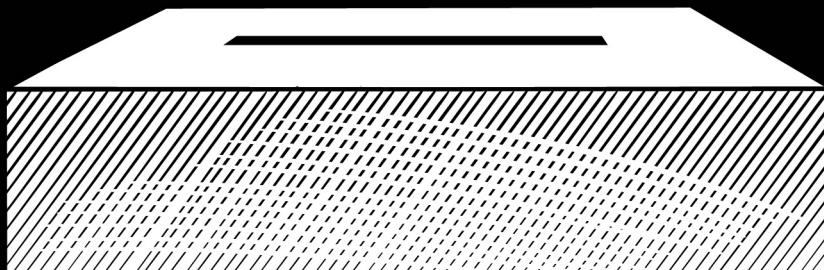
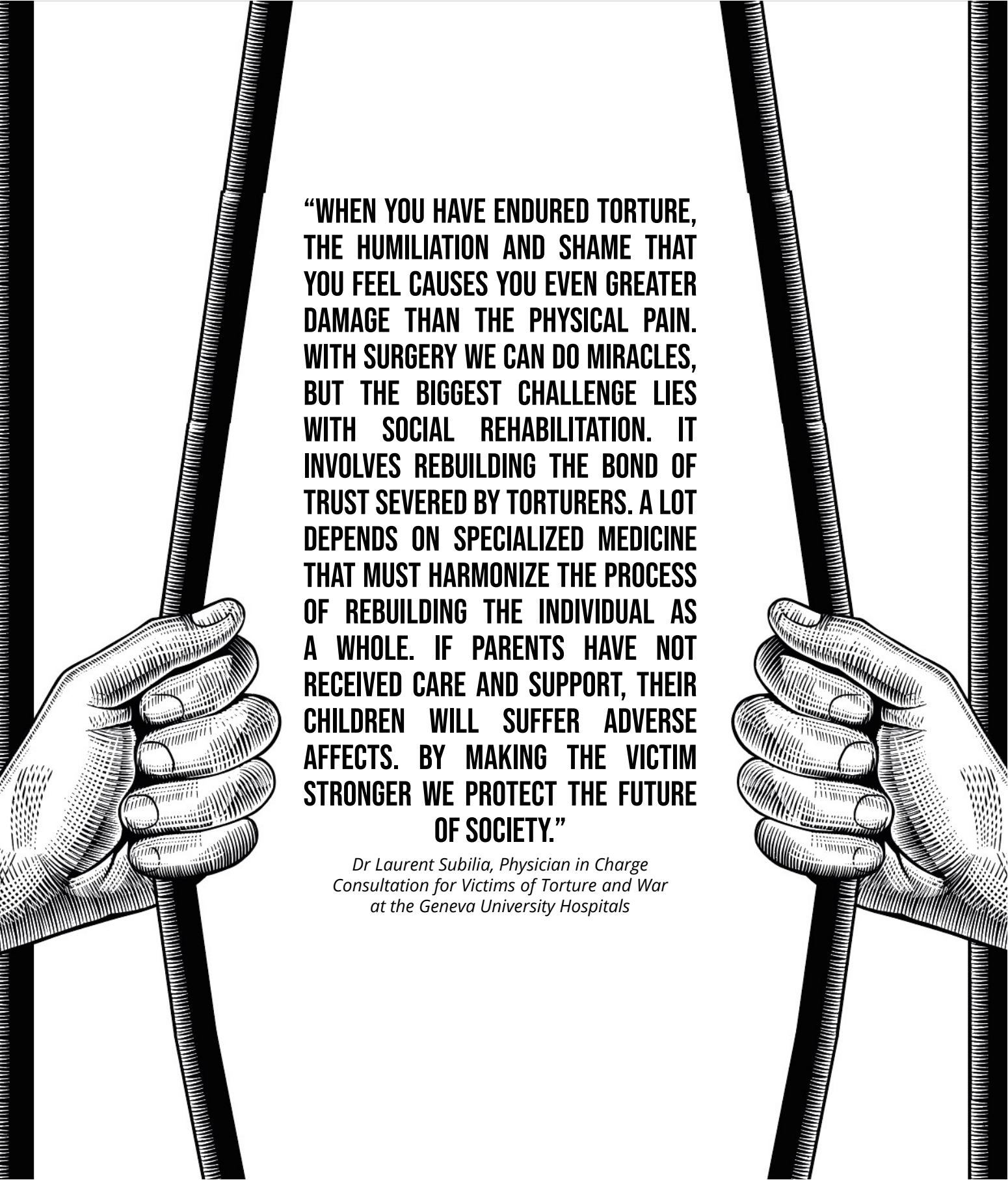


