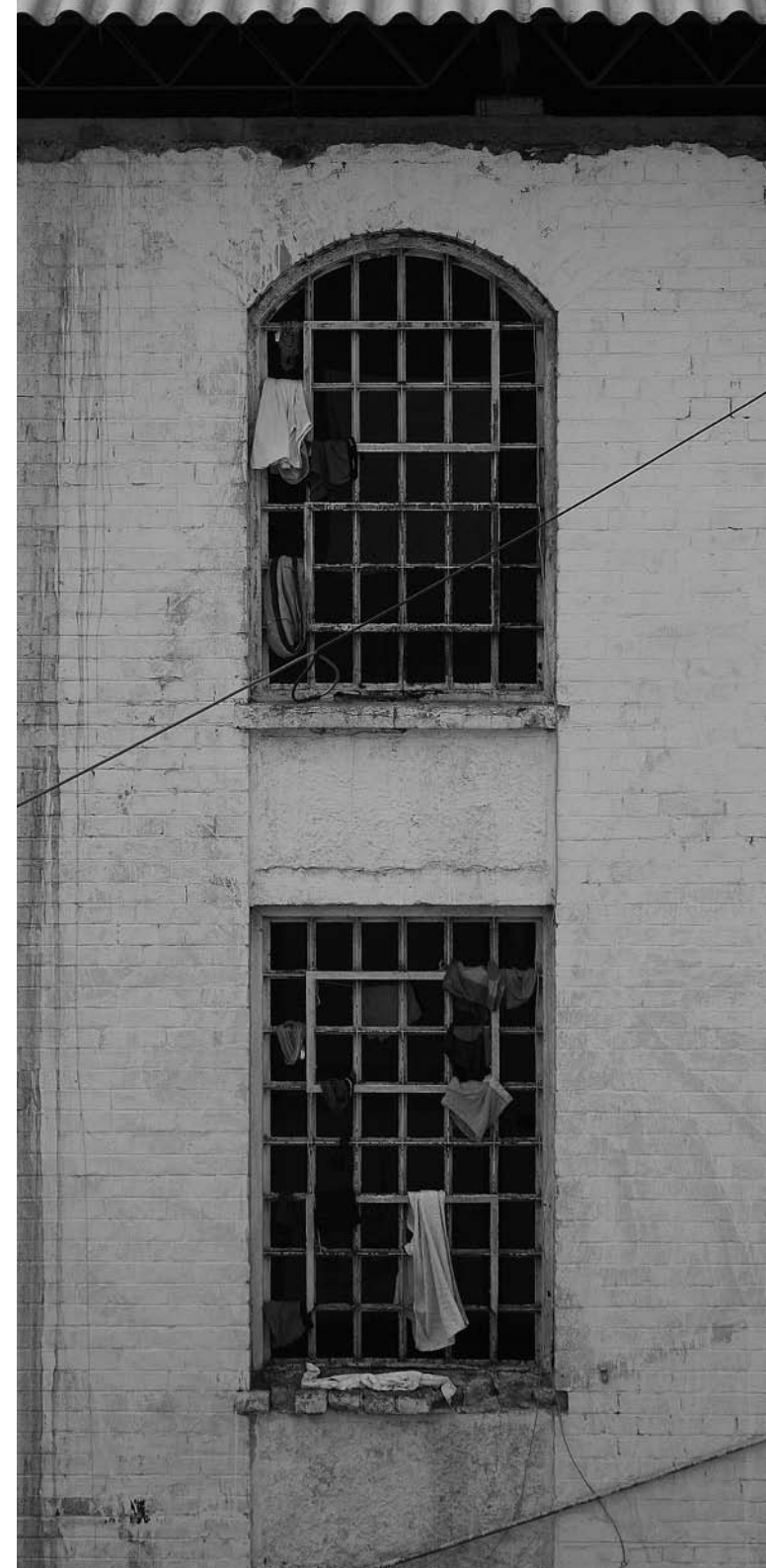
the protection of the rights of people in detention. In addition, the new team of commissioners of the NCHR, who were appointed in August 2007, developed a better understanding of their role in detention monitoring.



