



2006

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



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. 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.

2. 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.

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.

APT International Secretariat

Route de Ferney 10
P.O. Box 2267
1211 Geneva 2
Switzerland
Tel: + 41 22 919 21 70
Fax: + 41 22 919 21 80
E-mail: apt@apt.ch
Website: www.apt.ch

Donations may be made to the APT through:

Swiss Post Office Account

CCP 12-21656-7

UBS Bank Account

UBS SA
Case postale
CH-1211 Genève 2
APT account number: 279-C8117533.0
IBAN: CH62 0027 9279 C811 7533 0
BIC: UBSWCHZH80A

Credit Card

Please visit the APT website: www.apt.ch



Preface from the Secretary General

2006: A big step forward in torture prevention worldwide

I recently met up with the Director of the Danish Institute for Human Rights who had asked me in 2001, where I saw the organisation in five years time. I was therefore pleased to report that with a lot of hard work, timely support and a bit of luck, we had achieved our main objectives, namely to:

- Enable the Optional Protocol to the Convention against Torture (OPCAT) to be adopted;
- Ensure its rapid entry into force;
- Further develop a clear institutional strategic approach focused on prevention;
- Create an APT team (staff and Board) capable of responding to demands from the field for training and advice; and
- Manage the evolution of an organisation working primarily on standard-setting to one that could be more 'operational' in implementing norms and prevention practices worldwide.

The successes of 2006 were not just the culmination of the past five years, but were the result of thirty years of hard work by a group of determined visionaries in the APT, partner organisations and governments. These tireless individuals should be praised for the historic achievements of 2006, namely the entry into force of the OPCAT and the subsequent establishment of an international Subcommittee on Prevention.

In addition to these achievements at the international level, 2006 also marked an increased focus of the APT on creating effective national preventive mechanisms (NPMs) to regularly visit places of detention. The importance of focusing on developing effective NPMs was reinforced when I visited Paraguay last October. I was moved to tears by testimonies of torture victims, whose suffering had been made worse by a prevailing impunity of the perpetrators and a lack of rehabilitation of these victims. Through the opportunity presented by the entry into

force of the OPCAT, these individuals are now leading the way, through government and NGO collaboration, to establish an NPM. Paraguay goes to show how a country with a painful history of torture can become an example of an inclusive national process to ensure torture prevention.

The historic milestones of 2006 could not have been achieved without the outstanding work of our dedicated team of staff and members of the Board, especially our excellent President of the past 16 years, Marco Mona. Without his passion, commitment and wisdom, the APT would not be where it is today. Thank you Marco! We are pleased to welcome a long-standing friend of the APT and Member of the Swiss Federal Parliament, Martine Brunschwig Graf, as our new President. I would also like to thank our many committed international and national partners, who carry out invaluable and complementary work to the APT's activities.

In coming years, our national partners are going to need all the support they can get from the APT and other key actors to further advance the effective prevention of torture. International agencies, NGOs, foundations and donor governments must seize this opportunity, presented by the OPCAT, to bring about a new era of prevention, with all the challenges it entails.

On behalf of the APT and the beneficiaries of our efforts, I would like to sincerely thank all the supporters of our international prevention work.

I hope you enjoy reading some of our successes in 2006.

May our collaboration continue,

Mark Thomson
Secretary General

Contents

Preface from the Secretary General	1
Preventing torture worldwide: 2006 APT activities	2
Messages from the APT's Past and Present Presidents	3
30 years to make torture prevention a reality	4
Promoting transparency in institutions	9
Supporting the implementation of effective legal frameworks	11
Strengthening the capacity of key actors to prevent torture	13
Budget and accounts	17
APT staff in 2006	18
APT Board and Advisory Council in 2006	19

Preventing torture worldwide: 2006 APT activities

INTERNATIONAL AND REGIONAL BODIES

- OPCAT advocacy at UN Treaty Bodies, Council and General Assembly (**Geneva and New York**); Inter-American Commission (**Washington**); African Commission (**Gambia**)
- OSCE Human Dimension Implementation Meeting, **Warsaw**
- Group of Specialists on Human Rights and the Fight Against Terrorism, Council of Europe, **Strasbourg**
- Submissions on illegality of secret detention to Council of Europe, EU and Venice Commission
- UN Treaty Body Reform meeting, **Liechtenstein**
- IPU seminar on the Administration of Justice, **Geneva**
- OPCAT States Parties' meeting, **Geneva**

AFRICA

- OPCAT advocacy missions, **Senegal, Ghana and Uganda**
- Seminar on designing an NPM, **South Africa**
- Police training, Mauritius; ICRC African Police training, **South Africa**
- Civil society training, **Uganda**
- FIACAT African NGO training, **Cameroon**
- NGO training on Robben Island Guidelines, **Burundi**

THE AMERICAS

- OPCAT ratification seminar, **Guatemala**
- NPM workshops, **Honduras, Paraguay, Uruguay, Argentina and Mexico**
- Monitoring workshop, **Brazil**
- Central American Ombudsmen training, **Panama**
- OPCAT advocacy missions, **Chile and USA**
- Follow-up CAT recommendations mission, **Chile**

ASIA

- OPCAT advocacy missions, **The Philippines and Indonesia**

- UNCAT advocacy mission, **Thailand**
- NPM seminars, **South Korea**

MIDDLE EAST AND NORTH AFRICA

- AI diplomatic assurances meeting, **Lebanon**
- OPCAT advocacy mission, **Morocco**
- Prevention advocacy, **Egypt**

EUROPE AND CENTRAL ASIA

- OPCAT advocacy missions, **Spain and Baltic States**
- OPCAT seminars, **Armenia and Montenegro**

- Trainings on detention monitoring, **Kazakhstan and Azerbaijan**
- NPM seminars, **Georgia, United Kingdom, Spain, Armenia and Moldova**
- IHF prison visits evaluation workshop, **Bulgaria**
- Torture Prevention workshops, **Turkey**
- Police oversight, **Russia**
- Police training, **Switzerland**
- Mental Disability Advocacy Center meeting, **Budapest**
- Seminar for European NHRIs on Torture Prevention, **Poland**



Messages from the APT's Past and Present Presidents



Goliath was not intelligent, but then did not need to be...