SIDE BY SIDE WITH
VICTIMS

**THE OMCT URGENT
ASSISTANCE FUND**

FOR VICTIMS OF TORTURE (2007-2019)





“WHEN YOU HAVE ENDURED TORTURE, THE HUMILIATION AND SHAME THAT YOU FEEL CAUSES YOU EVEN GREATER DAMAGE THAN THE PHYSICAL PAIN. WITH SURGERY WE CAN DO MIRACLES, BUT THE BIGGEST CHALLENGE LIES WITH SOCIAL REHABILITATION. IT INVOLVES REBUILDING THE BOND OF TRUST SEVERED BY TORTURERS. A LOT DEPENDS ON SPECIALIZED MEDICINE THAT MUST HARMONIZE THE PROCESS OF REBUILDING THE INDIVIDUAL AS A WHOLE. IF PARENTS HAVE NOT RECEIVED CARE AND SUPPORT, THEIR CHILDREN WILL SUFFER ADVERSE AFFECTS. BY MAKING THE VICTIM STRONGER WE PROTECT THE FUTURE OF SOCIETY.”

*Dr Laurent Subilia, Physician in Charge
Consultation for Victims of Torture and War
at the Geneva University Hospitals*



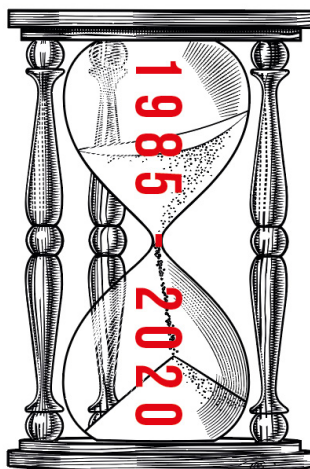
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1.INTRODUCTION

“THE URGENT ASSISTANCE FUND FOR VICTIMS OF TORTURE IS THE SOUL OF THE OMCT.”

A staff member at OMCT



The World Organisation Against Torture (OMCT) was established in 1985 to respond to multiple cases involving victims of torture and forced disappearance, notably in South America, and immediately created its SOS-Torture Network, which brings together global organisations that work in this field. Its founders were convinced of the need for a special fund in order to deliver timely assistance to people who face the risk of torture, forced disappearance or death. This led the OMCT to create the Urgent Assistance Fund for Victims of Torture, (hereafter referred to as “the Fund”). The Fund, which was central to the OMCT’s founding strategy, remains an essential component of the organisation’s identity, as a recent external evaluation has shown.¹

Thirty years down the road, the Fund remains established in one of the main objectives of the OMCT’s Strategic Plan 2017–2020. And this is to support the SOS-Torture Network’s efforts to fight against impunity by providing, inter alia, “a safety net to victims in the form of medical, legal or social aid delivered through the Urgent Assistance Fund for Victims of Torture”.²

-
1. ODS Greater Impact, Kumquat Consult, *Independent evaluation: “Network Impact Against Torture (2016-2019)”: Mid-term evaluation report*, 20 December 2018, p. 4.
 2. See OMCT, Plan stratégique 2017-2020, objectif stratégique II.

6 |

2. THE FUND: PRESENTATION AND MAIN STATISTICS FOR 2007-2019

An illustration of two hands, one on the left and one on the right, holding a white banner. The hands are rendered in a detailed, stippled style with black outlines. The banner is held horizontally across the palms of both hands, and it contains the text '2.1 RATIONALE AND PRESENTATION OF THE FUND' in red, bold, uppercase letters.