Setting the foundations for the prevention of torture in Timor Leste

Since its independence in 2002, Timor-Leste has acceded to many international treaties as part of its nation-building. In November, the APT conducted an advocacy visit to promote increased torture prevention through the ratification of the OPCAT and to discuss the challenges of implementing the UNCAT. The APT met government officials, the NHRI and NGOs to discuss the reporting process for the UNCAT and ensure a high-quality review of their initial report. In addition, the APT assessed the level to which the mandate and detention monitoring activities of the NHRI (*Provedoria de Direitos Humanos e Justiça*) complied with the OPCAT. Discussions with local human rights NGOs focused on their role in the work of the UNCAT and the campaign on the OPCAT. Finally, the APT met with international actors to discuss the legal and political challenges faced by the country in preventing torture. As a result of this visit, the APT identified potential partners and avenues for substantial cooperation. It also provided copies of the OPCAT manual and Monitoring Guide in Bahasa Indonesia, Portuguese and English to increase the understanding of the OPCAT.

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Promoting the OPCAT and the UNCAT to effectively prevent torture

To ensure that torture prevention becomes a reality in countries that have not yet ratified the OPCAT, the APT also works to increase the effectiveness of existing regional and international mechanisms. Through such activities, key national actors gain better understanding and strengthen their capacity to prevent and address torture. This also helps pave the way for the eventual ratification of the OPCAT. In 2007, the APT combined many OPCAT advocacy missions with training and capacity strengthening of existing mechanisms (see highlights below).

At the international level, the APT lobbied at the 3rd Committee of the UN General Assembly and the Human Rights Council and worked closely with other actors to reinforce the absolute prohibition of torture. The APT also monitored the work of the Committee against Torture and provided comments on its 2nd General Comment on the implementation of article 2 on the absolute prohibition of torture.

Promoting the implementation of the UNCAT in Madagascar

2007 saw the initiation of three years of activities in Madagascar to advocate for the ratification of the OPCAT and for the effective implementation of the UNCAT. Having assisted the Ministry of Justice during the UNCAT ratification process, the APT returned to Madagascar to run a seminar on the implementation of the UNCAT and to review existing legislation and practices to identify the gaps and areas of potential reform. The government bodies and civil society organisations drew up a plan of action to guide the Ministry of Justice with the incorporation of UNCAT provisions and other



PARTICIPANTS AT A SEMINAR ON THE IMPLEMENTATION OF THE UNCAT IN MADAGASCAR

preventive measures in national legislation. It also led to the creation of a Follow-up Commission consisting of the Ministry and civil society to work on legislation reforms as well as establish visiting mechanisms and design training programmes. This process also reinforced the strategic partnership between the government and NGOs in combating torture. The next stage of the three-year project is to support the process of drafting and submitting the initial report to the CAT.

Independent detention monitoring of closed institutions in Kyrgyzstan

To promote independent detention monitoring and the ratification and implementation of the OPCAT, the APT, OHCHR and the Organization for Security and Cooperation in Europe's Academy sponsored two roundtables in Bishkek in October. The first one, 'Independent Detention Monitoring of Closed Institutions in Kyrgyz-

stan', was attended by government and civil society representatives to discuss their joint experiences – both positive and negative – of monitoring places of detention and the possibility of ratifying the OPCAT. At the time, draft legislation for the ratification of the instrument had already been submitted to parliament for its consideration. This event raised awareness about the implications of the OPCAT, especially among government representatives.

The second event aimed to support civil society in ensuring that the instrument was both ratified and that an effective national visiting mechanism is established. During the two events, the experiences of other countries were relayed in relation to the ratification and implementation of the OPCAT and the best practices were drawn from these national processes. In particular, the Civil Society Institute in Armenia was invited to speak about the organisation's successful ratification campaign.

Both events gave civil society greater impetus and



KYRGYZ NGOS BEING TRAINED ON THE RATIFICATION AND IMPLEMENTATION OF THE OPCAT

Promoting the OPCAT and the UNCAT to effectively prevent torture

campaigning knowledge to ensure that the instrument becomes a reality in the near future. The examples and campaign techniques from other countries were especially useful in this respect. The event was also used to officially launch the APT's NPM Guide in Russian and motivated local actors to start translating APT materials into Kyrgyz for better access to national actors.

