

2009 Annual Report

ASSOCIATION FOR THE
PREVENTION OF TORTURE



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



What is the Association for the Prevention of Torture?

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

Vision and Objectives

The APT envisions a world in which no one is subjected to torture or to cruel, inhuman or degrading treatment or punishment, as promised by the Universal Declaration of Human Rights. 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 Convention for the Prevention of Torture and the African Commission's Robben Island Guidelines for the prevention of torture in Africa.

Global Support

The APT provides advice and support for prevention of torture initiatives in all regions of the world. In cooperation with relevant national authorities the APT provides advice on legal reform, guidance on detention monitoring and training on practices that can prevent torture.

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 on page 21 of this report.

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Cover picture:

The image on the front cover is an extract of Ramildo's painting, a detainee from a Brazilian prison. It is issued from the catalogue created as a result of the international art contest for prisoners organised by the International Commission of Catholic Prison Pastoral Care (ICPPC) in 2005-2006. For more information please visit www.icppc.org

Preface from the Secretary General



Global Support

Welcome to APT's Annual Report of activities in 2009. Even a quick read of what are only a selection of our 2009 activities reveals how a relatively small organisation provides global support and leadership to improve the prevention of torture of persons deprived

of their liberty. To achieve consistently the targets we set ourselves, the organisation remains focussed and strategic. Careful choices are made, based on criteria approved by our Board, on where to work, on what issues and with which partners.

In 2009 the APT was behind a broad variety of steps forward, such as: the creation of the African Committee for the Prevention of Torture; the establishment of the first local preventive mechanisms in Brazil and Argentina; a law to set up a National Preventive Mechanism in Lebanon; a law to criminalise torture in Uganda; the first online compilation of national torture laws and the first coordination meeting between European NPMs, the European Committee for the Prevention of Torture and the UN Subcommittee on Prevention of Torture.

Thank you for your interest in our work. We believe we can and must prevent torture but we need your help and the cooperation of our varied partners to do it.

Mark CA Thomson
Secretary General

Message from the President



National Progress

We were delighted and relieved when Switzerland ratified the OPCAT in 2009. This not only enables us to reinvigorate our longstanding cooperation with Swiss authorities worldwide but also opens the potential to provide backing to the Swiss

National Preventive Mechanism. Furthermore, as it was the 50th ratification, this has triggered preparations for the election, in 2010, of an enlarged United Nations Subcommittee on Prevention of Torture. It is expected that a bigger SPT will be able to have a more positive impact on the implementation of the OPCAT.

In this Annual Report you can read of many examples (e.g. Mexico, Costa Rica, Maldives and Estonia) where the APT has assisted, in 2009, emerging NPMs to be effective in preventing abuses in all places of detention. We have also produced an analytical tool for NPMs to evaluate their own work, as well as offered them training on preventive detention monitoring.

Every effort must now be made to assist these national initiatives to make further progress. We count on your support.

Martine Brunschwig Graf
President

Contents

APT activities in 2009	2
Trends and Highlights 2009	3
Europe and Central Asia	4
Asia- Pacific	6
Middle East and North Africa	8
Africa	10
Americas	12
Detention Monitoring	14
UN and Legal	16
New capacity-building tools	18
Budget and accounts	19
APT staff in 2009	20
APT Board & Advisory Council	21
Abbreviations	22

Preventing torture worldwide - APT activities in 2009

International Bodies

- OPCAT advocacy and cooperation with UN (HR Council, Treaty Bodies, General Assembly) and regional mechanisms, including the Council of Europe, Inter American Commission and African Commission
- Cooperation with the SPT and related groups such as the OPCAT Contact Group network of NGOs (p.17)

The Americas

- Providing strategic support to NPMs in Costa Rica and Mexico (p.12)
- Supporting the implementation of OPCAT in Argentina, Brazil (pp.12-13), Chile (p.13) and Uruguay
- Training members of civil society and the judiciary on monitoring places of detention in Brazil (p.15)
- Cooperation with sub regional (Central American Council of Ombudspersons) and regional (Inter-American Commission on Human Rights, OHCHR) Human Rights bodies on prevention

Europe and Central Asia

- Cooperation with the European Committee for the Prevention of Torture and capacity building of European NPMs (pp.4 & 17)
- Strengthening the role of judges in preventing torture in Armenia and Georgia
- Supporting the setting-up and operations of NPMs in Bosnia and Herzegovina, Estonia, Georgia, Kazakhstan, Kyrgyzstan (p.4), Liechtenstein, Macedonia and the UK

- Encouraging the ratification and effective implementation of OPCAT in Montenegro, Serbia and Turkey (p.5)
- In the framework of the Council of Europe NPM Project, support to NPMs in Moldova and Estonia and first NPM meeting in Strasbourg (pp.4, 14, 17)
- Advocacy for independent detention monitoring in Tajikistan (pp.4-5)

Africa

- Supporting global (OHCHR) and regional actors (in particular: African Commission on Human and Peoples' Rights and its Robben Island Guidelines Follow-up Committee, Africa-EU Strategic Partnership) to enhance the prevention of torture and other ill treatment at the regional level (pp.10-11)

- Supporting national anti-torture initiatives in Madagascar, South Africa and Uganda (p.10)
- Seminars on NPM designation in Benin and Senegal (p.11)
- OPCAT advocacy missions in Ghana and Togo

Middle East and North Africa

- Preventive monitoring for juveniles in Egypt
- Prevention of torture programmes in Morocco
- Providing strategic support on OPCAT implementation and NPM designation in Lebanon
 - Supporting the criminalisation of torture in Bahrain (p.9)
 - OPCAT promotion in the MENA region (p.8)

Asia-Pacific

- Strengthening the capacities of national defence lawyers in Thailand (pp.6&16)
- Training on monitoring police detention facilities in Nepal
- Providing strategic support to the Maldives NPM (pp.14-15)
- Advocacy for ratification and implementation of OPCAT in Australia, Indonesia, Japan, New Zealand and South Korea (pp.6-7)

Practical tools to enhance prevention

- APT's Compilation of National Torture Laws (pp.16&18)
- Detention Monitoring Briefings (pp.14&18)
- Briefings on OPCAT, criminalisation of torture
- Translation and publication into foreign languages of various key tools (including in Bahasa Indonesia, Japanese, Portuguese, Thai, etc.)

