

ANNUAL REPORT 2004

Association for
the Prevention
of Torture

**2004 Human Rights Prize
of the French Republic**

**2004 Prize of the
Foundation for Geneva**

**Founded in 1977 by
Jean-Jacques Gautier**

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The APT has consultative status with United Nations
Economic and Social Council, the Council of Europe,
the African Commission on Human and Peoples' Rights
and the Organisation of American States.

ABOUT THE ASSOCIATION FOR THE PREVENTION OF TORTURE

Founded in 1977 by Jean-Jacques Gautier and based in Geneva, the Association for the Prevention of Torture (APT) is an independent non-governmental organisation (NGO) whose primary objective is the prevention of torture and other forms of ill-treatment throughout the world.

To fulfil its mission, the APT:

- Encourages the adoption and implementation of legal norms and standards banning torture and ill-treatment and combating impunity;
- Helps strengthen the capacity of national actors to prevent torture and ill-treatment;
- Promotes the establishment of preventive mechanisms such as visits to places of detention by independent experts;
- Organises briefings and training for professionals who are in direct contact with detainees (police, judicial bodies, prison staff), as well as for the public, NGOs and national human rights institutions.

A pioneer in the movement to prevent torture, the APT seeks to share its expertise with other players in the field through partnerships with NGOs, national and regional human rights institutions, the United Nations and State authorities sincere about reform.

The APT's programmes are implemented by the staff of its Geneva secretariat. An international Board elected by a General Assembly of members is the governing body of the APT.

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DEDICATION TO MARTITA JÖHR-ROHR

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GENEROUS PATRON AND ACTIVE SUPPORTER OF THE APT SINCE THE BEGINNING

Martita Jöhr, the wife of a well-known former professor at the University of St Gallen (HSG), called me one summer evening in 1980 to invite me round for coffee with Professor Weber (also of the HSG). The two informed me of their resolve to contribute to giving concrete form to the idea of Jean-



Mrs Martita Jöhr-Rohr

Jacques Gautier about the prevention of torture in places of detention. I quickly detected in her the fighting spirit that spurred her on. In September 1980, I was chairing a colloquium on the topic "An international convention against torture?", to which Martita Jöhr and Dr Hang, former president of the International Committee of the Red Cross and professor of international law at St Gallen, had also been invited. The main goal of the meeting was to determine whether the directors of Swiss penal establishments would accept the possibility of an international body coming to visit their prisons without previous notice and talking in private to the detainees. Those directors present endorsed the idea unani-

mously. Martita was delighted at this decision, which strengthened her in her commitment to work for the eradication of inhuman treatment.

Then, on 10 December 1984, the United Nations adopted the Convention against Torture. Jean-Jacques Gautier's idea then gained ground on the European continent and, on 26 November 1987, the European Convention for the Prevention of Torture was adopted by the Council of Europe.

In June 2004, Switzerland signed the Optional Protocol to the United Nations Convention against Torture. According to this protocol, States Parties must designate national bodies with a mandate to carry out regular visits to places of detention. These visits must be followed by concrete recommendations to the competent authorities, and by an annual report on activities.

This legal instrument thus fulfils the expectations of Martita and her colleagues. It brought great joy to her, at 93 years of age, to see her country sign the Protocol. "I feel as if I had grown wings", she confided to me recently. As the former director of a penal establishment, now running training seminars for Russian prison directors, I have been greatly encouraged in my fight against torture by Martita's confident and ever positive attitude.

I would like to thank Martita Jöhr for having striven, throughout her whole life, for a better and more just world.

Paul Brenzikofer,
*former Director of Saxerriet
penal establishment,
Switzerland*

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PREFACE BY THE SECRETARY GENERAL

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BACK TO BASICS WHILE ADVANCING ON NEW FRONTS



The much-publicised acts of torture and ill-treatment in Abu Ghraib prison in Iraq during 2004 demonstrated in graphic detail how easily such atrocities may be committed in and by any country of the world. Even worse, the specific events at

Abu Ghraib and elsewhere take place in a political environment where some governments are trying more generally to justify publicly the use of torture and ill-treatment, when until recently virtually all governments agreed, publicly at least, as to the outright criminality and prohibited nature of such acts.

Throughout the world, states continue to detain individuals in poor conditions, to treat individuals as “sub-humans” for political or cultural reasons, to request guards or police to extract confessions from the detained persons, to leave guards and interrogators ignorant of the rights of detained persons, or to allow law enforcement personnel to themselves ignore the law due to an explicit or implicit culture of impunity. In all these situations, the risk is very high that brutal and illegal acts of torture and ill-treatment will be committed.

For our part, we at the APT sometimes feel that we have been flung back to where we started twenty-eight years ago. After all the successful standard-setting exercises we have been involved in to prohibit and prevent torture, after all our work in promoting monitoring mechanisms for places of detention and all our work training individual law enforcement personnel and others, we are hit by a hard new world in which some political leaders, their advisers, journalists and academics now seem determined to

try to justify torture in certain conditions, or to claim that cruel degrading and inhuman treatment is not illegal. They argue that such atrocious acts are necessary in the fight against terrorism, for the protection of society as a whole. However, the respect for the human rights of all persons must be an integral part of any response to those who threaten civilised societies with acts of terror.

But now we are in a stronger position than we were twenty-eight years ago, not only because of the firm legal norms that exist but also because we now work with a broader group of partners: Ministries of Justice and Interior, national police services, national human rights institutions, NGOs, judges and prosecutors, and UN agencies, all of whom want to prevent torture and ill-treatment. The pages of this annual report reveal how the fight against torture is advancing in partnership with a broad variety of actors.