Advising on Thailand's ratification and implementation of the UNCAT

As the ratification of the UNCAT was understood to be imminent, but not guaranteed, the APT's intervention was seen to be important in securing the ratification and laying the foundation for its effective implementation. To mark the International Day in Support of Victims of Torture (26 June), a high level roundtable was organised with the National Human Rights Commission (NHRC), to discuss the implementation of the



continued to have questions about obligations related to specific aspects of the UNCAT, discussions focused on the challenges raised by Thailand's ratification of the instrument. As a result, the participants gained increased understanding of the necessary measures to fully implement the UNCAT as well as the reporting process before the Committee against Torture. A second workshop was organised for the staff and commissioners of the NHRC, NGOs and law enforcement officers to discuss methodologies of visits to places of detention using the new Thai version of the Monitoring Guide. This workshop strengthened the capacity of the participants to conduct visits to all types of places of detention and make appropriate recommendations based on their observations. On 2 October 2007, Thailand ratified the UNCAT. The APT will follow-up with the relevant actors to ensure the effective implementation of the instrument.



INTERVIEWING DETAINEES DURING A PRISON VISIT IN THAILAND

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Promoting the OPCAT and the UNCAT to effectively prevent torture

Promoting the OPCAT to prevent ill-treatment in Ireland

On 7 September, the Ministry of Foreign Affairs announced that the country intended to sign the OPCAT in the following weeks. This announcement coincided with the first national meeting on the OPCAT, which was organised the same day by the Irish Council for Civil Liberties (ICCL). The speakers included the President of the SPT, Silvia Casale, and an APT representative. The event was designed to raise awareness about the OPCAT as a torture prevention instrument and to examine the issue of establishing an NPM. Although signature of the instrument was already under consideration by the authorities, the ICCL-sponsored event may have prompted the timing of the Ministry of Foreign Affairs' announcement. It is hoped that this initial roundtable by the ICCL will inspire other national actors to take a lead on discussions regarding the form and structure of Ireland's NPM. On 2 October 2007, Ireland signed the OPCAT.

Strengthening the capacity of key actors in torture prevention

Training French-speaking and Spanish-speaking NHRIs on torture prevention

As part of the capacity building programme for NHRIs, 'Actors for Change', the APT and the OHCHR launched a training course for French-speaking and Latin American NHRIs. For the distance learning phase, CD-ROMs were developed in both French and Spanish.



PRACTISING A PRISON VISIT AS PART OF THE FRENCH-SPEAKING NHRI COURSE IN MOROCCO

Twenty-one representatives from French-speaking NHRIs from Burkina Faso, Cameroon, Canada, Egypt, Haiti, Mauritius, Morocco, Mali, Niger, Rwanda, Senegal and Togo took part in the training course. Following the 8 week distance-learning course based on the CD-ROM and individual tutoring, the participants of 13 NHRIs attended a workshop in Morocco (May 2007). Having completed the theoretical part on the legal and technical aspects of torture prevention, the workshop provided practical skills training. The workshop, which was co-hosted by the Moroccan NHRI (Consultative Council on Human Rights), focused on applying the

knowledge to concrete national contexts, including a training visit to the prison of Salé. In the final phase, participants drafted action plans on torture prevention to present to their institutions. This training course strengthened the capacity of NHRI staff in monitoring places of detention and torture prevention. The workshop also contributed to reinforcing APT's relationship with the Moroccan NHRI as well as the commitment of its members to the OPCAT.

In the second half of 2007, the APT conducted the same training course in Latin American countries. Thirty participants from 12 NHRIs from Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Panama, Paraguay, Peru and Venezuela took part in the distance-learning phase. In November, 28 participants met for the practical workshop in Costa Rica, which was co-hosted by the Costa Rican NHRI. As part of the practical training programme, there was a visit to several units of the prison 'La Reforma' and to a detention centre for immigrants. The discussions encouraged the exchange of experiences and participants also drafted action plans for their institutions.



PARTICIPANTS FOLLOWING THE NHRI TRAINING COURSE IN LATIN AMERICA

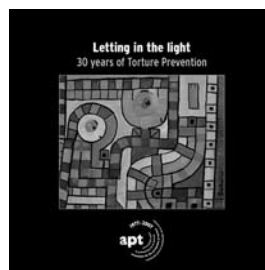
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Training Mexican NGOs on Monitoring places of detention