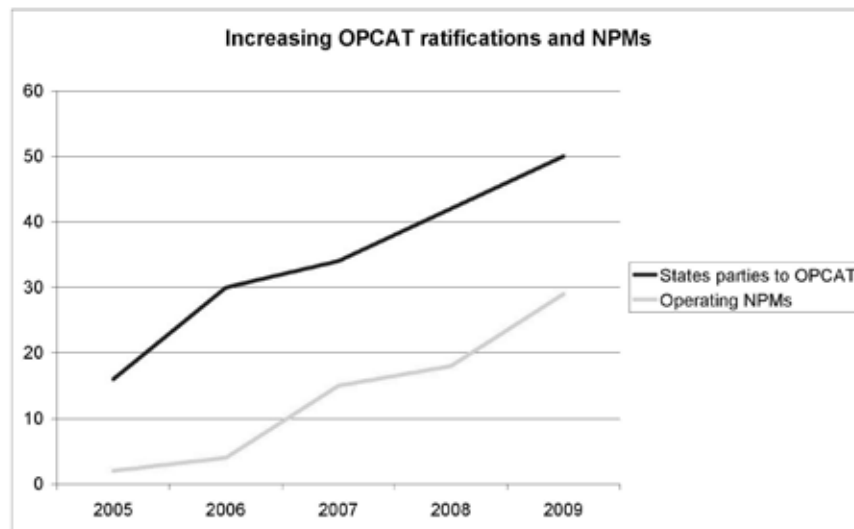


Trends and Highlights 2009

A growing number of NPMs worldwide

In September 2009 Switzerland became the 50th country to ratify the Optional Protocol to the UN Convention against Torture (OPCAT) and chose to create a new institution to act as the National Preventive Mechanism (NPM). This option has been taken by numerous States Parties, including in 2009 by provincial authorities in Argentina and Brazil (pp.12-13). Others have chosen to designate existing institutions such as National Human Rights Institutions (NHRI) or Ombudspersons as NPM. The APT promotes effective and independent NPMs rather than particular models. For that purpose it continued to provide them with tools throughout 2009, specifically emphasising challenges and benefits of the various options.

As the chart below shows, most existing NPMs worldwide (close to thirty as of end 2009) have



only recently started their activity. These incipient mechanisms need advice, exchanges of experience and strategic vision to help them operate in a way which is compliant with OPCAT. Furthermore, the chart shows that as of end 2009, more than 20 of the 50 States Parties had not yet designated their NPM. These particular countries also need tactical support in order to come up with sensible proposals through participatory and meaningful processes.

New grounds in strategic partnerships

One of the strong features of APT's work in 2009 was increased cooperation with partners, especially at the international and regional levels. For instance, members of the UN Subcommittee on Prevention of Torture (SPT) were involved in over 20 activities worldwide with the APT. APT interventions in countries such as Argentina, Benin, Japan, Kyrgyzstan and Morocco involved either current or former members of the SPT. Their presence was of particular relevance during interventions which included the preparation of up-

“With a relatively small team APT’s partnership approach to its OPCAT work encompasses host society actors (...). APT is acknowledged by stakeholders (...) as being “very inclusive towards other organisations”; an organisation “demonstrably more interested in results than in credit”. (...) As put by one stakeholder consulted APT “punches above its weight.”

External desk review of APT’s 2008-09 worldwide OPCAT campaign, Irishaid, November 2009

coming SPT visits (as for example in Paraguay).

The year 2009 also marked a milestone in the history of torture prevention on the African continent. The new Committee for the Prevention of Torture in Africa (CPTA, see pp.10-11) is expected to bring a

revived impetus to the prevention of torture and other ill-treatment at the regional level, including through in-country visits, as well as the provision of advice and expertise. It is also expected that the CPTA will contribute to supporting African States which have ratified or will soon ratify the OPCAT (Nigeria ratified and Cameroon signed in 2009).

Finally, the 20th anniversary of the European Committee for the Prevention of Torture (CPT) was marked by a unique gathering of national, regional and global experts, to explore ways in which they could work together. This was also the first assembly of European NPMs and was held in Strasbourg, France (p.4). By the end of the joint CPT/APT conference, participants were unanimous in praising the exchange of experience which proved to be of capital importance, especially for incipient NPMs, and it was decided that the APT and the CPT should undertake a similar coordination exercise in late 2010.

Europe and Central Asia Programme

The **promotion of transparency in closed institutions** continued to be a key priority for the Europe and Central Asia Programme in 2009. During the year, the APT's commitment to preventing torture in Central Asia increased with the organisation of various activities with this particular aim. Moreover, the APT embarked upon a three-year project to make places of detention less opaque in Turkey through the establishment of an effective National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). Elsewhere in the region, the APT was engaged in similar OPCAT related events, including the Balkans (Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro, Serbia) and the South Caucasus (Armenia and Georgia).

During 2009, the APT also laid the foundations for a multi-year project which seeks to fulfil another of its key objectives, namely the **strengthening of the capacity of actors to prevent torture**. In cooperation with the Council of Europe (CoE),



Advancing the process of establishing an effective NPM in Kyrgyzstan

the **European NPM Project** seeks to enhance the capacity of NPMs to monitor places of detention and to create a regional network to foster exchanges of good practices. Pilot training workshops were conducted in Moldova and Estonia and the first meeting of European NPMs was held in Strasbourg in November 2009.

The prevention of torture in Central Asia

The APT has been engaged in torture prevention initiatives in Central Asia for several years. The role of the APT was instrumental in the ratification of OPCAT by Kazakhstan and Kyrgyzstan for example.

The aim of this year's APT mission to **Kazakhstan** was to support the implementation of the Concluding Observations of the country's second periodic report by the UN Committee against Torture (CAT). The Kazakh Ombudsman Office, PRI's Office in Central Asia and the Kazakh International Bureau of Human Rights and the Rule of Law convened a two-day meeting in February to discuss the Committee's findings with key actors. To bring examples of how the OPCAT is being implemented in other countries, representatives from Armenia and Moldova were present at the event. The discussions directly contributed to enhance the capacity of the authorities to implement the CAT recommendations.

In April, together with several regional partners, the APT co-sponsored and participated in an international round-table in **Kyrgyzstan**, which ratified the OPCAT in 2008. The aim of the event, the third in a series of meetings on the matter, was to



© OSCE Tajikistan

Exchanging on independent monitoring of places of detention in Tajikistan

advance the process of establishment of an effective NPM in the country. To lend their advice to the ongoing process, two SPT members attended the round-table, as well as a representative of the Slovenian Ombudsman's Office.

After the event, a multi-agency working group developed a draft NPM law. The proposal was examined in November 2009 during a public hearing in Bishkek, which was co-sponsored by several organisations including the APT. Participants included the government, parliament and civil society.

The overall process to discuss the Kyrgyz NPM represents best practice in that it has been genuinely open and inclusive, which has not been the case in all countries.

In contrast to neighbouring Kazakhstan and Kyrgyzstan, which have passed domestic legislation ratifying the OPCAT, access to detention facilities by civil society actors as well as the International Committee of the Red Cross (ICRC) is highly re-

stricted in **Tajikistan**. A central recommendation of the CAT had been to permit independent monitoring of closed institutions in the country. In order to promote this concept further, the APT and its partners co-hosted an international meeting on the issue in May 2009. The overall aim of this high-profile event was to engender a national discussion on independent detention monitoring in Tajikistan between government and civil society, as well as to expose the authorities to monitoring practices and experiences from countries in the area sharing the same Soviet heritage. It underlined the importance of the OPCAT as a major human rights instrument.

Discussing a suitable NPM model for Turkey

Turkey has been a target country of the APT for many years. It signed the OPCAT in 2006 and ratification continues to be a pre-requisite for its membership of the European Union (EU).