In order to ensure that the Optional Protocol to the UN Convention against Torture (OPCAT) comes into force as soon as possible, OPCAT promotion remains a major focus of our hard-working staff. We are pleased to report that of the thirty-three States that have signed and six that have ratified, over three quarters had previously been lobbied by the APT, often in association with other NGOs.

Related to our policy of providing useful tools to individuals and groups that would like to do more to prevent torture and ill-treatment, 2004 saw development in publication of APT materials in an ever-increasing array of languages and specific subjects, including major manuals on the OPCAT and monitoring of places of detention, as well as our online legal reference service.

Though the APT has always focused more on concrete results than on achieving a high profile, it

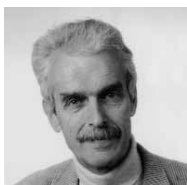
seems the work of the APT has not gone unnoticed: in 2004 we were honoured with prestigious awards from the Geneva Foundation and the French Republic. These were important and morale-boosting public recognitions of our prevention work.

Please read the enclosed report of our activities in 2004. Certainly we will need your commitment and support to sustain these activities in 2005 and beyond. We are counting on you to help us meet the challenge.

Mark Thomson
Secretary General

MESSAGE FROM THE PRESIDENT

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At the recent ceremonies to mark the 60th anniversary of the liberation of Auschwitz, many were the countries and heads of State who reiterated, with force and conviction, the unanimous cry uttered in 1945 on the discovery of the Nazi atrocities: "Never again!". We then swore that we would put an end to murders, to torture, to genocide and to war... Over half a century later, we must sadly recognise that this resolve has ended in bitter failure: humankind seems to have completely forgotten the crimes committed under the Third Reich, and to have learned nothing in the meantime.

The APT and other NGOs militating for the eradication of torture come face to face with this failure every day. Not only does the practice of torture seem not to have decreased across the world, but certain so-called democratic powers, which have for centuries proclaimed themselves the protectors of human rights, are trying to circumvent the basic tenets of the rule of law, and tolerate the use of acts of "dosed" violence against persons suspected, perhaps only vaguely, of terrorism. And this in spite of the absolute prohibition of torture at the international level! Is this not proof that the world has learned nothing from history? We are today confronted with a questionable use of the notion of "Evil", and the untenable assertion by certain States that those who find themselves on the side of this "Axis of Evil" have no rights. Is this not the rebirth of horror we are witnessing?

Fortunately, there was a reaction from the judiciary power aimed at reinstating the rule of law. Efforts are also being made, both nationally and internationally, to draw up legal instruments against torture. Thus, by the end of 2004, thirty-one States had signed the Optional Protocol to the United Nations

Convention against Torture, and six of them had already ratified it. This means that a constructive discussion on the prevention of torture is under way in these States, and in many others which, we hope, will soon sign and ratify the Protocol.

It is surely not for nothing that last December the APT, which is actively campaigning for the entry into force of the Protocol, was awarded the Human Rights prize of the French Republic, after having received the prize of the Foundation for Geneva at the beginning of 2004. This was the year for reaping rewards: the idea of the prevention of torture has finally managed to take root and is gaining ground by the day. This recognition vindicates the efforts of the APT team in this field, and gives strength to those men and women who have so actively and generously supported our work over the years.

"To torture is to steal a person's soul". So, as in 1945, let us dare cry out, loud and clear, the words "Never again!"

Marco Mona
President



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A YEAR OF AWARDS AND NOMINATIONS RECOGNISING THE GOOD WORK OF THE APT

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GENEVA

The year 2004 was marked by several expressions of public recognition of the APT's efforts to prevent torture. To start with, the APT was awarded the 2004 prize of the Foundation for Geneva, an honour bestowed on persons and institutions who have contributed to enhancing the international reputation of Geneva, along with the World Organization against Torture (OMCT). The APT received the award on behalf of its founder, Jean-Jacques Gautier. A ceremony was held at the University of Geneva, where several hundred people came to celebrate the event and listen to the laudatory speeches of the Mayor of Geneva, Mr Christian Ferrazino, the Deputy President of the Conseil d'Etat of Geneva Canton, Ms Martine Brunshwig-Graf and the UN Special Rapporteur on Torture, Professor Theo van Boven.



APT President, Mr Marco Mona and APT Secretary General, Mr Mark Thomson at the Hotel Matignon with the 2004 Human Rights Prize of the French Republic.

FRANCE

Later in the year, France singled out the APT for its work in the prevention of torture. On 8 December an APT delegation was invited to a reception at the Hotel Matignon in Paris, where French Prime Minister Mr Jean-Pierre Raffarin presented the 2004 Human Rights Prize of the French Republic to the APT President Mr Marco Mona.

UNITED KINGDOM

On a more personal level, two of the APT's prominent members were given awards for their contributions to human rights: Prof. Malcolm Evans, APT Board member, and Mr Mark Thomson, APT Secretary General, received the British honour of "Officer of the British Empire" from Her Majesty Queen Elizabeth II for their human rights work.

TWO APT BOARD MEMBERS APPOINTED BY THE UN



Prof. Walter Kälin

In September 2004 the APT's Vice-President, Prof. Walter Kälin, was appointed Representative of the UN Secretary-General on the human rights of internally displaced persons.



Dr Manfred Nowak

In November, Dr Manfred Nowak, long-standing member of the APT Board, was appointed as the new UN Special Rapporteur on Torture.