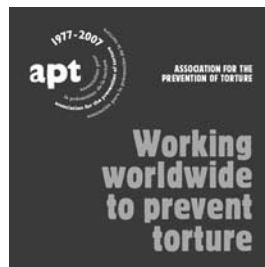
At the request of the Human Rights NGO Network 'All Human Rights for Everyone' (RedTdT), the APT trained NGOs on detention monitoring in Mexico in March. The workshop covered basic methodology for detention monitoring and addressed the specificities of prisons, police stations, migrant detention centres and psychiatric institutions. It also provided the 25 participants from 16 local NGOs with the opportunity to exchange experiences and discuss the harmonisation of practices, which is especially important in a federal state. Participants shared their diverse experiences in the preparation, conduct and follow-up of a visit. The workshop also improved the understanding of the difference in monitoring methodology between 'complaint-based visits' and 'preventive visits'. The workshop marked a first step in harmonising visiting practices, including through the possible development of a checklist of issues and questions. As Mexico was in the process of developing its NPM, the APT also explained the potential role of NGOs under the OPCAT and the process of designating the NPM. The Mexican member of the SPT, Miguel Sarre, was present for these discussions.

New tools for the prevention of torture



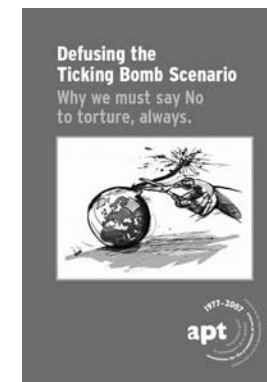
With the entry into force of the OPCAT, the increased focus on NPMs and the creation of the two new regional programmes of the APT, 2007 saw a proliferation of new APT materials, an increase in translations of existing ones and the revamp of its website. 2007 was also a special year for the APT, as it turned thirty. This was an occasion to look back on three decades of work and up-date promotional materials. To mark the occasion, the logo was revamped and a new flyer was produced in Arabic, English, French, German, Russian, and Spanish. Publications to mark the occasion included a brochure on the ticking bomb scenario and the one entitled "Letting in the light: 30 years of torture prevention", which covered 10 key landmarks and 30 key actors involved in the prevention of torture and the work of the APT over the past three decades.

In support of the new programmes in Asia-Pacific and the MENA regions, one of the priorities was to translate key APT tools into certain languages from these regions. The Monitoring Places of Detention guide was translated into Arabic, Bahasa Indonesia and Thai. The OPCAT manual was translated into Bahasa Indonesia. In addition, the Frequently asked Questions leaflet on the OPCAT was translated into Arabic, Bahasa Indonesia, Kyrgyz and Thai.



Defusing the ticking bomb scenario: expert seminar and brochure

In popular culture and political debates, the possible use of torture to prevent a terrorist attack in a hypothetical "ticking bomb scenario" is a hot topic. Yet this scenario ultimately seeks to destroy the hard-won absolute prohibition of torture under international and national laws. In presenting certain acts of torture as justifiable by distorting the reality and manipulating emotions and ethical reasoning, the scenario represents a threat to global anti-torture efforts. As part of a series of activities to mark its 30th anniversary, the APT convened a meeting of experts in Geneva in June to discuss responses to this scenario. This was the first time the international anti-torture movement and experts on



counter-terrorism/national security intelligence came together to develop effective responses to challenge the 'ticking bomb scenario' and produce practical public materials on the issue. The resulting brochure provides essential arguments against any proposed 'ticking bomb' exception to the prohibition of torture. It

exposes the misleading and flawed hidden assumptions and emphasises the toxic effect of torture on societies that tolerate it. In 2007 the brochure was made available in English and French and a translation was started in Arabic.

New tools for the prevention of torture

NPM Guide and Toolkit

As most States Parties were in the middle of establishing their NPMs, the priority was to produce the guide 'Establishment and Designation of National Preventive Mechanisms' in many languages to assist them with the process. In 2007, the guide came out in Arabic, Bahasa Indonesia, French, Macedonian, Nepali, Russian, Serbian, Spanish and Turkish. They were either produced by the APT or its international or national partners, who

also broadly disseminated these tools to key actors including governments, NHRI and NGOs. The rest of the kit was also printed in English with certain sections in French and Spanish according to need.