2.1 RATIONALE AND PRESENTATION OF THE FUND

Emergency assistance to victims of torture has been a core mission of the OMCT since the creation of the Fund in 1986. The urgency of the needs of torture victims cannot be overstated. Indeed, in a lot of cases, the latter face obstacles that prevent them from finding and receiving medical, social and/or legal aid. Many victims are unaware of the existence of specialized treatment and rehabilitation centres or lack the financial means necessary to obtain such services. The victims may be in need of vital medical treatment necessitated by the state of their health, or they may be trying to flee the country where they are in danger. Or, if an asylum process is under way, they may be trying to avoid deportation to their country of origin where they risk torture. In any event, such situations call for a prompt, efficient and appropriate response to their needs.

A holistic approach to assisting torture victims

The main aim of OMCT's Fund is to assist every survivor of torture and ill-treatment and thereby give them access to effective remedy so that they get reparation, including rehabilitation for the violations that they have endured. From the time it began its work, the OMCT envisioned delivering assistance as part and parcel of the fight for human rights rather than solely as a humanitarian measure to relieve individual suffering. The OMCT also advocates a holistic approach to assisting victims, offering emergency medical, social and /or legal aid, depending on what the victim needs – an approach that is becoming rare these days. Since 2004 or thereabouts, the OMCT has also been using a gender approach to address the barriers faced by victims of sexual violence, especially women and girls, who are the majority of the victims of such violence.

OMCT's Fund offers a holistic approach that includes three types of assistance:

MEDICAL ASSISTANCE

support to bring about healing as well as physical and psychological rehabilitation for victims

LEGAL ASSISTANCE

support for victims so that they can get justice and compensation for the torture they have endured

SOCIAL ASSISTANCE

support to ensure the survival of victims, meet their most basic needs and help them reintegrate into society

Additionally, the OMCT offers multidimensional assistance that combines several of the above forms of support to respond in a holistic manner to the needs of victims, their families or communities.

MEDICAL ASSISTANCE

The OMCT delivers medical assistance to victims, particularly in countries where torture has occurred, where the organisation works alongside local members of its SOS-Torture Network, local partner organisations and centres for the rehabilitation of victims of torture. The various forms of medical assistance offered by the OMCT include the following:

- Full or partial payment of medical expenses, as needed (for surgery, psychotherapy, ...) depending on the victim's physical or psychological state;
- Payment of fare for transport to specialized centres for the treatment and rehabilitation of torture victims, and;
- Payment for the victim's basic needs, in the event that their medical treatment does not require hospitalization.

LEGAL ASSISTANCE

The OMCT believes that while it is essential for victims to receive appropriate assistance depending on the physical or psychological injury that they have suffered, it is equally important to ensure that they get reparation. This requires rehabilitation and adequate compensation for victims, as well as punishment for perpetrators of torture. Through the Fund, the OMCT provides various forms of legal assistance, including, in particular:

- Payment of the victim's legal defence costs, including transport and accommodation expenses for the victim or their lawyer to attend hearings;
- Covering the cost of the independent medical certificates and forensic reports required to prosecute perpetrators of torture;
- Support in drafting individual complaints and communications to bring before the UN Committee Against Torture (see box page 36);
- Interventions with various UN bodies (in particular the Special Rapporteur on Torture) as part of an advocacy strategy;
- Legal assistance in the form of amicus curiae to regional courts, and;
- Support within the scope of asylum application procedures (payment of legal fees, assessment of the risk of torture to a person threatened with repatriation to their country of origin, and delivery of information to the victim's legal representatives or direct intervention with the relevant authorities).

Through these various legal interventions, the OMCT is well placed to support victims in their quest for justice. A case in point involves the procedure for the extradition of former President Alberto Fujimori, from Chile to Peru, when the Fund paid the travel costs to Chile for the mother and wives of two victims – along with their lawyer – so that they could testify about their loved ones' ordeals (see box page 38). This assistance made it possible to document cases of serious human rights violations, including torture, committed during his presidency (1990–2000) and, therefore, played a role in the Chilean judiciary's decision to extradite the former president so that he could answer for his crimes before his country's courts.

SOCIAL ASSISTANCE

The OMCT has provided crucial financial support to numerous victims to help move them away from the serious threats hanging over them and relocate them to another region within their own country or beyond. Additionally, it has offered social assistance in other contexts, especially to help victims meet urgent basic needs and reintegrate into society.