In October 2009, the APT and the Ankara University Human Rights Centre co-sponsored an experts' meeting on *Instituting an NPM in Turkey under the OPCAT*, devoted to the form and structure of the country's future NPM. It was attended by around 40 government and civil society experts. The keynote speeches were delivered by an SPT member and representatives of three European NPMs. In addition to hearing about the experiences of EU member states, the exchange was focussed on ensuring full compliance with the OPCAT in Turkey. Participants also discussed strengths and weaknesses of different NPM models and how they could be applied in their country.

This meeting was the first of a three-year project on effective implementation of the OPCAT, funded by the EU. Further activities are foreseen in 2010-11 and are aimed at ensuring a national dialogue on this important issue.



Discussing possible NPM models for Turkey in Ankara in October



“

The particularity of the Greek National Commission ... is that since 2005 access to places of detention is denied. Therefore, I developed a well-articulated proposal as to how a programme of regular visits performed by the Commission and the Ombudsman would be of benefit to the prison system as a whole.”

Christina Papadopoulou, Senior Human Rights Officer in the Greek Commission for Human Rights, talks of her experience as a participant in a distance course on torture prevention co-organised by the APT in 2007.

Asia-Pacific Programme

2009 marked the third year of operations of the Asia-Pacific Programme. This vast and varied region is characterised by a low number of ratifications of the UN Convention against Torture (UNCAT) and OPCAT, and the APT therefore adopts a multi-pronged approach, working with partners in the region.

This year, the APT prioritised stepping up **promotion and technical advice on OPCAT ratification and implementation**, promoting effective detention monitoring and contributing to the implementation of the UNCAT in selected countries. As part of this strategy, the APT focused on promoting OPCAT ratification and implementation in Australia, Indonesia, Japan, Korea and the Philippines. It also engaged with the two existing NPMs in the region (Maldives and New Zealand), in order to strengthen capacity and exchange expertise.

Training lawyers on their role in the prevention of torture in Thailand

In relation to UNCAT implementation, the APT sought to **strengthen the capacity of legal practitioners** to prevent torture in Thailand, as part of its three-year torture prevention project in that country. The project includes an array of activities, from capacity building for representatives of



Participants in a training workshop in Thailand in May

the legal profession to the production and dissemination of practical tools on the possible ratification of the UNCAT and its Optional protocol in Thailand. Working with governmental and non-governmental stakeholders, the APT also continued to **promote strong legal frameworks against torture** through technical support and advocacy.

A first training workshop was organised in May 2009, jointly with the International Commission of Jurists' (ICJ) Asia-Pacific Programme and Cross Cultural Foundation. It involved lawyers, mainly working in the conflict-affected Southern Provinces of Thailand. The second event took place in September. It brought together around 30 lawyers from the Northern Provinces, many of whom represented local minority groups.

The aim of the workshops was to support the implementation of UNCAT and related international instruments by **enhancing**

the participants' knowledge of these standards and how to use them in their work. One session was also held for civil society organisations, in which the organisers as well as OHCHR and ICRC shared information on their torture prevention work. The evaluations of both workshops showed improvements in the knowledge and

understanding of relevant international human rights law standards by the participants. As a consequence, they are expected to make increased reference to these standards in their work with victims of torture.

As part of the project, the APT and ICJ translated into Thai and disseminated *Bringing the International Prohibition of Torture Home: National Implementation Guide for the UNCAT* by REDRESS, as well as *Combating Torture: A Manual for Judges and Prosecutors*, by Conor Foley of the Human Rights Centre of the University of Essex.



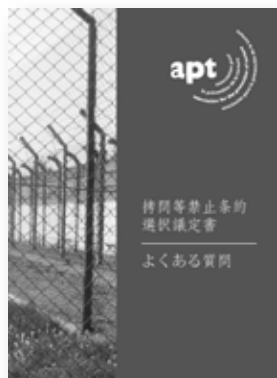
Towards OPCAT ratification in Indonesia

In December 2009 the APT travelled to Jakarta to continue its activities in support of OPCAT ratification and implementation in Indonesia, in cooperation with its local partners Institute for Policy Research and Advocacy (ELSAM) and the Indonesian National Human Rights Commission (Komnas HAM).

The APT has been engaged in torture prevention work in Indonesia for a number of years and held the first roundtable discussion on OPCAT jointly with its partners in 2008. In 2009 a follow-up event with state and NGO representatives was held, to facilitate discussions on the standards for an NPM in Indonesia and options for the organisation and structure of that body.

The partner organisations also launched the above-mentioned publication by Essex University in Bahasa Indonesia, in preparation for work on torture prevention with lawyers in 2010.

Promoting the OPCAT in East Asia



In the framework of its OPCAT promotion strategy, an APT delegation travelled to **Japan** in October 2009, to promote the strengthening of initiatives to prevent torture and other ill-treatment in detention, in particular through OPCAT ratification. Traveling with the APT team

was Dr Silvia Casale, member and former president of the CPT and former chairperson of the SPT. During its visit, the delegation participated in a number of events including a symposium on OPCAT and the role of National Human Rights Institutions (NHRIs), organised by the Japan Federation of Bar Associations and the Asia-Pacific Forum of National Human Rights Institutions (APF), and a meeting with parliamentarians and civil society.

It was the first time that the APT was invited to participate in the 29th Asia-Pacific Conference of Correctional Administrators,

which took place in November in **Australia**. The team was again accompanied by Dr Silvia Casale. The event represented an excellent forum for promoting OPCAT ratification and implementation, and explaining the benefits of monitoring places of detention.

As Australia signed the OPCAT in May 2009, the APT took the opportunity of its presence in the country to participate in a national seminar on its implementation. The event was co-organised by the Australian Human Rights Commission (AHRC) and APF and gathered delegates from federal authorities, representatives of correctional institutions, Ombudspersons' Offices, academics and civil society organisations. Participants explored possible NPM options for Australia and debated their feasibility in the light of other international experience, including the New Zealand NPM. The APT delegation also met with federal authorities, institutions and parliamentarians to promote prompt ratification of the OPCAT.



Panel of speakers during an OPCAT conference in South Korea in October



“ Since 2006, Japan has gradually established independent visiting mechanisms for places of detention. These historic developments were the first step on the long road to improving the human rights situation of people deprived of liberty in Japan. Establishing an NPM under OPCAT will build on this progress and be one of the key factors for future reform. **The APT's experience and research findings have supported and encouraged us on the way to the creation of an NPM.**”

Aya Kuwayama is a Board member of the Center for Prisoners' Rights in Japan.

Middle East and North Africa Programme

In its third year of functioning, the still young MENA programme focused on support to national actors in selected countries on the practical implementation of the UN CAT and its Optional Protocol. Following Lebanon's ratification of the OPCAT in December 2008, 2009 was an important year for its implementation in this first State Party to the instrument in the region. Thanks to joint efforts by key government officials, national NGOs, international organisations (IOs) and the APT, a project for a draft implementation law has been established through a participatory process.

OPCAT gaining ground in the MENA region

The year 2009 was further marked by the first high-level OPCAT event in the MENA region, organised in collaboration with **Morocco's** Human Rights Advisory Board (CCDH). It brought together key actors in the campaign for ratification and saw the participation of the then President of the SPT, Silvia Casale, and other high-level experts.