The APT is proud to be associated with these two experienced, committed and qualified experts.

CAMPAIGN FOR THE ENTRY INTO FORCE OF THE OPTIONAL PROTOCOL

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Following the broad support for the Optional Protocol to the UN Convention against Torture (OPCAT) that led to its adoption by the UN General Assembly in December 2002, the APT decided to build on this positive momentum by focusing on a strategy to promote early entry into force of this new instrument.

As the APT's main project in 2004, the campaign for the OPCAT took up the bulk of the human and financial resources available. All APT programmes were involved in the campaign all through the year.

The APT's campaign followed a two-pronged approach: the primary objective was to facilitate the ratification of the OPCAT and, in the process, contribute to the establishment of effective national preventive mechanisms. To this end the APT undertook twenty-eight advocacy missions throughout the world, during which it met with representatives of the authorities to promote the ratification process and explain in depth the obligations contained in the OPCAT. Similar meetings were held with local NGOs, national institutions and other representatives of civil society working to prevent torture, to encourage them to support their country's ratification of the OPCAT. The question of the establishment and designation of national preventive mechanisms, as foreseen by the OPCAT, was also discussed, as the OPCAT does not provide a fixed model in this respect.

In addition, the APT promoted cooperation on the OPCAT campaign with the UN Committee against Torture (CAT), the UN Office of the High Commissioner for Human Rights (OHCHR), the International Committee of the Red Cross (ICRC), the European Committee for the Prevention of Torture (CPT), the Inter-American Commission on Human Rights (IACHR), States Parties to the Protocol and NGOs.

Thanks to these joint efforts, the campaign progressed well in 2004: three more States ratified the OPCAT (Argentina, Denmark and Liberia) bringing the number of States Parties to six, and ten additional countries signed it (Cyprus, Czech Republic, Estonia, Gabon, Honduras, Mali, Paraguay, Poland, Switzerland and Uruguay). Ten of these thirteen States had been directly lobbied by the APT.

The second objective of the OPCAT campaign was to assist the OHCHR in setting up the Subcommittee on Prevention established by the OPCAT. The APT helped prepare for this, based on its experience in preparing for the establishment of the CPT, by organising an expert meeting with the OHCHR in Geneva in December. The High Commissioner for Human Rights, Mrs Louise Arbour, opened the debate by giving her full support to the OPCAT. Over thirty leading experts were present, from all the organisations directly concerned with the OPCAT and specialised in monitoring places of detention: the OHCHR, the CAT, the ICRC, the CPT, the IACHR, as well as international NGOs working in torture prevention, national human rights institutions and Ministries of Foreign Affairs particularly involved in the OPCAT process. The meeting examined practical and resource questions regarding the establishment and functioning of the Subcommittee. It was agreed to set up a working group, including some participants from the meeting, to carry forward the preparations for the Subcommittee with the OHCHR.

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CAMPAIGN FOR THE ENTRY INTO FORCE OF THE OPTIONAL PROTOCOL

1. ADVOCACY IN THE REGIONS

AFRICA

The APT promoted the OPCAT extensively at the 36th session of the African Commission on Human and Peoples' Rights held in Dakar, Senegal, in December, where it also launched the French version of its new manual on the OPCAT. Following the APT's targeted country lobbying, the Senegalese Minister of Human Rights, Ms Bassine Niang, announced at the public launch that her country would soon ratify the Protocol. She furthermore invited the APT to assist Senegal in setting up a national preventive mechanism (NPM). This NPM is likely to be a significant reference for other States considering ratification, above all in Africa.



Joint APT-AI/Benin Press Conference, Bamako, Mali

A similar mission was conducted to Mali, which has already signed the OPCAT. There the APT met senior officials, such as the Director for Legal Affairs at the Foreign Ministry and the Secretary General of the Ministry of Justice. They confirmed that the process leading to ratification was well advanced and

that both departments saw no major impediment to quick ratification. The matter shall be referred to the legislative bodies shortly. While in Bamako, the APT also met with several local human rights NGOs to encourage their involvement in the ratification and implementation of the OPCAT in Mali.

AMERICAS

Responding to an invitation by the Mexican Ministry of Foreign Affairs to participate in a seminar on “National and International Instruments to Prevent, Investigate and Punish Torture” in November, the APT stressed the possibility of early ratification of the OPCAT by Mexico, which could be followed by a broad national debate about the type of national preventive mechanism to be established. Lobbying took place within the Foreign Ministry, with members of Congress and among NGOs. Immediately after the seminar, in December, the Mexican Senate approved the ratification of the OPCAT.

In Venezuela, the APT participated in a seminar on international and national monitoring mechanisms organised by Penal Reform International (PRI) and the National Institute of Criminology, where it presented the OPCAT and its implementation in the region. The APT took the opportunity of this first visit to Venezuela to meet the “Defensor del Pueblo” to discuss the role of this organisation if Venezuela ratifies the OPCAT. Meetings were also held with the Ministry of Foreign Affairs and national NGOs already active on the OPCAT.

At a regional level, the simultaneous launch of the OPCAT manual (organised by the Inter-American Institute for Human Rights) in over a dozen countries of Latin America had a significant impact on the ratification campaign (see page 13). The APT

also attended the two sessions of the Inter-American Commission on Human Rights in Washington DC, where it lobbied regional NGO and government representatives.