The social assistance included the following interventions:

- Covering the cost of evacuating the victim to a host country, as a protective measure or to enable them to reunite with their family;
 - Protective measure: using this intervention allows the OMCT to help victims urgently leave a country where they are in serious danger;
 - Family reunification: this action takes place as part of an asylum procedure. It involves family members of a refugee who are direct or indirect victims of torture.
- Support in meeting victims' living expenses in their country of origin or in a host country where they have found temporary refuge;
- Covering the costs of repatriating victims to their countries of origin;
- Covering the costs of prison visits for family members of detained victims, thereby greatly helping them maintain family links and boosting the victims in their fight for justice for the violations suffered;
- Covering costs for a new income-generating activity, thereby supporting socio-professional reintegration.

CRITERIA FOR ELIGIBILITY

The criteria³ listed below define the conditions under which the OMCT may grant assistance:

1. The individuals assisted must be direct or indirect victims, or people threatened with torture;⁴
2. The assistance requested must be urgent in nature because the OMCT is not endowed with the human and financial resources to pay for treatment and reintegration costs that could spread over several years and reach astronomical amounts. The assistance is meant to be ad hoc and “first aid”, with the ultimate aim of saving a person in danger. While providing direct emergency aid, the OMCT Secretariat often endeavours, through specialized institutions, to find longer-term assistance on behalf of the victim or the organisation that reported the case;
3. Requests for assistance can be submitted to the OMCT:
 - Directly by a victim regardless of where they come from. When a victim approaches the OMCT directly, without passing through a member of the SOS-Torture Network or a partner organisation, the OMCT asks its partner organisations in the country concerned to verify the information received and offer their own assessment of the request submitted;
 - By partner organisations or members of the SOS-Torture Network. The organisations enable the OMCT to put the assistance at the victims’ disposal as well as to verify the information and facts presented and establish that the funds made available have been used appropriately. However, victims remain the sole beneficiaries of the assistance. The partner organisation serves solely as a link between the OMCT and the victim and is not entitled to any compensation for administrative costs.
4. Qualified persons such as doctors, lawyers or other specialists, depending on the case, must confirm a victim’s need for treatment and the type of assistance sought.

3. The criteria are spelt out on the OMCT website: <https://www.OMCT.org/contacts/>.

4. Indirect victims are people affected by torture inflicted on a third party, and include family members. As for people threatened with torture, if they are human rights defenders, they have been benefiting, since late 2015, from other assistance coordinated by the OMCT Defenders Programme (see: <https://www.OMCT.org/fr/human-rights-defenders/financial-support/>).

PROCEDURE FOR GRANTING AID

The granting procedure is relatively simple and follows the main steps below:

01

REQUEST FOR ASSISTANCE

A survivor, family member or a local organisation applies for assistance following a case of torture.

**02**

ASSESSMENT OF THE REQUEST

The OMCT assesses the application and verifies the case through its local partners.

**03**

GRANTING OF ASSISTANCE

The OMCT grants legal, medical and/or social assistance.

**04**

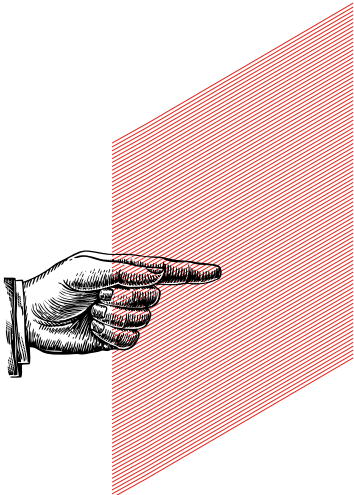
CASE FOLLOW-UP

Once assistance is granted, the OMCT ensures that the victim has undergone successful rehabilitation, and reassesses their need for assistance.



Application for assistance is done by filling in a form available online⁵ on the OMCT website. The preliminary assessment may take a bit of time, especially if the OMCT does not have a partner organisation in the country, which is rather rare given that the OMCT mainly receives requests for assistance through its partner organisations. It then grants assistance without further delay.

Once it has delivered the aid, OMCT tries to follow up regularly by e-mail (after about six months) on direct beneficiaries or partner organisations. Additionally, the OMCT requests all beneficiaries to send it a narrative report confirming the assistance that they have received and its impact on the victim.