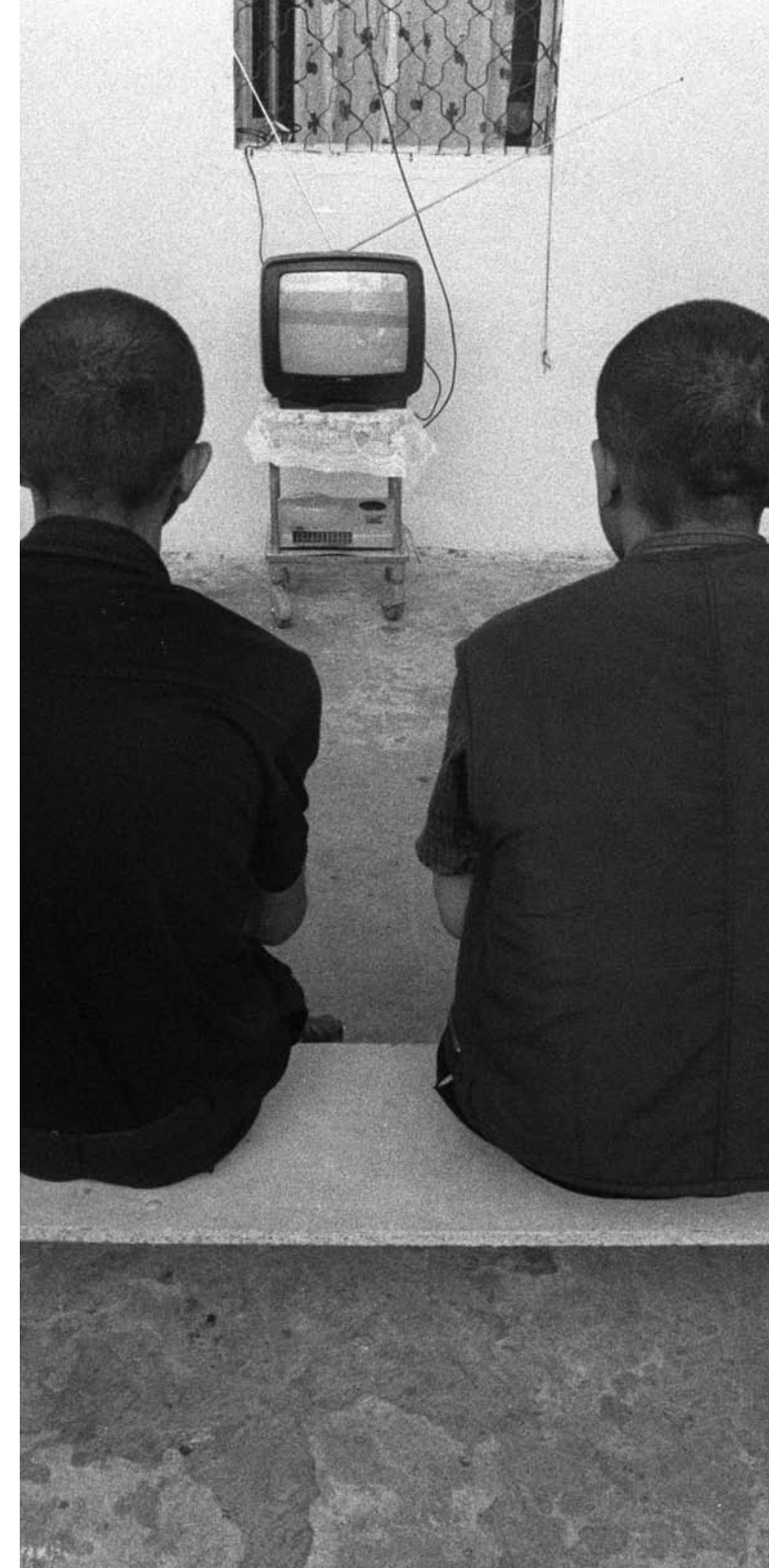
New website and e-bulletin

To remain at the forefront of providing some of the most up-to-date information on the OPCAT, SPT and NPMs, as well as the APT's country engagement, the APT redesigned its website, with some of the content being available in French. Additional focus was given to the APT publications, which are available as free downloads. Since the re-launch of the website in March 2007, the top 50 APT publications were downloaded 147'205 times.

To keep partners, working in the prevention of torture, up-to-date with the recent and upcoming activities, the APT also began producing periodic e-bulletins to complement the print newsletter. The e-bulletin is available in English, French and Spanish.