The aim of the event was to discuss different OPCAT implementation options for Morocco, based on the kingdom's repeated commitment to ratify the instrument. The seminar had very good media coverage, with articles in all major national newspapers, two TV and radio stations.



Observers judged this as a positive sign on the country's way to becoming part of the OPCAT.

The Moroccan seminar was part of a general tendency towards greater awareness of the importance and effectiveness of the OPCAT amongst decision-makers in the MENA region, which was proven by the ratification of the instrument by **Lebanon** in December 2008, making it the first State Party from the region. Several Lebanese NGOs had lobbied for ratification, and invited the APT to different workshops on the protocol in the last two years.

The objective of an APT mission to the country in March was to encourage Lebanese civil society and government administration to start working on the establishment of an NPM. For this purpose, the APT organised jointly with the NGO members of the Working Group against Torture a seminar for civil society, which engaged in substantive and thorough debate about OPCAT implementation. As a result, during several follow-up meetings the **NGOs came up with two draft NPM proposals**, on which the APT had the opportunity to provide written comments.



Members of the CAT, SPT and the Moroccan Ministry of Justice discussing during the first OPCAT seminar in the Maghreb, which took place in Rabat in February

The APT also had the occasion to give an introductory speech at another meeting on OPCAT implementation for government officials and NGOs in Lebanon in May. It was organised by OHCHR under the auspices of the Ministry of Justice. The aim of the seminar was to provide a forum to discuss options and propose recommendations for the establishment of an NPM in conformity with the country's obligations under the OPCAT, but also to open a dialogue with officials in charge of places of detention. This was the first OPCAT event in Lebanon in which government representatives actively participated. It had a good participation of high ranking law enforcement officials, who endorsed the idea of the creation of an NPM and of receiving visits by its members. Other issues discussed were the criminalisation of torture in Lebanon and the need to activate ex-

isting provisions in the law to monitor places of detention better.

Following the workshop, the Ministry of Justice created a drafting committee, including government officials, NGOs and IOs, which drafted a proposal for a project of an NPM law on the basis of the NGO proposals and submitted it back to the Ministry in September.

Towards the criminalisation and prevention of torture in Bahrain

Implementation of the UNCAT was also on the agenda of another important event that took place in April 2009 in **Bahrain**, in the context of the implementation of Bahrain's UPR commitments. The APT was invited to the country to facilitate this event organised under the patronage of the Bahraini UPR Steering Committee for Human Rights. The workshop, chaired by the Minister of State for Foreign Affairs in cooperation with UNDP Bahrain, was entitled *The Criminalisation and Prevention of Torture in Light of the Convention against Torture and its Protocol*. It brought together officials from the Ministries of the Interior and of Justice and Islamic Affairs, the General Prosecution as well as other stakeholders to work on the implementation of some of the commitments that the Kingdom of Bahrain made in the context of the UPR Process. The workshop was aimed at offering an opportunity for Bahraini experts to discuss the latest trends and jurisprudence in international human rights and to **provide models of the full incorporation of the definition of torture of the UNCAT into national law**.



The APT speaking at a workshop on the criminalisation of torture in Bahrain in May

The workshop was also an opportunity for the Bahraini experts to study the OPCAT. The event received very good coverage in national press.



“

It was a great pleasure to work with the APT in organising a workshop entitled ‘*The Criminalisation and Prevention of Torture in Light of the Convention against Torture and its Optional Protocol*’, which took place on 6-7 April 2009 in Manama. A fruitful dialogue was created and **the exchange of experiences enriched the workshop sessions.**”

Arwa Al-Sayed is the First Secretary of the Ministry of Foreign Affairs of Bahrain.

Africa Programme

In Africa, the APT works with national institutions, inter-governmental mechanisms, as well as national and regional NGOs, to develop local solutions (based on international norms and standards) to prevent torture and ill-treatment. It is with this perspective that it endeavours to stimulate and assist the African Commission on Human and Peoples' Rights (ACHPR) to make progress on the prevention of torture.

In this regard, 2009 was an exciting year, with **a new dynamic within the ACHPR**, which led to the establishment of the Committee for the Prevention of Torture in Africa, to improve the visibility of the ACHPR's torture prevention work and impact on the continent. The other focus of the year was on advocacy for the ratification and implementation of the OPCAT in the region. **The APT also made significant advances towards the development of comprehensive national anti-torture legislation** including the criminalisation of torture.

While there is still much to be done to realise the vision of a world free of torture, the APT is encouraged that positive steps are being taken in Africa towards the effective prevention of torture.

Birth of the CPTA

The adoption of the Robben Island Guidelines (RIG) for the prevention and prohibition of torture in Africa by the ACHPR in 2002 constituted a landmark in the history of prevention at the regional level. The follow-up Committee which was consequently set-up was able to undertake some advocacy missions and capacity building activi-

ties. Nonetheless, it needed enhanced visibility and recognition at the regional level.

“Thanks to [the APT's] support and expertise, Benin has taken new steps in fulfilling its international commitments particularly with regards to the implementation of UN CAT and OPCAT... The activities undertaken in cooperation with [the APT] led to the adoption of the draft law on an NPM ... as well as the implementation of certain CAT recommendations.”

Letter by Victor-Prudent Topanou, Minister of Justice of the Republic of Benin, dated end 2008

With the support of the APT, the Follow-up Committee was officially renamed by the African Commission as the Committee for the Prevention of Torture in Africa (CPTA) during the November 2009 session of the ACHPR. The change of name provides for improved visibility and outreach capacity and also marks the initiation of a period of renewed efforts

to enhance prevention at the regional level in Africa. The CPTA is expected to bring a vital impulse to the processes of ratification and implementation of OPCAT and the RIG in Africa. The important role of the regional mechanism dedicated to the prevention of torture in Africa was demonstrated in a joint advocacy mission of the APT and SPT to Benin in October 2009.

Uganda and the criminalisation of torture

The APT initiated a five-year programme in Uganda in 2006. At the beginning, its involvement included capacity building activities in detention monitoring, as well as facilitating the setting-up of a national steering group on torture, which includes the Uganda Human Rights Commission, and prominent civil society actors, notably the



Discussing the Ugandan draft torture law in March

African Centre for Treatment and Rehabilitation of Torture Victims (ACTV).

With the APT's support, the Uganda Working Group on Torture (WGT) initiated the drafting of a law criminalising torture at the beginning of 2009. This step was in accordance with the recommendations from CAT when it reviewed Uganda's initial report in 2005.

An APT delegation travelled to Uganda in March 2009 to meet key parliamentarians and government representatives as a means to design an effective strategy on adoption of the draft law. It organised a seminar on the draft torture law and participated in a working session of the WGT which reviewed the draft bill to incorporate comments and recommendations gathered during the meeting with parliamentarians.

Throughout 2009, the APT remained proactive in supporting and advising the WGT on the content of the draft law, as well as lobbying strategies for its adoption. As a consequence, it is expected that Uganda will adopt this new piece of legislation soon.