This is my last message as President, as I now cede my place to a new President who will assume the responsibility and the pleasure of leading this unique organisation: unique in its style and specialised focus, in its achievements and in

the recognition it has received. It is a great pleasure to see Mrs. Martine Brunschwig Graf at the head of the APT. I consider myself fortunate to be leaving the presidency in such good hands. Thank you Madam President, for bringing your strong abilities and commitment to this grand endeavour!

Now, why do I mention Goliath in the title? I do so because I would claim the role of David for the APT, who used his intellect to succeed against his monstrous enemy. To achieve as much as the APT has, one must not only be intelligent, but tenacious and tireless. The APT merits such adjectives thanks to its succession of three excellent Secretary Generals: François de Vargas, Claudine Haenni and Mark Thomson. They have directed the APT with foresight and passion. They have made the APT what it is today: a small but self-confident NGO with huge potential. This is due above all to the wonderful team of women and men who have passed through the APT since 1991 and with whom I have had the pleasure to work. I owe them a lot and am happy to be indebted to them, as it means I will remain active in certain areas such as training the police or assisting in the creation of national preventive mechanisms under the OPCAT.

Yesterday, a police officer asked me why I remained so committed to torture prevention, considering how this scourge persists around the world. He was skeptical about the impact of such work. However, I reassured him that we, human rights NGOs, are unwavering and resilient. As John Locke said, we aspire only to be part of the struggle for freedom and to remove the few obstacles that lie between us and a better and more just world.

Marco Mona

President

(from 1991 to June 2006)



2006: A turning point for the APT

Accepting the presidency of the APT was an easy decision, given how Marco Mona, the President through these years of struggle and hard work, has laid the way. 2006 represents the rewards of his

efforts and those of the whole team in our "cabane". They pursued steadily what others may have considered only unrealistic dreams, until with the entry into force of the OPCAT in June 2006, they achieved the vision of Jean-Jacques Gautier.

I am full of admiration and gratitude for the long distance Marco has brought us. The art of being a president is also to allow those who are on the frontline to commit themselves fully to the success of the project. Thank you Marco to have played this role, which permits me to express the thanks of the APT Board and Advisory Council to Mark Thomson and the team.

To reach such a milestone often brings new challenges. The implementation of the Subcommittee for Prevention at the international level, and the establishment of national preventive mechanisms have opened new areas of intervention. Before, the task was to convince people of the merits of these institutions in the abstract; now, we must fully engage in the process of making them a reality, by providing our expertise while being careful not to spread ourselves too thin. It will be necessary to strengthen even further our skills of communication. The battle does not end with the entry into force of the OPCAT; now we must breathe life into its provisions. Together we will assemble our forces and meet the duty that falls to us now.

Martine Brunschwig Graf

President

(since June 2006)

© DONNCHA O'CAOLIMH

30 years to make torture prevention a reality

2006 marked a breakthrough for torture prevention worldwide. After 30 years of working to make this global torture prevention treaty a reality, the APT was pleased to welcome the entry into force of the Optional Protocol to the Convention against Torture (OPCAT) on 22 June, following the necessary 20 ratifications. This instrument aims to prevent torture and ill-treatment by establishing a two-pillar system of regular visits to all places of detention carried out by complementary international and national bodies. As the UN Special Rapporteur on Torture, Manfred Nowak noted: “The OPCAT is the most important development for the effective prevention of torture at the universal level”. At a time when the absolute prohibition of torture is under sustained pressure from the ‘war on terror’, the entry into force of the OPCAT is even more significant.

After the adoption of the OPCAT in December 2002, the APT began its ratification campaign to ensure a rapid entry into force of the instrument. As part of the campaign, there was a strong focus on promoting the instrument in Latin



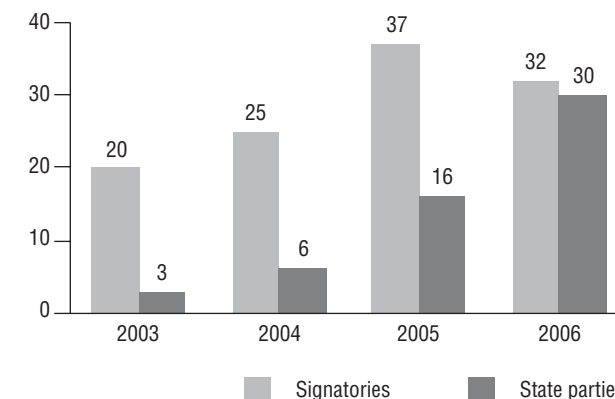
NATIONAL SEMINAR ON TORTURE PREVENTION IN THE PHILIPPINES ORGANISED BY THE UNITED AGAINST TORTURE NGO COALITION.

America and Europe, as many countries in these regions were most likely to ratify the OPCAT and ensure its rapid entry into force. However, the APT also led its campaign in under-represented regions such as Asia, Africa and the Middle East. To initiate national debates and ratification processes in these regions, missions were conducted to Morocco, the Philippines, South Africa, Ghana and the Republic of Korea. Ghana and South Africa were amongst the six additional countries that became signatories to the OPCAT in 2006, while the Republic of Korea and Morocco were considering the steps for its ratification. Furthermore, the APT and its local partners organised regional events in Kazakhstan, Latvia and Panama to introduce the OPCAT to a broad range of stakeholders from Central Asian, Baltic and Central American states. In addition to the key stakeholders that it has been regularly lobbying in multilateral forums (e.g. the African Commission and the Inter-American Commission), the APT further developed its network of organisations keen to campaign for the OPCAT. It reached out to bodies such as the Civil G8 Summit in Moscow, the London-based Commonwealth Secretariat and the Asian Forum for Human Rights and Development (FORUM-ASIA) in Bangkok.

The entry into force of the OPCAT

By December 2005, 16 states had ratified the OPCAT and, as a result, only 4 were needed for the mandatory 20 States Parties for its entry into force. By 23 May 2006, these 4 ratifications were obtained, triggering the 30-day countdown which resulted on 22 June in the long-awaited entry into force of the instrument. In 2006, a total of 14 countries ratified the OPCAT making it the year when the most ratifications took place. As part of its OPCAT ratification campaign, the APT lobbied over half of these governments, namely those of Armenia, Benin, Estonia, Honduras, Peru, Senegal and Spain. In total, the APT

OPCAT status of ratifications and signatures since its adoption in 2002



conducted advocacy missions to promote the ratification of the OPCAT in 19 countries in 2006.