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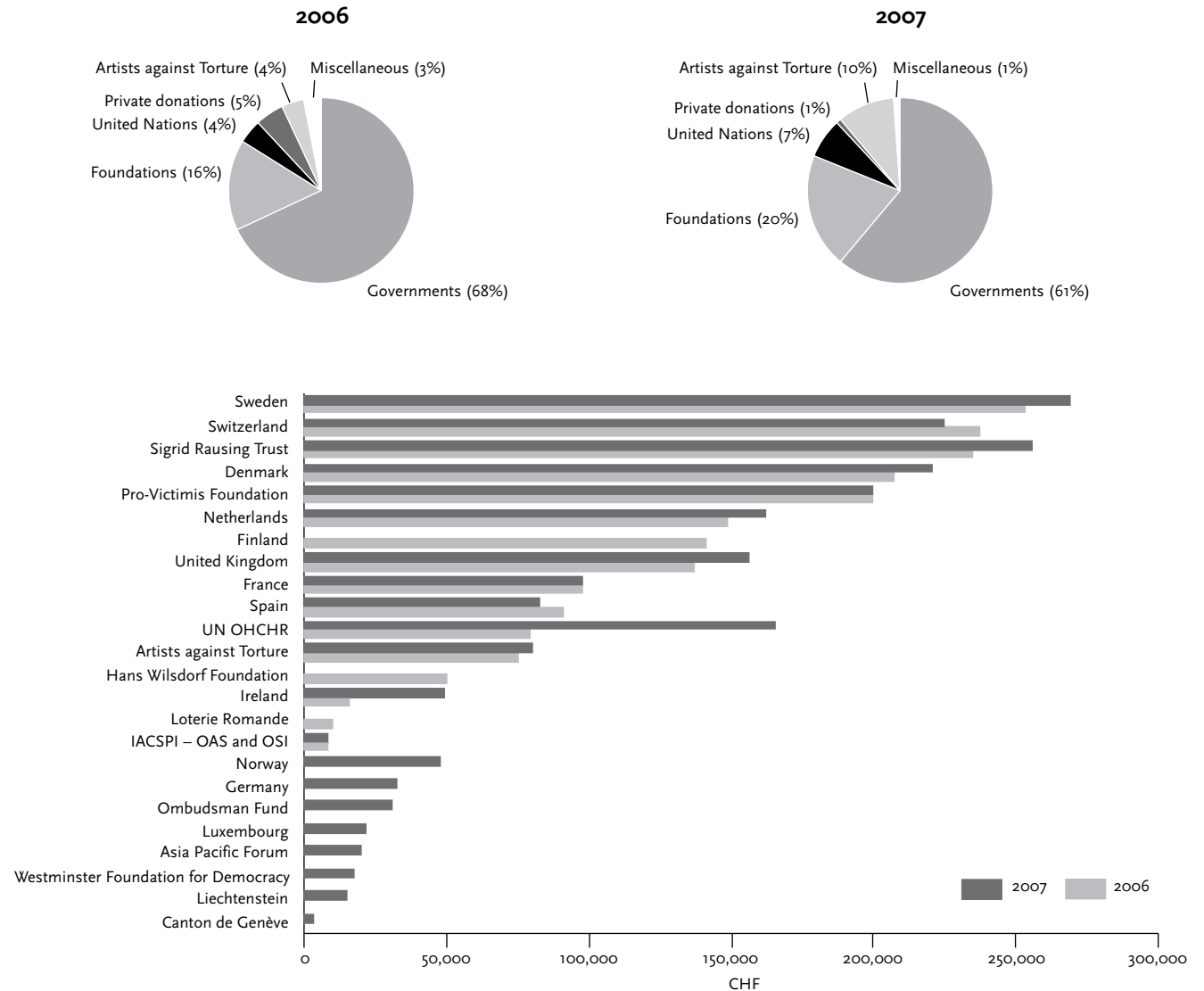


Budget and accounts

The APT's fundraising strategy which aims at diversifying sources of funding and strengthening existing partnerships was successful in 2007. As displayed in the charts below, the percentage of foundations rose from 16% to 20%. This is due to the renewed support of private foundations such as the UK based Sigrid Rausing Trust. The Westminster Foundation for Democracy became a new donor of the APT by supporting our projects in the MENA region. The Geneva based Pro Victimis Foundation remained a vital support of the APT throughout the year.

In 2007, preliminary steps were also taken to affiliate the APT with the US Internal Revenue Service (IRS). This will allow the APT to access the prominent US market of philanthropic foundations. By obtaining the status of non-profit organisation with the IRS, the APT should be able to secure support from US based foundations with a special interest in our work.

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