New body to act as NPM in Senegal

In February 2009, **Senegal became the first State party to the OPCAT in Africa officially to set up a new institution to act as National Preventive Mechanism (NPM). This major breakthrough can be partly attributed to the long-standing support**



The APT at a meeting with parliamentarians in Senegal in January

of the APT alongside its national partners for the national process of implementation of the OPCAT since Senegal ratified in 2006. For example, the adoption of the NPM law by the Senegalese parliament followed an APT advocacy mission to the country in January 2009. On this occasion, the APT was able to meet key government decision makers and provide comments and advice on the draft law.

The APT consequently returned to Senegal in July 2009 to support the process of designation of the new NPM. Amnesty International (AI) Senegal and other civil society actors such as ACAT Senegal partnered with the APT to lobby the Senegalese authorities for prompt designation of the *General Observer of places of deprivation of liberty* as Senegal's new NPM.



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I write to express on behalf of the African Commission on Human and Peoples' Rights deep appreciation for the support of APT to the work of the Commission in the field of Torture. This relationship, which has spanned over a long time, has, in no small measure, **enhanced the capacity of the Commission in fulfilling its torture prevention mandate.**”

Catherine Dupe Atoki is the Chairperson of the new Committee for the Prevention of torture in Africa and Special Rapporteur on prisons and conditions of detention within the African Commission.

Americas Programme

During 2009, the Americas Programme prepared the ground for a breakthrough development for the APT: opening the first regional office in its history. This strategic decision was based on the unprecedented opportunity to make inroads on torture prevention in a region which, despite great strides due to reforms under democracy, has not yet succeeded in putting an end to the notorious practices of earlier authoritarian regimes.

The OPCAT – which has so far been ratified by twelve countries in the region – is the source of this opportunity. The **APT Office for Latin America** will therefore focus on ratification and implementation of the instrument in the region, particularly on the establishment of NPMs. The APT made the necessary preparations in 2009 to enable the Regional Office **to open in early 2010 in Panama City**.

The Americas Programme also advanced on OPCAT project initiatives leading to pioneering advances, including the adoption of the first two local NPM laws in federal States. In December 2009,



Discussing the structure and work of Mexico's NPM

local entities in Brazil and Argentina adopted legislation to create preventive bodies for places of detention under their jurisdiction.

Working with established NPMs

In Latin America, two countries which played a pivotal role during the negotiation of the OPCAT have opted to appoint existing NHRIs as NPMs: Costa Rica and Mexico. The APT has therefore strived to ensure that they set high standards for effective OPCAT implementation; working directly with the NPMs in both countries, providing training and advice.

As part of this process, in 2009 the APT organised evaluation and strategic planning workshops with the NPMs of **Costa Rica** and **Mexico**, piloting the NPM analytical tool developed by the APT for this purpose (see p.14). The workshops brought together relevant staff of the NHRIs who were able to come to a common understanding of their new role as NPM and agree to measures for addressing the challenges. Although the contexts and sizes of Costa Rica and Mexico are radically different, some similarities can be drawn: both have opted for the institutional arrangement of creating a separate NPM Unit within a broader institution and they both suffer from a weak legal basis for NPM designation. The concrete result of the workshops was the adoption of strategic plans of action for the NPMs.

Preventive monitoring in federal states

States with federal and decentralised structures face particular challenges when implementing

OPCAT. The Territorial dimension can for example be problematic in terms of the NPM's capacity to conduct regular visits to all places of detention as required by OPCAT. The APT has given special attention to assisting federal states to find solutions to such challenges, amongst others by organising two international conferences on OPCAT implementation in such countries in coordination with the Center for Justice and International Law (CEJIL), in 2006 in **Brazil** and in 2008 in **Argentina**.



Sharing experience of local preventive mechanisms between Brazil and Argentina

As a result of these initiatives and the APT's long-term in-country engagement, both have designed novel NPM proposals to overcome the challenges of federalism. The proposals, which have yet to be adopted, consist of creating torture prevention systems made up of several bodies to cover both local and federal jurisdictions, with an overarching apparatus to ensure coordination and coherence across the country. The APT strategy comprised advocating for approval of draft NPM laws at a federal level, while promoting the crea-

tion of local preventive mechanisms, as well as building local capacity for monitoring places of detention through training workshops outside the federal capitals.

In **Argentina**, the first federal state to ratify OPCAT in 2004, the APT organised two advocacy missions in 2009 to lobby legislators for approval of draft NPM legislation. The visits were organised with the support of the Centre for Legal and Social Studies (CELS) and a congresswoman. An SPT member accompanied the missions to promote OPCAT implementation in two provinces. Following the talks, **Chaco was the first province in Argentina to adopt a local law to create a preventive mechanism under its jurisdiction.**

The APT also sponsored and provided lectures and materials at capacity-building activities in Buenos Aires and La Plata. One was a four-month training course on detention monitoring. The second was a seminar for health professionals to strengthen their role in places of detention.

In a parallel process of OPCAT implementation in **Brazil**, the APT closely advised a federal committee, including on drafting the NPM law. It provided comments on drafts, as well as input on strategy. The bill is expected to be sent to the federal Congress in early 2010.

At a local level, the state of **Alagoas was the first decentralised entity in the world to adopt a law to create a local preventive mechanism according to OPCAT.** Significantly, the local law was adopted one week after the APT organised, with the Federal Human Rights Secretariat and the Bar



The APT delegation with the President of the Republic of Chile, Michelle Bachelet

Association of Brazil, a seminar for its promotion. The APT is now advising local authorities on the implementation of the law and continues its series of sub-regional training workshops on monitoring places of detention (see pp. 14-15).

Initiating an NPM designation process

Chile is one of the countries in Latin America with the most limited access to places of detention for independent monitoring, making OPCAT implementation all the more pressing. The country ratified the instrument in 2008, acquiring the international obligation to designate its NPM by 2010.

The aim of an APT mission to Chile in August was to promote the effective implementation of OPCAT, and more specifically to facilitate a dialogue amongst relevant national actors with respect to the designation of an NPM. A public seminar was organised by the Ministries of Foreign Affairs and of Justice with the APT.



“

The Torture Prevention course impacted on my work at different levels ... [I] was able to adjust my perspective and my vision on monitoring work ... We continue working on the implementation of the plan of action [drafted during the course].”

María José Méndez, an official from the Paraguayan Defensoría del Pueblo, talks of the benefits of a joint OHCHR-APT training course on torture prevention for NHRIs, which was held in 2007.

Detention Monitoring Programme

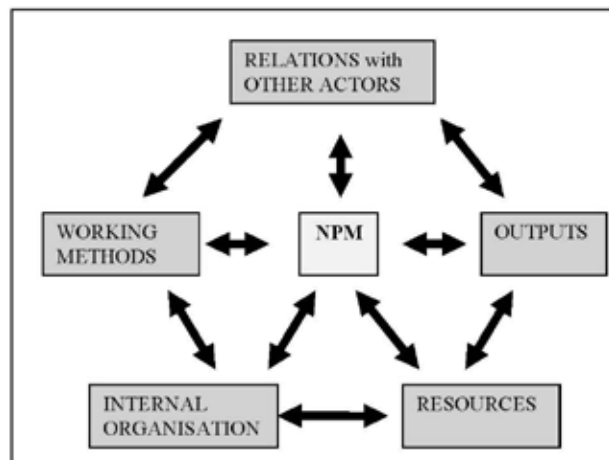
APT's detention monitoring programme aims at promoting effective preventive visits to places of detention through practical training on visiting methodology, development of tools and research and expertise on preventive approaches.