The entry into force of the OPCAT coincided with the first session of the UN Human Rights Council in June. The President of the Council, the Ambassador of Mexico, Mr. Luis Alfonso de Alba, praised the first 20 States Parties for their commitment to torture prevention and urged all member states of the Council, that were not party to the OPCAT, to conclude their ratification processes as soon as possible. As many as 20 of the 65 states competing for a seat on the Human Rights Council vowed to pursue the ratification of the OPCAT as a priority objective in the pledge of support of their formal bid.

During the Council, the Office of the High Commissioner for Human Rights (OHCHR) and the APT co-hosted a side-event entitled ‘Step forward for torture prevention’, which was attended by numerous government representatives and human rights experts. The Deputy High Commissioner, Ms. Khan Williams, the Special Rapporteur on Torture, Prof. Nowak, the Chairman of the Committee against Torture, Mr. Mavrommatis, as well as

30 years to make torture prevention a reality



MR. MAVROMMATIS, MS. KHAN-WILLIAMS, MR. THOMSON AND MR. NOWAK AT THE APT-OHCHR SIDE EVENT ON 22 JUNE.

the APT Secretary General, Mr. Thomson, shared their experience and vision of the OPCAT in the fight to prevent torture.

The following examples illustrate some of the activities that were carried out to promote the OPCAT in some of the most under-represented regions. An overview of all the activities can be found on the global map of activities in 2006 (see page 2).

Promoting the OPCAT in Morocco

During a visit to Morocco in May, senior government officials responded positively to the APT's arguments to ratify the OPCAT and Morocco's favourable position to influence states in both Africa and the Middle East. The visit was hosted by the Moroccan national human rights institution (*Conseil Consultatif des Droits de l'Homme*) and supported by the Permanent Mission of Morocco to the UN and the Swiss Embassy in Rabat. The delegation met senior representatives at the Ministries of Justice, the Interior and Foreign Affairs and the Bureau of the Prime Minister, who welcomed the idea of adhering to this instrument. To encourage broader support for the OPCAT, the APT also met local human rights NGOs, inter-governmental organisations and foreign diplomats who were committed to the ratification process. Since the visit, there has been an

agreement amongst all the ministries to ratify the instrument in the near future.

Working with the OSCE to promote the OPCAT

The Organization for Security and Co-operation in Europe (OSCE) is an influential body in terms of human rights policies in the region. The APT closely cooperated with the OSCE to promote independent detention monitoring as conceived under the OPCAT. The APT participated in national events co-organised by OSCE Missions in Montenegro, Europe's youngest country (July and November) and in Moldova (November). Prior to the second roundtable seminar in Montenegro, the state became a signatory to the instrument. Thus, the discussion during the roundtable focused on steps to establish an effective National Preventive Mechanism (NPM) and further facilitated the national discussion on OPCAT ratification. In February, the APT introduced the monitoring component as foreseen in the OPCAT at a Central Asian regional event on independent detention monitoring in Kazakhstan. Government and non-government representatives from Kazakhstan, Kyrgyz Republic, Tajikistan and Uzbekistan attended the



DELEGATION INSPECTS NEW PRISON FACILITY IN PODGORICA, MONTENEGRO.
© OSCE

© DANZIGER, NICK



30 years to make torture prevention a reality

seminar to discuss the contribution of independent monitoring of detention facilities to eradicate human rights abuses.

During the annual OSCE Human Dimension Implementation Meeting in October, the APT co-sponsored a side-event on the OPCAT with Penal Reform International and the governments of Belgium, Denmark, Switzerland and the United Kingdom (UK). During the side-event, representatives from Armenia, Georgia, Poland and the UK shared their experiences in establishing NPMs with 70 participants from 30 countries. These participants gained first-hand knowledge of the OPCAT and the importance in having an open and inclusive national debate to establish an effective NPM. The APT also explored further collaboration with some of the participants for torture prevention work in the region. Due to the multiple invitations received from the OSCE, the APT was able to reinforce its position as a key partner for this organisation.

Independent monitoring in the Baltic States

The concept of monitoring closed institutions by independent external bodies in Estonia, Latvia and Lithuania was promoted during a roundtable co-sponsored by the APT and the Latvian Centre for Human Rights. Governmental, non-governmental and Ombudsman's Office representatives learnt about the working methods of the Northern Ireland Human Rights Commission, the Netherlands' Police Cell Supervisory Scheme and the European Committee for the Prevention of Torture on monitoring closed institutions. When the OPCAT was introduced, the participants examined the obstacles preventing Estonia, Latvia and Lithuania from either signing or ratifying the instrument, including the need to designate or create one or more NPMs. A representative from the UK Department for Constitutional Affairs shared their experience of signing and ratifying the instrument and the steps to effectively implement the OPCAT. In December, Estonia ratified the OPCAT.

Facilitating the establishment of an effective International Subcommittee on Prevention

The 18th of December 2006 marked the creation of the Subcommittee on Prevention, the new international expert body with unrestricted access to all places of detention in OPCAT states. The APT was pleased to see a strong Subcommittee elected by the States Parties.

To ensure that the OPCAT had a strong Subcommittee, the APT worked closely with representatives from international, regional and national visiting mechanisms during a series of expert meetings. Between the entry into force of the OPCAT and the election of the Subcommittee, the APT focused on two main areas: the selection of strong members of the Subcommittee and the allocation of sufficient resources to support the effective functioning of the new body.

To support the development of the Subcommittee, the APT produced two position papers in English, French and Spanish for the OHCHR, the States Parties and national NGOs to ensure the selection of strong candidates. The first one focused

on the mandate of the Subcommittee identifying the main features of this new body. Meanwhile, the second paper examined the selection process of its members interpreting the provision of the OPCAT on the nomination of Subcommittee members. This included the APT's position on the election process at the national level and the development of criteria for the ideal profile of a candidate. The list of criteria for effective members included: experience in conducting visits to places of detention, medical or legal background, being independent, experience working with, or in the police. This information was provided to national actors to support their selection processes. For an effective Subcommittee, the individuals needed to be competent for the post and the body required a balance of lawyers, doctors and other experts who represent different regions. The APT lobbied all States Parties to ensure a thoughtful and serious election process which took into consideration the specificity of the body's mandate.