ASIA

The APT met with a range of human rights actors in Sri Lanka, including NGOs, representatives of the Ministry of Foreign Affairs and the National Human Rights Commission, to discuss possible OPCAT ratification. A round-table on the subject was conducted with the UN and NGOs active in the field of torture prevention, and the issue of whether Sri Lanka already had a viable body that might fulfil the function of national preventive mechanism was analysed.

In South Korea the APT took part in two UN-sponsored seminars on national human rights institutions (NHRI) and best practices of good governance and human rights. Meetings with government representatives, leading politicians, the Chairperson of the National Commission on Human Rights of Korea and NGOs from the Asia-Pacific region were then arranged to promote the OPCAT and encourage its ratification in the region.



NGO members participating at the International Conference on NHRI, Seoul, South Korea

MIDDLE EAST

In December the APT met with a range of Jordanian human rights activists and with representatives of the government to discuss the possibility of Jordan becoming the first Middle Eastern State Party to the OPCAT.

EUROPE AND CENTRAL ASIA

Four advocacy missions were organised to the Baltic, Southern Caucasus and Central Asia regions. During the first of two visits to Kazakhstan, the APT gave a presentation supporting ratification of the OPCAT at a round-table on a draft law on prison visits being considered by the Kazakh parliament. This law will give NGOs a formal right to enter prisons for the purpose of human rights monitoring. Three months later, the APT returned to Kazakhstan for another round-table on torture prevention, co-organised by Penal Reform International (PRI), which provided a second chance to lobby for the OPCAT. At the end of 2004, the Kazakh Ministry of Foreign Affairs stated that it would give serious consideration to this matter. Taking advantage of its presence in the region, the APT travelled to neighbouring Kyrgyzstan to meet with government officials, the Ombudsman's office and NGOs in order to promote the OPCAT. Similar missions were undertaken to Estonia (in cooperation with the Ministry of Foreign Affairs and Council of Baltic Sea States) and to Georgia (also in cooperation with PRI).



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2. PREPARING FOR RATIFICATION OF THE OPCAT AT THE NATIONAL LEVEL: THE EXAMPLE OF SWITZERLAND

States have different options for conducting the processes leading to the signature, ratification and implementation of the OPCAT. The text of the Protocol offers the possibility to opt out of the obligation to create a national preventive mechanism (NPM) initially for up to three years, thereby allowing States to ratify the instrument before the national legislation creates or designates a NPM. Many States, however, prefer to study the implications of ratification first. The established practice of the Swiss government, for example, is to conclude international agreements only after adapting Swiss national legislation, if and when this is necessary. Whatever approach a State takes, its authorities will need to look into the different options for the NPM and will normally start by drawing up an inventory of existing independent oversight mechanisms for places of detention.

Switzerland signed the OPCAT on 25 June 2004 and ratification will hopefully follow in 2005 or 2006. The Division of International Affairs of the Federal Office of Justice (FoJ) has been charged with preparing the corresponding decision. In drawing up the proposal for decision by the federal government and parliament, the FoJ has consulted with and assured the support of different stakeholders, in particular the cantonal authorities. Moreover, Swiss-based NGOs – including the APT – are actively involved in the process, aiming at speedy ratification and effective implementation.

As a first step, the FoJ consulted the cantons about the OPCAT in 2003. Since most places of detention

in Switzerland are under the responsibility of the cantonal authorities, a key question was whether the NPM should also be established at the level of the cantons. The consultation showed that a large majority of cantons were in favour of Switzerland ratifying the OPCAT and that most of them supported the establishment of the NPM at federal level. This allowed the government to sign the OPCAT.

As a second step, the head of the relevant federal department created an inter-departmental working group tasked with preparing for the implementation of the OPCAT in Switzerland. The working group, which is composed of the different relevant offices within the federal administration and a representative of the cantons, submitted its report to the head of the Department of Justice and Police (FDJP) in January 2004. Swiss NGOs (including the APT) had the opportunity to contribute to this working group, in which the existing mechanisms and the different options for a Swiss NPM were analysed, by submitting discussion papers and through a hearing. The most likely option is a federal body of twelve to twenty experts who will visit centres of detention in all the cantons. The estimated cost of the NPM is currently budgeted at CHF 600,000 for around fifty visits per year. Further details on these proposals may be obtained from the FoJ or the APT.

The proposed solution now needs to be endorsed by the head of the FJDP, after which it will be submitted to the other federal offices, leading to a final version of the proposal. After the decision of the Federal Council, the proposal will then be submitted to the parliament. The APT hopes that all the relevant authorities will give high priority to the matter, so that ratification can take place in 2006 by the latest.

STRENGTHENING LOCAL INITIATIVES TO PREVENT TORTURE

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As a small international NGO, the APT has always worked with other partners. However, since the adoption of the OPCAT, it has faced an increase in demands from different local actors dedicated to preventing torture and ill-treatment. As a result, activities have been developed with a wide range of local players including human rights activists, judges, police officers and other government authorities.

1. COOPERATION WITH STATE AUTHORITIES

In addition to its meetings with governments during each of its OPCAT advocacy trips, the APT developed particular contacts with State authorities regarding two very different projects.

PREVENTION OF TORTURE IN MOLDOVA

In 2004 the APT continued to work with the Moldovan authorities and civil society to identify ways to implement the "Plan of Action to Improve Prison Conditions in Moldova", which was the result of an APT workshop in 2003. The government's Plan of Action is an instrument aimed at helping the Moldovan authorities overcome the factors preventing implementation of the recommendations made by international human rights bodies for Moldova's prison system. Several meetings were conducted with potential international donors who are based in Moldova and representatives of civil society, in order to promote reform and other innovative initiatives in the prison system.