In 2009, the programme was involved in the new phase of OPCAT implementation which is closely linked with monitoring in practice and visiting methodology. Newly designated NPMs were asking for concrete, practical advice on operational functioning: how to implement the NPM mandate? What is preventive monitoring? How to conduct regular visits to all places of detention? How to carry out interviews in private with persons deprived of liberty? In order to respond strategically to these demands, the APT, in cooperation with TC Team Consult, **developed an analytical framework that embraces all aspects of the func-**



The APT presenting its findings during a work shop with the NPM of Costa Rica in April

tioning of an NPM. It is composed of five interdependent and interrelated dimensions that, taken together, enable NPMs to bring about changes and have a positive impact on torture prevention.



NPM Analytical Tool

The NPM analytical framework was discussed during a one-day expert meeting in Geneva with representatives of the UN Subcommittee on Prevention of torture (SPT), of the European Committee for the Prevention of Torture (CPT), of the French and Maldivian NPMs and the Council of Europe (CoE). The analytical framework allows for flexibility in its use and was applied in different ways during in-country workshops with NPMs. In the Maldives and Costa Rica, it was used as a basis to draft a multiyear action plan for the NPM. In Estonia and Moldova (pilot countries for the CoE *European NPM Project*, p.4), the framework was used to analyse strengths and weaknesses of the

NPMs. With the Mexican NPM (National Human Rights Commission), the analytical framework served as support for an internal reflection on the NPM functioning and led to the adoption by

the NPM of 16 lines of action. These workshops also included sessions on detention monitoring methodology, especially on preventive visits, interviews and reporting.

During 2009, the Programme also conducted interactive detention monitoring training with other target groups, such as civil society in Brazil or the National Human Rights Commission and NGOs in Nepal. The training workshops aimed at strengthening practical skills to prepare, conduct and follow up on vis-

its and included visits to places of detention.

Finally, we continued to develop practical tools for all actors involved in detention monitoring activities and published two additional *Detention Monitoring Briefings*: on working with interpreters and on the selection of persons for interviews.

Working with the NPM in the Maldives

In the Maldives the National Human Rights Commission was designated as the NPM in 2007, just before the visit by the SPT. A separate unit with four staff members has been created to devote itself to the NPM preventive mandate. The NPM requested APT's assistance and a Memorandum of Understanding (MoU) was signed between the APT, the National Commission and TC Team



© APF

Maafushi prison, Maldives, July 2009
.....

Consult. The MoU foresees three workshops between January 2009 and January 2010.

The first workshop in January 2009 enabled the NPM to draft their Strategic Plan of Action 2009-2010 and to discuss detention monitoring methodology. The second workshop in July was an occasion to review the Action Plan and to focus on practical skills for detention monitoring, with visits to two police custodial facilities. It was also a good opportunity to discuss possible follow-up to the SPT report on the 2007 visit, which was published with the authorisation of the government in February. A third workshop is expected to take place during 2010.

Detention Monitoring for civil society in Brazil

In the framework of a multi-year MoU with the Human Rights Secretary of the Brazilian Presidency, the APT conducted two trainings on detention monitoring methodology for members of civil society. In May, a workshop took place in Acre with 28 representatives from 6 States of the Amazonas region. In November, a similar workshop convened as many civil society members from 7 States of the Nordeste region. These four-day workshops provided for discussion on OPCAT implementation and exchange of experience on issues such as interviews in private and drafting of recommendations. They included the preparation and conduct of practical visits to places of detention.



The APT's *Monitoring Guide* used during a training workshop in Brazil in May
.....



“ I note with appreciation the vital role played by the APT in encouraging us to strengthen human rights protection ... the Maldives is looking for support from its partners in increasing our capacity to implement the recommendations contained in the Report of the Subcommittee on the Prevention of Torture. In this regard I would like to express many thanks for the very helpful suggestions provided by you.”

Dr. Ahmed Shaheed is the current Minister of Foreign Affairs of the Maldives and the 2009 Laureate of the Muslim Democrat of the Year award.

UN and Legal Programme

The main objectives of the APT's UN & legal programme are to enhance the prevention of torture at the UN level, through advocacy activities targeting relevant Human Rights mechanisms, and at the domestic level by providing legal advice, tools and training to key national stakeholders. Another important part of the programme's activities is focused on the effective implementation of the UN Convention against Torture (UNCAT).

Compilation of Torture Laws

With the aim of providing relevant stakeholders with **objective data on domestic legislation related to the prohibition of torture**, in 2009 the APT launched an online resource compiling laws of States Parties to the UNCAT (www.apr.ch/laws). The Compilation gives an overview of national laws of each State, such as Constitutions, Penal and Criminal Procedure Codes, Anti-Torture Acts or other relevant laws. (p.18)

Implementation of UN CAT

The effective implementation of the UNCAT plays a fundamental role in the prevention of torture. Hence, the UN & legal programme is actively involved in ensuring that the various measures envisioned by this instrument are actually implemented in practice by its States Parties. During 2009 the programme continued to provide advice on draft legislation related to torture (i.e. in Bolivia, Nepal and Uganda) with a view to increase compliance of national laws with international norms. The programme also contributed on the issues of criminalisation of torture and investigations of allegations of torture during a work-

“[The APT] have undoubtedly been successful in working with governments to increase the level of signatures and ratifications to the OPCAT ... they have been effective at making these ratifications meaningful and helping states to set up ... credible national mechanisms to prevent torture as well as training NHRIs, NGOs and others on prevention work... APT's constructive and non-confrontational approach is ideal for achieving their objectives.”

UK Foreign & Commonwealth Office, August 2009

shop in Bahrain in April (p.9). Moreover, the APT participated in expert discussions in Madagascar in September on ways to foster the implementation of the Malagasy law adopted in 2008, partly thanks to APT's work.

The Role of Lawyers in Torture Prevention

For the prevention of torture to be effective, every relevant stakeholder needs to be involved, especially lawyers. Therefore the APT organised two trainings for Thai lawyers in May & September (p.6-7). The APT's interventions focused on the different legal and procedural safeguards against torture, as well as on the role representatives of the legal profession can play in ensuring that they are effectively implemented. In June, the APT participated in a conference on the role of lawyers in combating torture, organised by *Avocats Sans Frontières*. As a consequence, **the APT's work directly contributes to ensuring that lawyers**

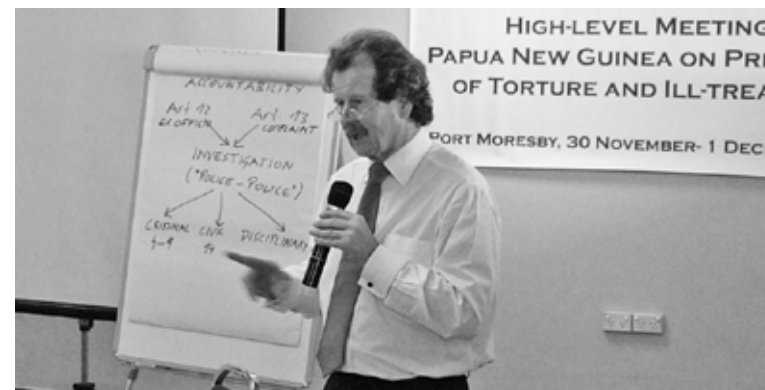
can act as effective agents of prevention.