2.2 STATISTICAL REPORT 2007-2019

In 2008 OMCT created a database of all cases of assistance to victims of torture in order to improve the Fund's management. This tool helps OMCT facilitate the processing of cases and to obtain statistics that are disaggregated (among others) by sex, age, country where the victims were tortured, as well as the type of assistance received. It is valuable for financial management (given its direct link with the accounts), case monitoring and the classification of information about each case. Consulting the database, along with an in-depth search through the Fund's archives, helped retrieve various statistics, not only about victims, but also about the type of torture they suffered, perpetrators, the countries where the persons were tortured, and so on.

5. See https://www.OMCT.org/files/2010/01/23657/OMCT_formulaire_assistance_victims.pdf

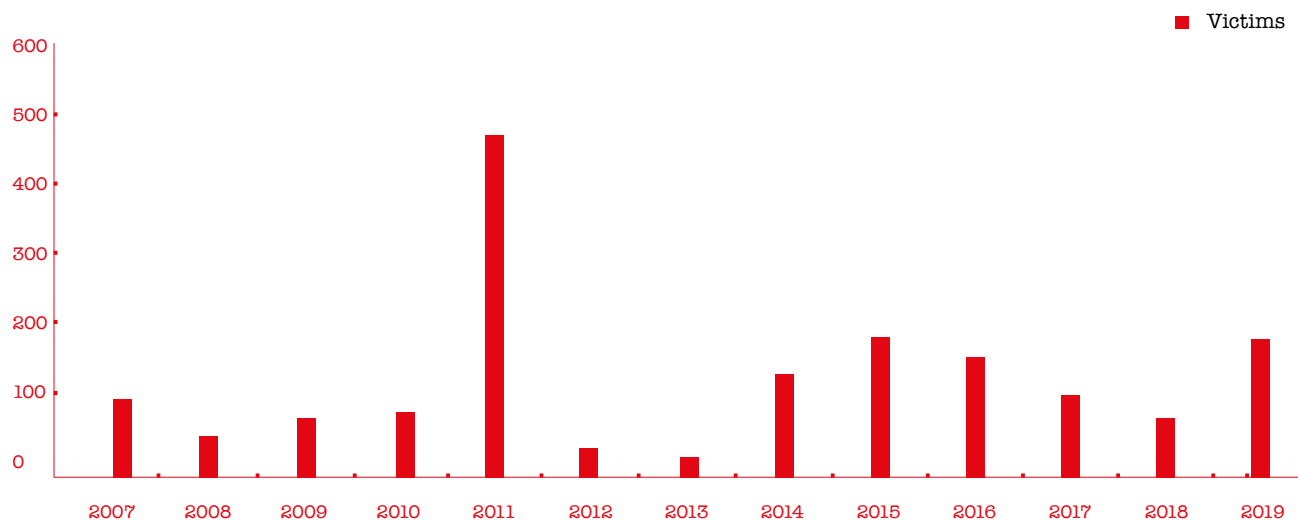
2.2.1 STATISTICS ON VICTIMS

Between January 2007 and September 2019, OMCT intervened to assist a total of 1632 direct and indirect victims in 64 countries. The 1632 victims also included people at risk of torture who were able to leave their country or region with OMCT's help. The indirect victims included relatives of people who died as a result of torture or who were victims of extrajudicial executions (36 cases between 2007 and 2019) as well as a few cases of relatives of missing persons (two cases between 2007 and 2019).