As a new UN body, the Subcommittee needed adequate funding and staff to implement its mandate. The APT lobbied key member states, relevant divisions of the United Nations headquarters and the OHCHR both in Geneva and New York to ensure the necessary human and financial resources were allocated to the Subcommittee. During the 5th Committee debates in New York, it was announced that the OHCHR had earmarked funds to initiate the work of the Subcommittee in 2007, starting with its first session in February.

THE MEMBERS OF THE SUBCOMMITTEE

Ms. Silvia Casale (United Kingdom)

Mr. Mario Luis Coriolano (Argentina)

Ms. Marija Definis Gojanovic (Croatia)

Mr. Zdenek Hajek (Czech Republic)

Mr. Zbigniew Lasocik (Poland)

Mr. Hans Draminsky Petersen (Denmark)

Mr. Victor Manuel Rodriguez Rescia (Costa Rica)

Mr. Miguel Sarre Iguiniz (Mexico)

Mr. Wilder Tayler Souto (Uruguay)

Mr. Leopoldo Torres Boursault (Spain)

30 years to make torture prevention a reality

Researching and advising on the establishment of effective NPMs

The OPCAT requires each State Party to set up an NPM to monitor places of detention at national level. Together with the Subcommittee, the NPMs are responsible for visiting and monitoring all places of detention, including prisons, police stations, psychiatric institutions, juvenile and migrant centres in each State Party. Independence, unannounced and repeated visits, private interviews with detainees, and access to all relevant information: these will be cornerstones of the work of the NPMs and Subcommittee. While the Subcommittee will bring a wide scope of international expertise to each national context, the NPMs will be aided by their knowledge of the national context in applying international standards. NPMs will also be well-positioned to conduct more frequent visits than the Subcommittee in a given country.

With the entry into force of the OPCAT, the implementation of strong NPMs has become a major priority for the APT. To assist national actors with the challenge of developing effective NPMs under the OPCAT, the APT produced an 'NPM Implementation Kit' and provided technical and legal advice on specific NPM proposals and processes to national stake-



Such discussions took place during missions to Chile, France, Guatemala, South Africa, Switzerland and the Republic of Korea. The APT also provided input on NPM development to countries that it did not visit, such as written submissions to New Zealand and Germany.

Unlike existing UN mechanisms, the Subcommittee and NPMs do not require specific invitations from state authorities to carry out visits. Any state that ratifies the OPCAT commits itself to opening the doors of all its detention facilities to external and independent scrutiny. Visits and other forms of monitoring will provide a basis for expert assessment and concrete recommendations by the NPMs. Such repeated and unrestricted visits by independent bodies are central to effective torture prevention. Not only do they have a deterrent effect, but they also promote the systematic examination and improvement of the treatment and conditions of detention of persons deprived of their liberty.

© GASSMANN, THIERRY



PROMOTING THE RATIFICATION OF THE OPCAT DURING A SEMINAR ON TORTURE PREVENTION IN THE REPUBLIC OF KOREA.

30 years to make torture prevention a reality



THE OPCAT MANUAL IS A NEW POLICE TOOL IN URUGUAY.

Inclusive NPM process in Paraguay

To ensure that an effective NPM is set up, an inclusive national consultation on the implementation of the OPCAT took place in Paraguay in November. It brought together survivors of torture, human rights activists, government representatives, police officials and other national authorities to discuss the implications of the OPCAT ratification, and more specifically, the designation of the NPM before the June 2007 deadline. The UN Special Rapporteur on Torture, Manfred Nowak, whose official visit coincided with the event, spoke of the complementarity of his mandate and the OPCAT to prevent and address torture. This event was organised by the Ministry of Foreign Affairs, the Human Rights NGO Network CODEHUPY and the APT, and was funded by the Spanish Ministry of Foreign Affairs and the Organization of American States (Inter-American Civil Society Partnership Initiative). Following the debates, the participants elected a Working Group of 13 representatives of the state and civil society to draft an NPM proposal by 31 March 2007. A Second National Forum will be held in April 2007 to mobilise political support for the draft NPM proposal.

Promoting National Preventive Mechanisms in South Africa

In cooperation with the South African Human Rights Commission (SAHRC), the APT organised a roundtable on OPCAT ratification and implementation in South Africa in April. During a visit in October 2005, it was agreed to open a national dialogue on the OPCAT and to establish a plan of action for its ratification and implementation. The resulting roundtable brought together over 70 participants from state institutions, parliamentary bodies, Chapter 9 (of the South African Constitution) Institutions, diplomats, academics, civil society and the judiciary. They assessed the ratification process and analysed the implications of implementing the OPCAT, especially of establishing an NPM.

As a follow-up to the roundtable, it was recommended that SAHRC evaluate existing monitoring mechanisms to places of detention. This could include examining the legal framework and identifying gaps in the system to prevent and eliminate

torture. Secondly, SAHRC agreed to help establish and support an ad hoc Committee on Torture to lobby for the OPCAT ratification and the criminalisation of torture in national law. All the key stakeholders, such as members of the legislature, civil society, government and Chapter 9 Institutions are expected to be part of this Committee. The latter should also lobby for the restructuring of agencies to act as NPMs and help disseminate information about the CAT and the OPCAT to key stakeholders, including in neighbouring countries.



APT REPRESENTATIVES WITH THE CHIEF COMMISSIONER OF SOUTH AFRICAN POLICE SERVICES.

Promoting transparency in institutions

Increasing the transparency and accountability of institutions through independent monitoring has been at the heart of the APT's work since its inception. The most notable success in achieving this objective has been the drafting, adoption and entry into force of the OPCAT. Over the past 30 years, the APT has been working to promote regular scrutiny and accountability of institutions to reduce the incidence of torture in places of detention. As a result, the APT has developed considerable expertise in monitoring places of detention.