UNGA: Side Event with Anti-torture Bodies

On the occasion of the UN General Assembly meeting in September, the APT hosted jointly with the Permanent Mission of Denmark in New York a panel discussion which **gathered for the first time the three main international actors involved in the struggle against torture**. On this occasion, the Chairs of CAT and SPT as well as the Special Rapporteur on Torture were able to express their views and share concerns with interested diplomats and NGOs.

International Torture Prevention Conference

The APT and the American University Washington College of Law jointly convened an *International Conference on the Prevention of Torture and Other Ill-treatment* in Washington DC in February 2009. The event brought together a renowned group of experts to analyse and propose key measures to prevent torture and other ill-treatment.



Manfred Nowak, UN Special Rapporteur on Torture, at an event in Papua New Guinea in December

Working for an effective implementation of OPCAT

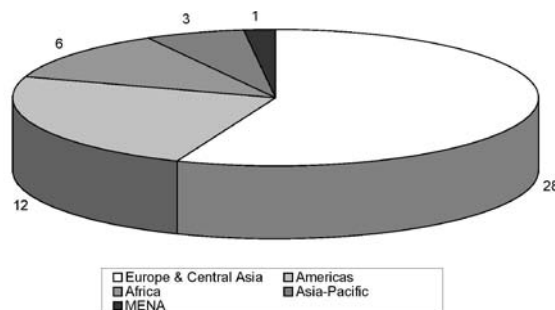
In September 2009, Switzerland's ratification of OPCAT brought the number of States Parties to 50, which means SPT membership will increase to 25 in 2010. In addition, at least 29 States designated their NPMs and more OPCAT promotion was done in less represented regions.

Continuing support to the SPT

This year the APT continued to work closely with the SPT, sharing information and analysis on OPCAT on a regular basis. The participation of SPT members in OPCAT activities in several countries (Chile, Turkey, Benin) was welcomed by national stakeholders. The APT also maintained its involvement in the *OPCAT Contact Group* (an informal group of torture prevention NGOs), which meets with the SPT three times a year to assist the body in its preventive work. In 2009 discussions mostly focused on the concept of torture prevention, which the APT worked on with its partners, including the drafting analytical papers.

Working with NPMs

The APT strengthened its cooperation with emerging NPMs in all regions of the world and continued to support national consultations on OPCAT ratification and NPM designation and establishment. It provided assistance to national partners on OPCAT implementation, including



2009 Geographical division of State Parties to OPCAT through sharing information on best practices worldwide and commenting on NPM legislation (in Montenegro, Lebanon, Kyrgyzstan, Bolivia and Peru). The regularly updated online *OPCAT Country Status* and *OPCAT Monthly Briefing* remained essential reading throughout 2009.

Promoting OPCAT in less represented regions

Despite the first ratification of OPCAT in the Arab world in 2008, plus ratifications in Africa, the uneven geographical distribution of States Parties remains an issue of concern. As of end 2009, close to 30% of them were located in Europe and Central Asia, but only 3.6 % in the Asia-Pacific region (see chart). Throughout 2009, the APT remained committed to OPCAT promotion in less represented regions and conducted several advocacy missions to promote ratification of the instrument.



Gathering of all European NPMs during a meeting at the Council of Europe in Strasbourg in November



“It is important to create a mechanism in Indonesia, that can become an effective tool for the prevention of torture, especially for women and children who continue to experience inhuman or degrading treatment in detention. I hope that an NPM will be adopted and implemented soon. **The workshop organised by the APT in December 2009 was very useful for me,** as it increased my knowledge about torture prevention in Indonesia.”

Mike Verawati is a member of the Public Policy Reform Division of the Indonesian Women's Coalition for Justice and Democracy.

New capacity-building tools for the prevention of torture

With an enlarged number of countries the APT has been active in during 2009, we witnessed an increased number of new language versions of existing APT publications, often done in cooperation with local partners, as well as the drafting of new thematic papers and briefings.

Translations of APT publications:

- the **Guide to the Establishment and Designation of National Preventive Mechanisms** under OPCAT was translated into **Portuguese** in cooperation with the Human Rights Secretariat of Brazil and into **Polish** by the Polish Helsinki Committee,



- the **Monitoring Places of Detention - A Practical Guide** was translated into **Romanian** for a training workshop with the Moldovan NPM, within the CoE NPM Project,

- the brochure **Defusing the Ticking Bomb Scenario - Why we must say no to torture, always** was

translated into **Spanish**,

- Visiting places of detention - What role for physicians and other health professionals?** was translated into **Arabic** (p.8) and **Spanish**,
- several **Policy Papers** and **Briefings** are now available in additional languages such as Arabic, French and Spanish on the APT website.

Translations of other publications of relevance to APT's work:

- the **National Implementation Guide for the UN Convention against Torture and other cruel, inhuman or degrading treatment or punishment** by the REDRESS trust was translated by the



APT and local partners into **Thai** (p.10),

- Combating Torture - A Manual for Judges and Prosecutors** by Conor Foley from the Human Rights Centre of the University of Essex was translated, thanks to the APT, into **Thai** and **Bahasa Indonesia** (pp.10-11).

The APT also continued developing its new series of practical **Detention Monitoring Briefings** throughout 2009. It issued numbers 2 and 3 entitled:

- The Selection of Persons to Interview in the Context of Preventive Detention Monitoring*, and
- Using Interpreters in Detention Monitoring*,

which have been translated into **French**, **Spanish** and **Portuguese**.



In order to keep the public well informed, the APT updated its **Frequently Asked Questions** on **OP-CAT**. The new version can be downloaded from the APT's website in **Arabic, English, French, German, Japanese, Portuguese** and **Spanish**.



A new research tool, the **Compilation of torture laws**, was put on-line in 2009 (p.16). Focusing on issues related to the criminalisation of torture, it compiles laws of State Parties to the UN CAT. It includes the texts in the State's official

language(s), mostly accompanied by an English translation. By the end of the year, relevant laws of 119 countries were compiled - the ultimate goal being to cover all 146 member states. This is an ongoing public service to which all persons concerned (such as members of governments, national judiciaries, bars and NGOs) can contribute by sending their remarks and input on the latest information and updates available (laws@apt.ch). It can be accessed on: www.apt.ch/laws.

During 2009, the APT also issued three **eBulletins** (in English, French and Spanish) and a **Newsletter** (in English and French) in 2009.