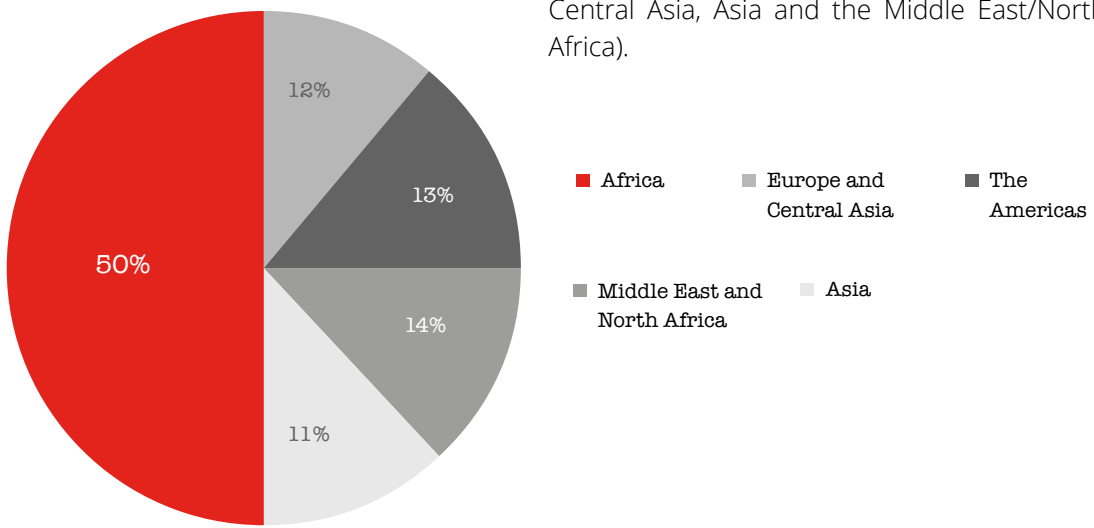
The graph below shows the year-on-year progression in the number of victims who have received assistance from the Fund. Following a sharp drop in 2012–2013, mainly caused by a decline in financial resources, the numbers stabilized. The year 2019 saw a significant rise in the number of victims, which was attributable to the Fund's improved alignment with other areas of OMCT's work, notably the fight against impunity.

A. NUMBER OF VICTIMS

(direct and indirect)