DRAFTING OF UGANDA'S FIRST CAT REPORT

At the request of the Ministry of Foreign Affairs of Uganda, the APT contributed to a seminar organised by IRCT (International Rehabilitation Council for Torture Victims) to help the Ugandan government draft its initial report to the UN Committee against Torture (CAT). The relevant information coming from the government (prisons, police and army) and from civil society (NGOs and the Ugandan Human Rights Commission) was put together and the requirements of the CAT were explained. This helped Uganda present its first report to the CAT, where it will be examined in 2005.

2. COOPERATION WITH NATIONAL INSTITUTIONS AND OMBUDSMEN

National human rights institutions and Ombudsman's offices have promising potential as regards the prevention of torture. Moreover, the obligation to create or designate "National Preventive Mechanisms" under the OPCAT could mean an extension of the mandate and activities of existing national institutions and Ombudsmen. By developing its cooperation with these national bodies, the APT aims both to enhance their role in preventing torture and encourage their involvement in the campaign to ratify and implement the OPCAT.

Photo not available on line

STRENGTHENING LOCAL INITIATIVES TO PREVENT TORTURE

REGIONAL TRAINING IN TORTURE PREVENTION FOR AFRICAN NATIONAL INSTITUTIONS

In November 2004, the APT and the Ugandan Human Rights Commission (UHRC), in collaboration with the UN Office of the High Commissioner for Human Rights (OHCHR), jointly ran a regional workshop on torture prevention in Entebbe, Uganda. Eighteen participants from eleven African countries working in national human rights commissions received intensive training over a three-day period. The seminar aimed at underpinning and enhancing the active and effective role that national institutions can play in preventing torture, especially through regular monitoring of places where people are deprived of their liberty. The workshop included an on-site training visit to a prison farm, which allowed the participants to apply their visiting skills and methodology. The APT, the OHCHR and Fahamu (a distance-learning NGO) plan to run similar training workshops for representatives of national human rights commissions in other regions of the world (Asia, Eastern Europe, Francophone Africa) during the coming two years.



Visit to a prison farm in Uganda

THE ROLE OF THE OMBUDSMAN IN TORTURE PREVENTION IN THE AMERICAS

The APT was invited by the Network of Ombudsmen of the Americas and the OHCHR to organise a two-day workshop in Buenos Aires in June 2004, hosted by the Argentinian “Defensoría del Pueblo de la Nación”. The discussions focused on how Ombudsmen can better prevent torture, particularly through regular visits to places of detention and the implementation of international standards. The heads of these national human rights institutions from across the American continent shared their practices and experiences. An expert from the European Committee for the Prevention of Torture presented methodological aspects of monitoring visits to places of detention, while a member of the Inter-American Commission on Human Rights, the regional representative of the OHCHR and other experts, all invited by the APT, focused on strategy within a regional context.

ASIA-PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS

The 8th annual meeting of the Asia-Pacific Forum of National Human Rights Institutions was held in February in Katmandu, Nepal. This meeting brought together seventeen national human rights institutions from the region, as well as representatives of governments and civil society, in order to discuss issues of general concern within the Asia-Pacific region. For the APT, the forum offered a platform to present the potential role of Asian national institutions in the prevention of torture and in national implementation of the OPCAT.

7TH INTERNATIONAL CONFERENCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS

The APT attended the International Conference of National Human Rights Institutions held in Seoul, Republic of Korea, in September with a view to strengthening contacts with the South Korean Human Rights Commission, as well as members of other national institutions who participated in the event.

3. COOPERATION WITH NATIONAL NGOS

In 2004 the APT further developed its historical cooperation with national NGOs, mainly through the advocacy trips undertaken within the framework of the OPCAT campaign. During each of its twenty-eight in-country missions, meetings with NGOs were organised in order to promote involvement in and ownership of the national OPCAT campaign and to encourage them to play a role both in the ratification process and in monitoring implementation of the OPCAT obligations. The APT also continued to promote NGO visits to places of detention, in order to monitor the treatment and conditions of people deprived of liberty.

STRENGTHENING CAPACITIES IN MONITORING PLACES OF DETENTION

The APT participated in several workshops to strengthen national NGOs’ capacities in monitoring places of detention.

In the UK, for instance, the APT exchanged views and experiences on visit methodology and possible

further cooperation with the Independent Custody Visiting Association (ICVA). This organisation is an impressive example of how public volunteers (a “lay visiting body”) can monitor the situation of persons detained by the police.

In Amman, Jordan, the APT participated in a training workshop organised by the International Human Rights Network for Iraqi human rights defenders. Considering the difficult situation in which Iraqi human rights defenders operate, the APT hopes to be better able to support them in their work, especially in the prevention of torture.

In cooperation with the FiACAT (Action by Christians for the Abolition of Torture), the APT conducted a training course in Yaounde, Cameroon, for NGOs from Francophone Africa. This session reinforced their knowledge and use of international and regional tools for torture prevention, including the Robben Island Guidelines of the African Commission on Human and Peoples’ Rights.

4. COOPERATION WITH THE POLICE

The APT has been involved in awareness-raising on human rights for the police for some years and participated in the drafting of a *Handbook on Police and Human Rights Training*. Another positive development has been the APT’s involvement in the elaboration and implementation of a Code of *Conduct for Police Officers* in Southern Africa.