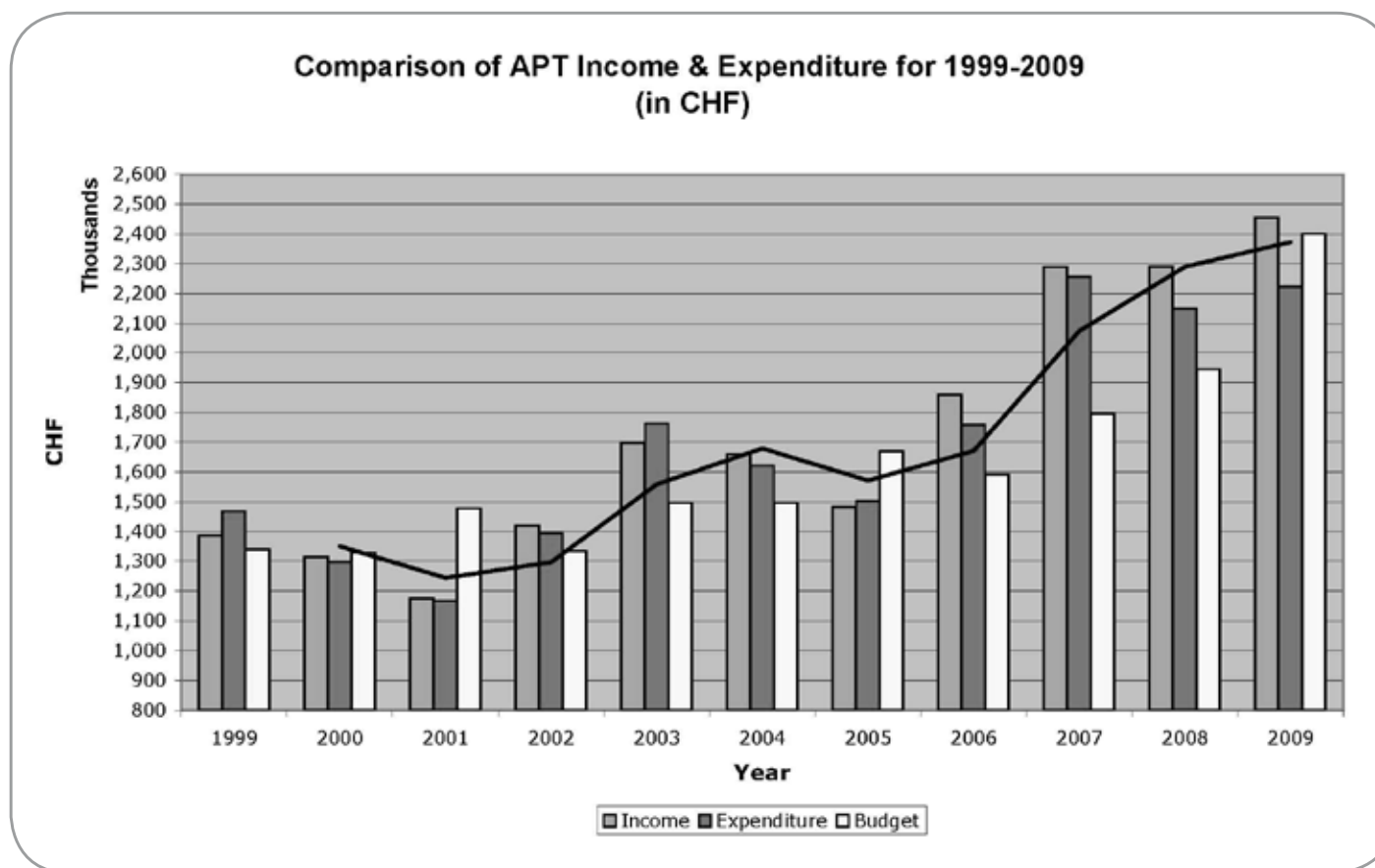
Budget and Accounts

As shown in the chart below, the APT has been able to strike a relative balance between income, expenditure and budget over the past ten years. The chart also reveals an increase in the budget over recent years, which can be related partly to the entry into force of OPCAT in 2006 and the increasing work of the APT on the implementation of OPCAT.

Thanks to the securing of new sources of funding, the APT was able to raise the CHF 2.4 M it had budgeted for the year 2009. Nonetheless, the effects of the global financial crisis also started to be felt as a handful of long-time donors of the APT were not able to renew their financial support. Unlike other Human Rights organisations, the APT cannot rely on individual sources of fund-

ing, which only represent a symbolic share of the total budget. Most of the funding is provided by governments and an important share by private foundations.

The APT hopes that **traditional donors will be able to get over the financial crisis and prioritise human rights**, and more particularly the prevention of torture, which remains a burning issue.



APT staff in 2009

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Chief of Operations

Barbara Bernath, France / Switzerland
(from September)

Detention Monitoring Programme

Auro Fraser, Guyana / UK (until June)
Barbara Bernath, France / Switzerland
(until August)
Tanya Norton, UK / France (from November)

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Americas Programme

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Sylvia Diniz Dias, Brazil
Tania Kolker, Brazil



standing from left to right: Claudia Gerez, Matthew Pringle, Adrian Moore, Sébastien Ramu, Esther Schaufelberger, Vincent Ploton, Jem Stevens, Anja Härtwig, Sylvie Pittet, Adam Fletcher, Audrey Olivier; **sitting** from left to right: Jean-Baptiste Niyizurugero, Barbara Bernath, Mark Thomson, Marina Narváez, Catherine Felder



not in the picture:

Auro Fraser, Haile Negash, Tanya Norton, Philippe Tremblay

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Asia Pacific Forum of National Human Rights Institutions, Council of Europe, European Commission, Pro-Victims Foundation, Sigrid Rausing Trust

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

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Printing

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Abbreviations used in this report

ACAT	Action by Christians for the Abolition of Torture
ACHPR	African Commission on Human and Peoples' Rights
AHRC	Australian Human Rights Commission
AI	Amnesty International
APF	Asia-Pacific Forum of National Human Rights Institutions
APT	Association for the Prevention of Torture
CAT	UN Committee against Torture
CCDH	Human Rights Advisory Board - Morocco (<i>Conseil Consultatif des Droits de l'Homme</i>)
CEJIL	Center for Justice and International Law
CELS	Centre for Legal and Social Studies
CoE	Council of Europe (Strasbourg)
CPT	European Committee for the Prevention of Torture (Council of Europe)
CPTA	Committee for the Prevention of Torture in Africa
EC	European Commission (EU)
ELSAM	Institute for Policy Research and Advocacy (Indonesia)
EU	European Union (Brussels)
FCO	UK Foreign and Commonwealth Office
ICJ	International Commission of Jurists
ICRC	International Committee of the Red Cross
IO	International Organisation
MENA	Middle East and North Africa
MoU	Memorandum of Understanding
NGO	Non-governmental organisation
NHRI	National Human Rights Institution
NPM	National Preventive Mechanism
OHCHR	Office of the UN High Commissioner for Human Rights
OPCAT	Optional Protocol to the UN Convention against Torture
OSCE	Organisation for Security and Cooperation in Europe
RIG	Robben Island Guidelines
PRI	Penal Reform International
SPT	UN Subcommittee on the Prevention of Torture
UBA	University of Buenos Aires (Argentina)
UNCAT	UN Convention against Torture and other cruel, inhuman or degrading treatment or punishment
UNDP	United Nations Development Programme
UNLP	University of La Plata (Argentina)
UPR	Universal Periodic Review (UN Human Rights Council)
WGT	Working Group on Torture (Uganda)