In 2006, the APT increasingly worked on deepening its knowledge on some of the less 'traditional' places of detention in accordance with the OPCAT's broad definition of 'places where persons are deprived of their liberty'. In addition, it carried out missions to countries that had not yet ratified the OPCAT to ensure that other forms of monitoring were set up in their national contexts. To draw the attention of the international human rights community on the issue, the APT also organised a panel discussion entitled 'Prison Break'.

Prison Break: Visiting Prisons – Preventing Torture

In June, to celebrate the entry into force of the OPCAT and publicise the culmination of decades of dedication to the prevention of torture, the APT organised a panel discussion



PANELLISTS DISCUSSING THE ROLE OF VISITS AND THE OPCAT DURING THE PRISON BREAK DISCUSSION.



LOUISE ARBOUR SHARING HER EXPERIENCE AND EXPECTATIONS OF THE OPCAT DURING THE PANEL DISCUSSION.

entitled 'Prison Break', which was attended by the High Commissioner for Human Rights, Ms. Louise Arbour. Drawing from her past experience as a magistrate and chairperson of a commission of inquiry looking into alleged abuses against inmates, Ms. Arbour insisted on the novelty of the OPCAT and its potential to bring about fundamental change in the perception of detainees as rights-holders. In addition, the panelists drew from their diverse experiences as chief inspectors of prisons, police officers, Committee for the Prevention of Torture (CPT) member and human right lawyers, to discuss the importance of visits in torture prevention and the history of the OPCAT and its potential within the broader international human rights system. However, a Tunisian panellist highlighted the fact that opening places of detention to independent scrutiny and instruments such as the OPCAT remain a dream in many countries.

© HEGGER, BORIS



Promoting transparency in institutions



Deepening knowledge of all places of detention

As the APT is increasingly working with a broad variety of 'places of detention', the Visits Programme began developing new partnerships with actors specialised in thematic issues regarding detention. For instance, the APT became a member of the new International Coalition on Detention

of Migrants and began cooperating with the World Health Organization (WHO) on monitoring mental health facilities. The latter involved contributing to the development of a WHO guide on monitoring the human rights of people with mental disabilities.

The Visits Programme also provided training on visiting methodology and standards to national actors in South Korea, Brazil, Azerbaijan and Uganda. This was done through train-



GROUP WORK DURING THE TRAINING WORKSHOP IN UGANDA.

ing sessions using the APT publication "Monitoring Places of Detention: a practical guide". In 2006, national actors translated the guide into Korean and Turkish, while UNDP translated it into Arabic. The Visits Programme is increasingly collaborating with actors working on issues such as women and children in detention, mainly through facilitating the exchange of expertise and making existing tools available to all interested actors.

Monitoring places of detention in the Arab region

National human rights institutions and NGOs are increasingly requesting access to places of detention to conduct preventive monitoring visits in several countries in the Middle East and North Africa (MENA). However, one of the obstacles to the work of these organisations is the lack of human rights tools in Arabic. In response to this demand, the APT accepted the offer of the UNDP's Programme for Good Governance in the Arab Region to translate the APT's 'Monitoring Places of Detention: a practical guide' into Arabic. In December, the APT and the Egyptian Organisation for Human Rights launched the Arabic guide in Cairo, thus making this key tool accessible to organisations interested in monitoring places of detention in the region. The APT also met potential partners to explore options for collaboration on prevention projects at the national and regional level.



Training Brazilian practitioners to effectively monitor places of detention

To ensure the effective implementation of the visits methodology, the APT conducts workshops on monitoring places of detention for visiting bodies' staff. In 2006, the Human Rights Secretariat of the Presidency of Brazil reprinted and distributed 5,000 copies of the Portuguese version of the publication 'Monitoring Places of Detention: a practical guide'. Following the broad distribution of this tool, the APT was invited to organise a training workshop on monitoring places of detention for national practitioners from eight federal states. The event, which took place in August, provided practitioners from public institutions and NGOs with the opportunity to exchange their experiences, review their practices and debate challenging issues such as gaining access to places of detention and avoiding reprisals against people deprived of their liberty. The event, combined with APT support for a national advocacy campaign, helped to speed up the ratification of the OPCAT. Further training sessions for specialised public institutions and civil society were scheduled for 2007 and 2008.



Supporting the implementation of effective legal framework

Ensuring the implementation of international, regional and national norms is a central component of the work of the APT. While the main focus of this activity in 2006 was on the OPCAT (ratification and the promotion of strong NPMs and Subcommittee), the APT continued its broader legal work in national, regional and international fora. Some of the highlights for 2006 are as follows:

National Level

Promoting mechanisms to prevent torture in Chile

In May, a high-level delegation of experts visited Chile to promote the implementation of recommendations issued by the UN Committee against Torture in 2004. The delegation met high-level national authorities, local human rights groups and diplomats to discuss issues of impunity, reparations and conditions of detention. To ensure the better implementation of the Committee's recommendations, the experts developed an innovative model whereby they met the Chilean delegation



THE APT DELEGATION – MR. MENDEZ, MR. MONA, MR. VAN BOVEN, MS. GEREZ AND DR. ROJAS – PRESENTING THE OUTCOME OF THEIR MISSION TO THE PRESS IN CHILE.

which presented the report in 2004 to discuss follow-up strategies. In addition, to this activity, the delegation presented the findings of its mission during a conference co-organised with the Human Rights Centre of the University of Chile. Following the mission, the APT's report was used by national actors in their continuing work to raise awareness about the need to adopt further measures and mechanisms to prevent torture.

Promoting the administration of justice in Georgia

In November, the APT and local partners began planning for a five-year project to promote the administration of justice in Georgia. The project aims to address the failure of the judiciary and the procuracy to properly react to alleged cases of torture and ill-treatment. The University of Essex publication "Combating Torture: A Manual for Judges and Prosecutors" was translated into Georgian by the Raoul Wallenberg Institute and the Office of the Defender for Human Rights and its use is being promoted among the judiciary and the procuracy. The training of judges and prosecutors will follow using this manual.



Legal interventions in national cases

The final report of the Canadian Commission of Inquiry into the treatment of Mr. Maher Arar reflected many of the concerns voiced by the APT and its partner NGOs in its submissions about measures to prevent transfers to torture abroad and civil oversight of national security agencies. At the European Court of Human Rights case *Ramzy v. the Netherlands*, the APT was part of a coalition arguing against such transfers;

© HEGER, BORIS



Supporting the implementation of effective legal framework

a judgement is expected in 2007. At the UK House of Lords the APT and other NGOs also got permission to make submissions in the *Al-Skeini* case concerning the rights of individuals deprived of liberty by European military forces acting abroad (in this case Iraq). The case will be heard in 2007.