TRAINING OF SENIOR POLICE OFFICERS IN BOTSWANA

Botswana is one of the member countries of the Southern African Regional Police Chiefs



Senior Police Officers participating in a training session in Botswana

Cooperation Organisation (SARPCCO). When the APT helped SARPCCO to draft its *Regional Code of Conduct and Ethics for Police Officers* in 2001, it committed itself to continuing to assist SARPCCO in the implementation of this unique regional tool at the national level. The Botswana Police Service demonstrated a sincere willingness to follow the Code and therefore a series of three training workshops was organised in 2003 for junior police officers in Botswana. Following an evaluation of these courses, the APT and the Botswana Police Service decided to organise similar workshops in June 2004, this time for senior police officers, who were trained on the SARPCCO Code and its links to the Botswana Police Mission Statement. Strategies were proposed to help senior officers guide their subordinates in putting the Code into practice.

POLICE OVERSIGHT IN AFRICA

The South African Independent Complaints Directorate (ICD), a statutory body which oversees the investigation of complaints against members of the South African Police Service, organised a regional conference on oversight mechanisms and police accountability in Africa, held in Johannesburg, South Africa. The APT

was invited to present the Robben Island Guidelines on the prohibition and prevention of torture and their implications for African police officers. It was then asked to join an African police oversight follow-up working group.

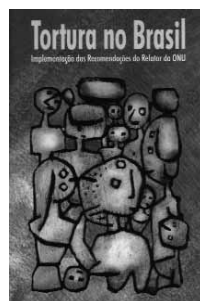
5. COOPERATION WITH THE OHCHR AND OTHER UN BODIES

Through cooperation with UN bodies, the APT seeks to maximise the effectiveness of the various existing UN mechanisms dealing with torture and ill-treatment. It has therefore carried out several joint activities with the office of the High Commissioner for human rights (see page 5), maintains regular contacts with the UN Committee against Torture, whose bi-annual sessions it monitors, and follows torture-related issues and procedures examined by the UN Commission on Human Rights and the General Assembly.

The UN Commission's Special Rapporteur on Torture is the UN's primary advocate for the implementation of the Convention against Torture. The Rapporteur's mandate is universal in scope, which makes him or her an obvious ally of the APT.

FOLLOW-UP TO THE UN SPECIAL RAPPOURTEUR'S RECOMMENDATIONS

One of the weaknesses of the UN Rapporteur system is the failure by States to implement the recommendations made. The APT decided to address this problem by choosing a country that had been visited by the Special Rapporteur at least two years earlier and inviting national NGOs to report on how and whether the recommendations had been implemented. The UN



advance the debate and discussions with the government. The APT's partners in this project were the Centre for Justice and International Law (CEJIL/Brazil) and Tortura Nunca Mais - Rio de Janeiro.

During the 60th Commission on Human Rights the APT organised a parallel meeting, focusing on the cases of Brazil and Mexico, to draw attention to the question of implementation of the recommendations made by the Special Rapporteur after visiting a country.

Both activities were particularly welcomed by the UN Special Rapporteur, who received a public commitment from the Brazilian government to discuss further how the recommendations could be implemented.

6. COOPERATION WITH THE ADMINISTRATION OF JUSTICE

Judges, lawyers and prosecutors have a key role to play in preventing torture and ill-treatment. They are in charge not only of ensuring that human rights are respected but also that those responsible for abuses

are brought to justice and that victims receive redress. In 2004 the APT initiated activities aimed at enhancing the role of administrators of justice in preventing torture.

Special Rapporteur on Torture visited Brazil in 2000. Three years later, the APT helped Brazilian NGOs meet to produce a report on the status of implementation of each of the Rapporteur's recommendations. "Tortura no Brasil" was published in 2004 and distributed throughout the country, thus helping to

are brought to justice and that victims receive redress. In 2004 the APT initiated activities aimed at enhancing the role of administrators of justice in preventing torture.

PACIFIC COLLOQUIUM ON ACCESS TO JUSTICE

Co-organised by the international NGO Interights, the Fiji Human Rights Commission and the Fiji Judiciary, the colloquium "Access to Justice in a Changing World" represented a new step in the APT's involvement in activities to raise the judiciary's awareness of the prevention of torture. Held in Suva, Fiji, the colloquium brought together senior judges from Fiji, New Zealand, Australia and Canada with members of the Fiji Human Rights Commission. The event emphasized the role of judges in the context of the current threats regarding access to justice posed by counter-terrorism measures. The APT presented the role of judges in protecting the liberty and security of those charged with terrorist offences.

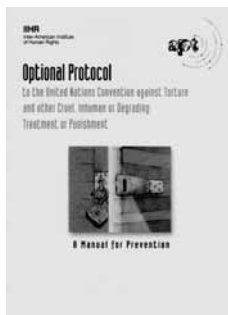
PROVIDING TOOLS FOR JUSTICE ADMINISTRATION PERSONNEL

The APT was involved in the consultation process behind a University of Essex (UK) publication aimed at providing administrators of justice with a practical tool for preventing torture and combating impunity (Conor Foley, *Combating Torture Handbook: A Manual for Judges and Prosecutors* www.essex.ac.uk/combatingtorturehandbook). During 2004, the APT took active part in the production of the Spanish version of this Handbook, which it plans to launch in 2005 during a seminar for judges and prosecutors in Buenos Aires, Argentina.

PROVIDING TOOLS FOR PREVENTING TORTURE

APT ANNUAL REPORT 2004

1. THE OPCAT MANUAL



entry into force and the universal application of the OPCAT.