Regional Level

Investigation into secret CIA detention

In February, the APT contributed to investigations into allegations that CIA operatives abducted, secretly transferred and/or imprisoned individuals suspected of terrorism on, or through, European states. The APT's detailed legal analysis of "Incommunicado, Unacknowledged, and Secret Detention under International Law" was welcomed by the relevant investigators at the Council of Europe and European Parliaments and the Venice Commission for Democracy through Law. The APT and other NGOs also issued a statement calling on European governments to take a series of 12 practical measures to end human rights violations caused by renditions and secret detention.

Advocating for the rejection of diplomatic assurances

The APT led the preparation of a joint NGO statement against proposals to establish Council of Europe guidelines that would have allowed the use of "diplomatic assurances" to justify transfers of individuals to states where they risk being tortured. In March, the APT was invited to the meeting of the Council's Group of Specialists on Human Rights and the Fight Against Terrorism where the guidelines were to be considered. The APT was pleased that the Council of Europe ultimately rejected the proposed guidelines, thereby declining to endorse the use of such diplomatic assurances.

International Level



MRS. BRUNSCHWIG GRAF, MR. JOHNSON AND MS. ARBOUR ADDRESSING PARLIAMENTARIANS DURING THE APT-ICJ-IPU SEMINAR.

The Inter-Parliamentary Union (IPU) hosted a seminar entitled "Law and Justice: The Case for Parliamentary Scrutiny", which was jointly organised with the APT and the International Commission of Jurists. Over 80 chairpersons and members of parliamentary human rights committees from around the world learnt about their potential roles in preventing torture by engaging in ratification campaigns for the OPCAT and participating in the establishment of preventive mechanisms. As a result the parliamentarians had a clear idea of practical steps they could undertake to prevent torture at national level.

Strengthening the capacity of key actors to prevent torture

The APT's approach to torture prevention has always involved working with and through others. In 2006, the APT's capacity strengthening activities included advising states on the establishment of independent visiting bodies, training national institutions and NGOs on monitoring places of detention and training the police and judiciary on legal norms and safeguards against torture. The following examples illustrate some of the activities that did not specifically focus on the OPCAT.



APT REPRESENTATIVE EXPLAINING THE MONITORING OF PLACES OF DETENTION DURING A TRAINING WORKSHOP IN UGANDA.

National Level

Strengthening NGOs' capacities to monitor places of detention in Uganda

In November, the APT, the Uganda Human Rights Commission (UHRC) and the African Centre for Treatment and Rehabilitation of Victims (ACTV) organised a workshop to train representatives from 12 civil society organisations (CSOs) in Kampala. It was a kick-off event of a five-year project to enhance the capacity of CSOs and the UHRC to monitor places

of detention and advocate for the ratification of the OPCAT. Following a distance learning phase, the trainees will implement a monitoring programme under the guidance of the APT, before sharing their best practices in a workshop.

Training lawyers on torture prevention in Turkey

In a renewed focus on torture prevention, the Turkish NGO, Foundation for Society and Legal Studies, invited the APT to participate in a training seminar in November. It was one of two trainings for lawyers to enhance their ability to respond to complainants of torture and ill-treatment. This practice-oriented seminar focused on developing the lawyers' skills in interviewing alleged victims of abuse, documenting acts of torture and ill-treatment and reacting to real-life scenarios. The importance of independent detention monitoring as a means to prevent torture was also discussed during the seminar.

Training the police to use the Code of Conduct in Mauritius

To promote the implementation of the Southern African Regional Police Chiefs Cooperation Organization's (SARPPCO)



THE CODE OF CONDUCT IS A NEW POLICE TOOL IN MAURITIUS.

© HEGER, BORIS



Strengthening the capacity of key actors to prevent torture



THE APT WITH THE TOP MANAGEMENT OFFICERS OF THE MAURITIUS POLICE FORCE.

Code of Conduct, the APT and the Mauritius Police Force (MPF) organised two workshops for top and middle management officers in June. Police Trainers from South Africa helped run the workshop and shared their experience. The first workshop brought together 21 top management officers to discuss strategies to effectively implement the Code in the MPF. These officers developed recommendations on aspects of leadership and management; education and training; communication; and control and monitoring. The second workshop was for 33 heads of police units or stations. It aimed to better uphold human rights principles during daily police work, understand the importance of the Code and identify ways to use it. The participants developed plans of action to implement the Code and to guide junior officers to provide a human-rights based law enforcement service.

Regional Level

Strengthening the capacities of European National Human Rights Institutions (NHRIs)

The APT continued its capacity building programme for NHRIs, entitled 'Actors for Change', in cooperation with the OHCHR and the NGO Fahamu. Following its courses in Africa and Asia, the 2006 programme focused on European institutions. The participants were from Bulgaria, Denmark, Finland, Georgia, Greece, Germany, Ireland, Kosovo, Latvia, Macedonia, Northern Ireland, Poland, Portugal and Spain. The programme combined a distance-learning course based on a training CD-ROM with individual tutoring. It also focused on the legal and technical aspects of torture prevention, which included a workshop in Warsaw to enhance practical skills through a prison visit. In the third phase, the participants drafted action plans on torture prevention for their institution.



CONDUCTING A TRAINING VISIT TO BIALOLEKA CORRECTIONAL FACILITY DURING THE WORKSHOP IN WARSAW.



VISITING A WOMEN'S PRISON IN PANAMA AS PART OF THE REGIONAL SEMINAR ON DETENTION MONITORING.

Strengthening Ombudsmen in Central America

To strengthen the capacity of Ombudsman's Offices to monitor all types of detention facilities, the APT, the Inter-American Institute of Human Rights and Panama's Ombudsman's Office organised a regional seminar on detention monitoring. It was attended by representatives from Ombudsman's Offices from Belize, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica and Panama, the Special Rapporteur on Persons Deprived of Liberty of the Inter-American Commission on Human Rights and NGOs such as CEJIL and Mental Disability Rights International. The situation of different types of detention facilities was analysed and the implications of the OPCAT for their states were discussed. The seminar was followed by a prison visit, where participants put their monitoring experience into practice. This event helped the representatives create new partnerships between their institutions to collaborate on thematic issues, such as foreign nationals detained in neighbouring countries.