As part of this process, the APT and the Inter-American Institute of Human Rights (IHR) joined forces to produce a practical campaigning tool, in four languages (English, French, Spanish and Portuguese), to assist local actors in promoting the ratification and implementation of the OPCAT in their own countries.

The OPCAT Manual introduces the reader to the Optional Protocol, explaining the need for this innovative instrument within the framework of existing norms and mechanisms. The publication then explains the history of the OPCAT, from its initial conception, through the drawn-out negotiation process to its final historic adoption by the UN General Assembly. A legal commentary of the text itself points in more detail to the significance and background of some of

On 18 December 2002, the UN General Assembly adopted a unique instrument to prevent torture worldwide through a dual system of monitoring of places of detention, the Optional Protocol to the UN Convention against Torture (OPCAT). Immediately, the APT launched a global campaign to ensure the prompt

the key provisions. The Manual then illustrates the potential impact of a system of regular monitoring of detention facilities, by describing the two main bodies that will conduct this work at an international and national level. Finally, concrete action and specific strategies are suggested for the key actors in ratification and implementation campaigns.

The Manual was launched throughout the world. The French version was released in Senegal, during the session of the African Commission on Human and Peoples' Rights. The English version was launched during a public event at the prestigious American University in Washington DC and in New York City with a network of NGOs led by Amnesty International. The Spanish version was presented simultaneously in public events in thirteen countries of the Americas. The Portuguese version was launched in Brazil with the support of the "Movimento Nacional de Direitos Humanos". All these high-level public events were attended by hundreds of people, human rights activists as well as representatives of governments and the media.



The four electronic versions are available on www.apr.ch in PDF format. Copies of the printed editions can also be ordered for the price of CHF 25.

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2. MONITORING PLACES OF DETENTION, A PRACTICAL GUIDE



Monitoring places of detention through regular and unannounced visits constitutes one of the most effective ways to prevent torture and ill-treatment of persons deprived of their liberty.

Following the first practical guide on visits addressed to NGOs and published by the APT, jointly with the Organisation for the

Security and Cooperation in Europe (OSCE), in 2002 (*Monitoring places of detention: a practical guide for NGOs*, available in English and Russian on www.apr.ch), the APT received an increasing number of demands for practical tools that would help visiting bodies set up and implement monitoring programmes, as well as train their members. More than 1000 copies of the Practical Guide for NGOs were distributed to partners involved in conducting visits. The success of this book encouraged the APT to prepare a new version of the guide in 2004. The

new guide has been updated in order to consider several types of mechanisms engaged in monitoring places of detention in addition to NGOs, such as national human rights institutions, specialised expert bodies, lay visitors, representatives of the judiciary, parliamentarians and other civil society bodies. Moreover, monitoring to

prevent torture and ill-treatment has been given a significant boost with the adoption of the OPCAT.

By publishing this new Monitoring Guide, the APT wishes to encourage independent experts to visit people deprived of their liberty, and to offer them a practical tool to reinforce their monitoring capacities and maximize the effects of their work. Thus, the guide deals with the following issues:

- who monitors places of detention;
- the principles of monitoring;
- how to prepare a visit;
- the visit itself;
- how to follow up on a visit;
- what aspects of detention to examine;
- the relevant standards.

The new Monitoring Guide already exists in English and Spanish. The French and Portuguese versions will be published in early 2005 and additional languages will follow. All versions will be available for downloading on www.apr.ch. Copies of the printed editions can also be ordered for CHF 30 each.

3. LEGAL REFERENCE SERVICE

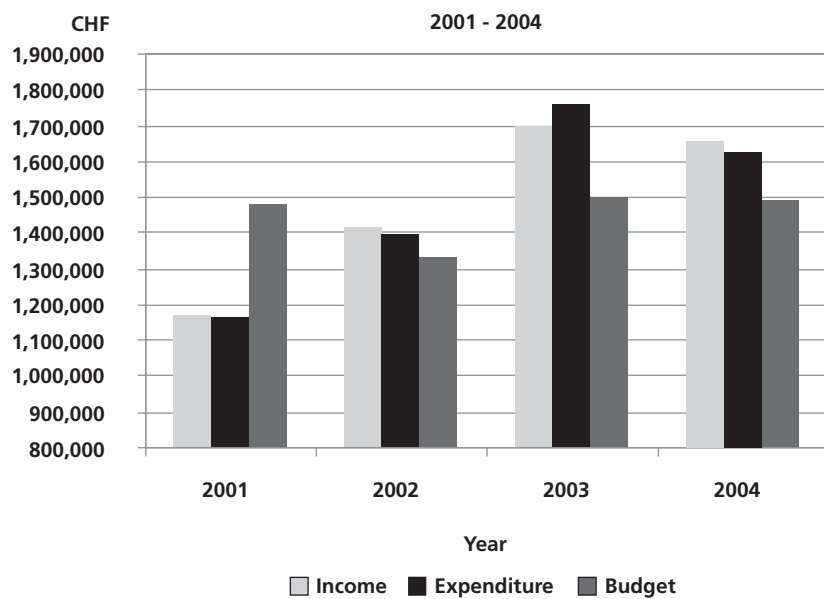
Launched at the end of 2003, the APT Legal Reference Service is a unique and comprehensive online database of international, regional and national documentation related to the prevention of torture and other cruel, inhuman or degrading treatment or punishment. More than 2000 resolutions, conventions, cases and recommendations are available online. This new torture prevention platform can be visited at: <http://legal.apr.ch>

BUDGET AND ACCOUNTS

APT ANNUAL REPORT 2004

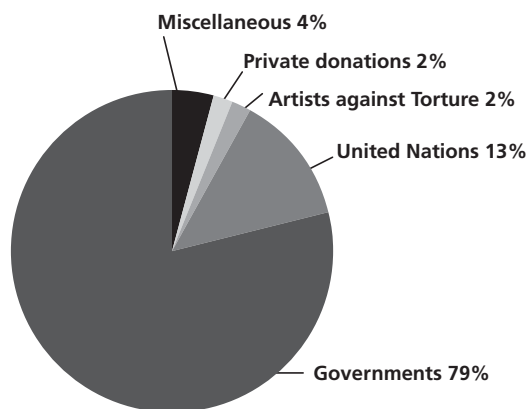
In 2004, the APT was able to balance its income and expenditure in line with the approved budget of CHF 1,497,009 (970,840 Euros), which was similar in amount to the 2003 budget. Expenditure in 2004 stemmed mainly from publications and travel, related to active global lobbying on the OPCAT campaign – for instance twenty-eight in-country advocacy visits and the publication of reference and campaign materials in several languages (see pages 13 and 14).

COMPARISON OF APT INCOME, EXPENDITURE & BUDGETS FOR 2001 – 2004 (IN CHF)



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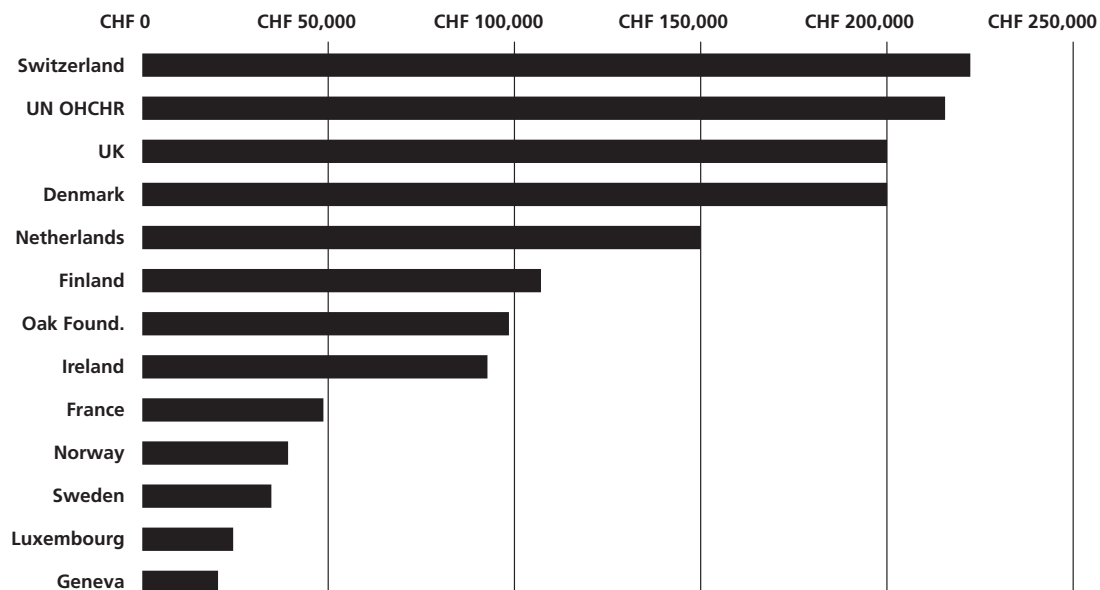
SOURCES OF FUNDING IN 2004



As the above chart shows, amongst APT donors governments represent the main source of funding. For several years contributions have been received from the Ministries of Foreign Affairs of Denmark, Finland, France, Netherlands, Sweden, Switzerland and the UK. In 2004, additional government donors such as Ireland, Luxembourg and Norway as well as the City of Geneva supported the APT.

Another welcome development has been the second year of support by the UN OHCHR as well as the Oak Foundation.

2004 CONTRIBUTIONS TO THE APT



APT STAFF IN 2004

APT ANNUAL REPORT 2004

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Mark Thomson, *UK*

Africa programme

Jean Baptiste Niyizurugero, *Rwanda*

Americas programme

Claudia Gerez, *Mexico/Spain*

a.i. Ariela Peralta, *Uruguay (February-August)*

Europe and Central Asia programme

Matthew Pringle, *UK*

UN & Legal programme

Edouard Delaplace, *France*

Debra Long, *UK (until May)*

OPCAT Campaign Coordinator

Philippe Tremblay, *Canada (since September)*

Visits programme

Esther Schaufelberger, *Switzerland*

Communication and Fundraising programme

Laurence D'Esposito, *France/Switzerland*

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Sabrina Oberson, *Italy*

Administrator & Webmaster

Adrian Moore, *Ireland*

Administrative Assistant

Corine Bugnon, *Switzerland (until October)*

Marie-France Roger, *France (November-December)*

Veronica Rivera, *Peru (since November)*

Volunteers

Cecilia Jauregui, *Chile (since September)*

Innocent Sama, *Togo*

Patrick Lessene, *Central African Republic*

Maintenance

Haile Negash, *Eritrea*

Consultants

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Governments

Denmark, Finland, France, Ireland, Luxembourg, Netherlands, Norway, Sweden, Switzerland, United Kingdom, and the City of Geneva.

International Organisations

United Nations (Office of the High Commissioner for Human Rights), Organisation for Security and Co-operation in Europe (Office for Democratic Institutions and Human Rights).

Foundations

Oak Foundation

Individuals

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

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