Strengthening the capacity of key actors to prevent torture

Training on the African Commission's Robben Island Guidelines (RIG)



ACAT REPRESENTATIVES DURING THE TRAINING SEMINAR IN BURUNDI.

The APT and the FIACAT (International Federation of Action by Christians for the Abolition of Torture) launched the first phase of a three-year project to assist national ACAT from Francophone Africa to implement the RIG. After having exchanged their views and practices on the RIG implementation through e-mail, the representatives of 13 ACAT sections attended a training seminar in Burundi in December. As a result, the ACAT representatives learnt about the RIG and adopted plans of action to implement the guidelines in their national contexts. The APT and the Fiacat will follow the implementation of the plans in 2007.

Providing tools for the prevention of torture

Bringing Human Rights Home

One of the APT's achievements in 2006 was to co-produce a DVD on the UN Treaty Body System entitled 'Bringing Human Rights Home' with the OHCHR, which was directed by Tlaloc Films. The training tool was produced to raise aware-

ness and build the capacities of national and international actors working in human rights. It presented the work of the UN treaty bodies, illustrated the reporting process and the system of individual complaints and provided a vision of the system's future. The DVD was launched in July and has been used in training activities on human rights in Africa, Latin

America, Central and Eastern Europe, Middle East and Asia by the APT, other NGOs and the OHCHR.



PRESENTING THE TRAINING DVD 'BRINGING HUMAN RIGHTS HOME' DURING THE LAUNCH ON 10 JULY. © MAX OETTLI.

© GASSMANN, THIERRY



Strengthening the capacity of key actors to prevent torture

Establishing the international and national mechanisms of the OPCAT

Amongst the many forms of collaboration with national, regional and international partners, the APT was pleased to see its key manuals and guides on the implementation of the OPCAT translated into many local languages. For instance, the publication 'Monitoring Places of Detention: a practical guide' was translated into Portuguese, Arabic, Turkish and Korean, facilitating an understanding of the new treaty by policy-makers and civil society.



the OPCAT has been ratified as well as in those considering ratification.

Human Rights Protection in Africa

The APT produced a comprehensive reference tool of legal instruments specific to Africa. The compilation was developed for academics, experts and human rights defenders. It provides an important number of documents adopted by African organisations, as well as universal standards that influenced the establishment of a regional system to protect human rights in Africa.



NPM 'Implementation Toolkit'

With the entry into force of the OPCAT in 2006, the APT produced new tools to facilitate the creation of the Subcommittee for Prevention and the NPMs. To assist national actors with the challenge of developing effective NPMs under the OPCAT, the APT produced an 'NPM Implementation Kit'.

Key components of the Kit

- Guide to the Establishment and Designation of NPMs
- Country-by-Country NPM Status Report
- Checklists for Assessing NPM proposals
- Specialised Advice for Governmental and Civil Society Actors

The online version of the Kit was launched in July and the Guide was printed in December. The Guide has proven extremely useful to States Parties and NGOs in countries where

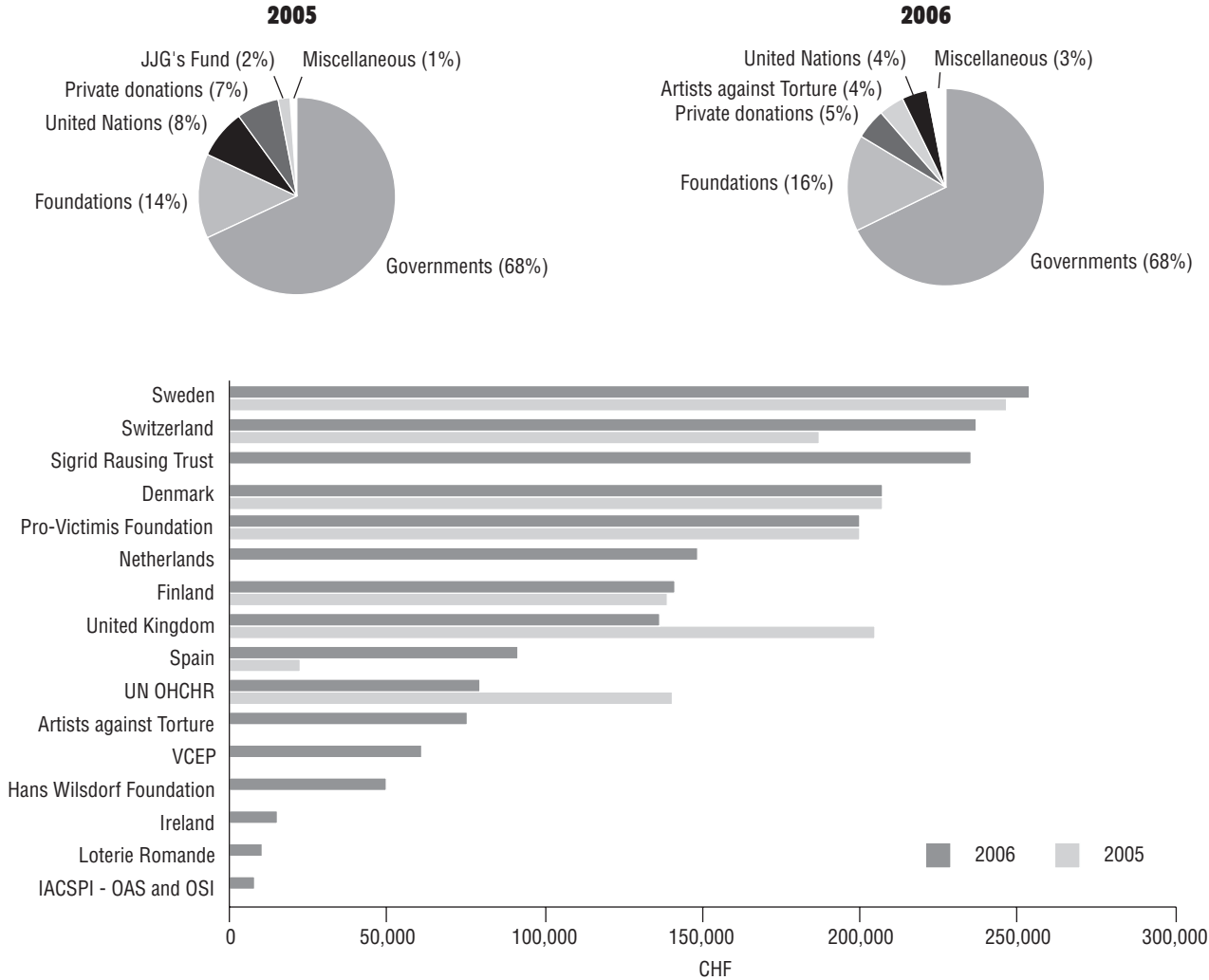
Budget and accounts

In 2006, the APT balanced its income and expenditures within the approved budget of 1'591'914 CHF (993'717 Euros). As the charts below demonstrate, the APT receives funding from diverse sources including: governments, international organisations, NGOs, foundations, sales of the Artists against Torture portfolio of modern art, APT members and other private individuals.

In recent years, the APT has diversified its funding sources and increased multi-year contributions. In 2006, the latter represented approximately one-third of the total income. Amongst APT donors, governments continue to represent the main source of funding. However, the percentage of foundation support rose to 16% in 2006.

Three important developments included entering into a five year agreement with the Dutch Ministry of Foreign Affairs, receiving funding from the Sigrid Rausing Trust (UK) and VCEP (USA). Furthermore, thanks to a grant from the Hans Wilsdorf Foundation (Switzerland), the APT upgraded its computer system, increasing productivity and facilitating the work of the organisation.

2005 / 2006 sources of funding



IACSPI = Inter-American Civil Society Partnership Initiative

APT staff in 2006

Secretary General

Mark Thomson, United Kingdom

Visits Programme

Barbara Bernath, France / Switzerland

Esther Schaufelberger, Switzerland

UN and Legal Programme

Edouard Delaplace, France

Victoria Kuhn, Argentina

Matt Pollard, Canada

Philippe Tremblay, Canada

Africa Programme

Jean-Baptiste Niyizurugero, Rwanda

Americas Programme

Claudia Gerez, Mexico / Spain

Sylvia Diniz Dias, Brazil

Europe and Central Asia Programme

Matthew Pringle, United Kingdom

Communications Programme

Laurence D'Esposito, France / Switzerland

Jennifer Katz, United States

Adrian Moore, Ireland

Lisa Myers, Switzerland / Ireland

Sabrina Oberson, Italy

Administration

Catherine Felder, Switzerland

Sylvie Pittet, Switzerland



Maintenance

Haile Negash, Eritrea / Switzerland

Consultants

Lenka Koutnakova, Czech Republic / the Netherlands

Massimiliano Desumma, Italy / Switzerland

Interns

Emilie Clerc, France

Caroline Draveny, France / Switzerland

Caroline Frugier, France

Gulia Grazioli, Italy

Lelia Jimenez, Mexico

Audrey Olivier, France

APT Board and Advisory Council in 2006

Presidents

Marco Mona, Switzerland (until June)
Martine Brunschwig Graf, Switzerland (since June)

Vice-President and Treasurer

Renaud Gautier, Switzerland

Board Members

Dr. Daniel Dufour, Switzerland
Prof. Malcom Evans, United Kingdom
Dr. Erik Holst, Denmark
Dr. Krassimir Kanev, Bulgaria
Dr. Jacques Lederrey, Switzerland
Mr. Hugo Lorenzo, Uruguay
Ms. Ottavia Maurice, Switzerland / Italy
Mr. Bacre Waly N'Diaye, Senegal
Ms. Maggie Nicholson, United Kingdom
Mr. Nick Nightingale, United Kingdom
Prof. Christian Nils-Robert, Switzerland
Mr. John Nosedá, Switzerland
Prof. Manfred Nowak, Austria
Mrs. Julienne Ondziel-Gnelenga, Republic of Congo
Ms. Monica Pinto, Argentina
Dr. Bernhard Prestel, Germany
Dr. Eric Prokosch, USA
Ms. Erica Schlappi, Switzerland
Dr. Paz Rojas, Chile
Dr. Walter Suntinger, Austria

Honorary Members

Mrs. Catherine Gautier, Switzerland
Mrs. Martita Jöhr-Rohr, Switzerland

Advisory Council

Mr. Nejib Hosni, Tunisia
Prof. Paulo S. Pinheiro, Brazil
Mr. Joseph Voyame, Switzerland
Dr. Jean-Pierre Restellini, Switzerland
Ms. Shaista Shameem, Fiji
Mrs. Hannah Forster, Gambia
Prof. Walter Kälin, Switzerland
Ms. Maggie Beirne, United Kingdom
Mr. Marco Mona, Switzerland

Thanks

The APT is grateful to the following donors for their support in 2006:

Governments

Denmark
Finland
Ireland
Netherlands
Spain
Sweden
Switzerland
United Kingdom

International Organisations, Foundations, and other institutions

Office of the United Nations High Commissioner for Human Rights
Hans Wilsdorf Foundation
Pro-Victimis Foundation
Sigrid Rausing Trust
Loterie Romande
Inter-American Civil Society Partnership Initiative – Supported by the Open Society Institute and the Summits of the Americas Secretariat
VCEP

Individuals

Artists against Torture (in particular Mr. Ruedi Mettler), Members of the APT, faithful private donors and other generous individuals.

Note: The APT is independent of its financial supporters in all matters concerning the policy and strategy applied in its activities.

Participation in production of this report

Jennifer Katz
Lisa Myers
Audrey Olivier
Mark Thomson

Editing

Matthew Pringle
Matt Pollard

Translation

Alia Rahal (from English to French)

Concept and graphic design

minimum graphics

Printing

PCL

Photos

Carole Parodi
Donncha O'Caoimh, <http://ocaoimh.ie>
Interparliamentary Union
Library and Research Service of the International Committee of the Red Cross
Véronique Botteron

Cover photo

© 2003 Elizabeth Graves, Courtesy of Photo-share