B. REGION WHERE VICTIMS WERE TORTURED OR RISKED TORTURE

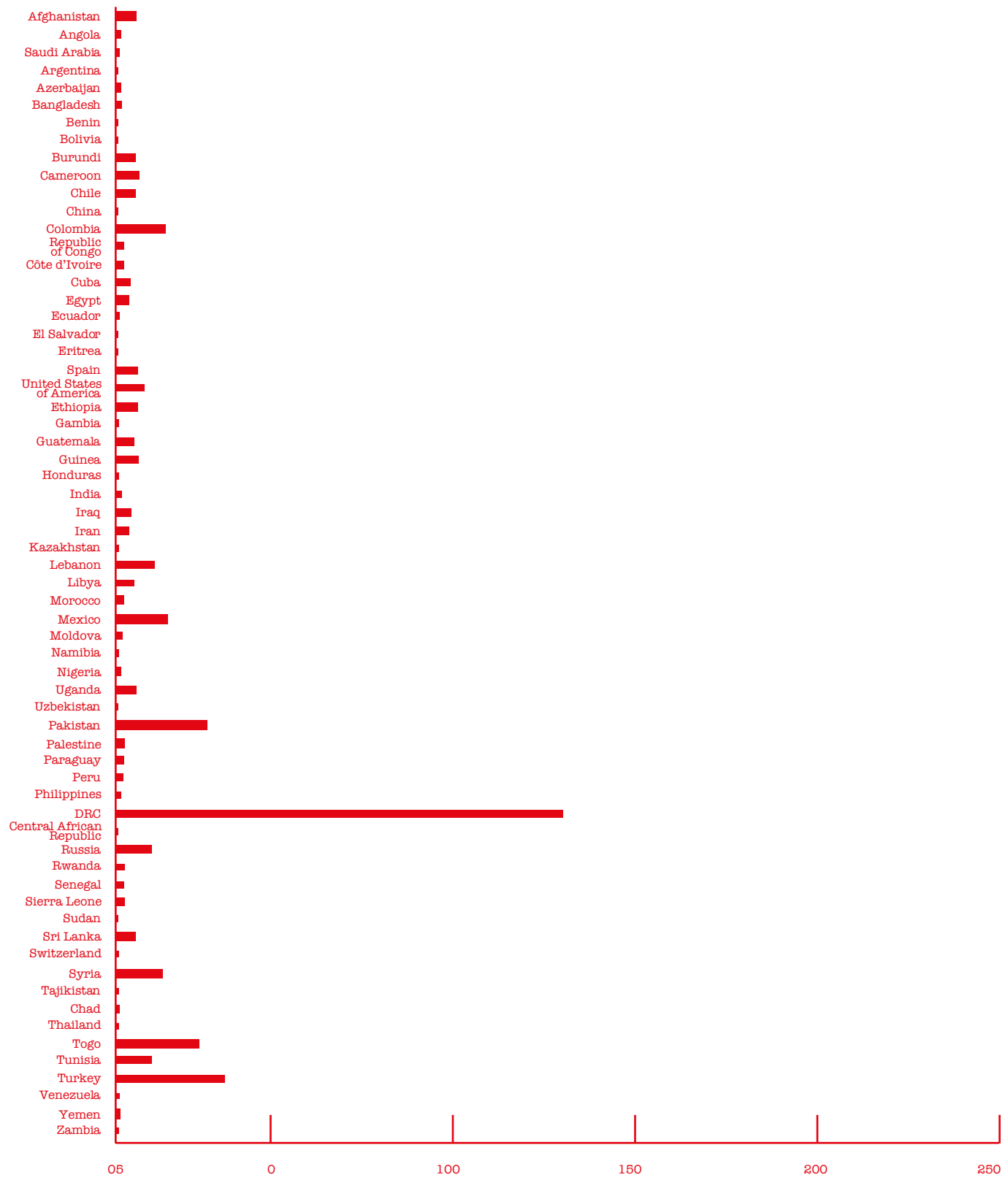


The largest proportion of victims assisted by the OMCT were tortured in Africa (mainly in the Democratic Republic of Congo (DRC), as well as Togo). The proportions are almost equal for the other regions (the Americas, Europe and Central Asia, Asia and the Middle East/North Africa).

C. COUNTRIES WHERE VICTIMS WERE TORTURED OR RISKED TORTURE

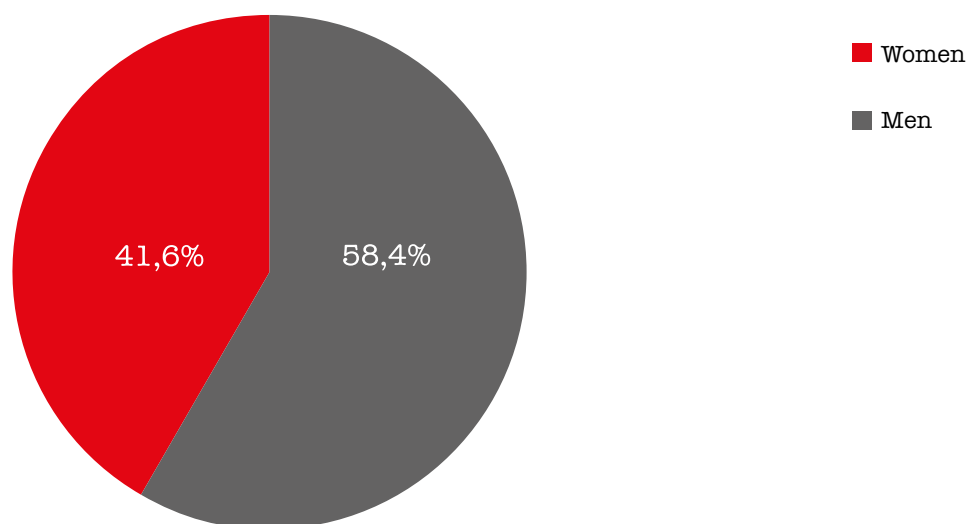
The table below gives us a glimpse of countries where victims have suffered torture or risked being tortured. In Europe, the two countries that stand out are Russia and Turkey, but Spain also has a few cases. In the Americas, Colombia, Mexico and the United States of America (Guantanamo) are the main countries represented. In Asia, the majority of victims who have benefited from OMCT assistance were tortured in Pakistan. Lastly, in the Middle Eastern region and North Africa, victims mainly come from Syria, Lebanon and Tunisia.⁶

6. In Tunisia, two specialized centres created by the OMCT in Kef and Sidi Bouzid have been directly managing assistance to victims of torture since 2013.



Interestingly, the OMCT has no member organisation in a third of the countries (22 out of 64) where the victims were tortured. However, more often than not, it has partner organisations – some of which it has worked with for a long time – which help make the Fund accessible to victims from countries outside the SOS-Torture Network. This is a testament to the Fund’s flexibility that enables it to assist any victim, wherever they might be.

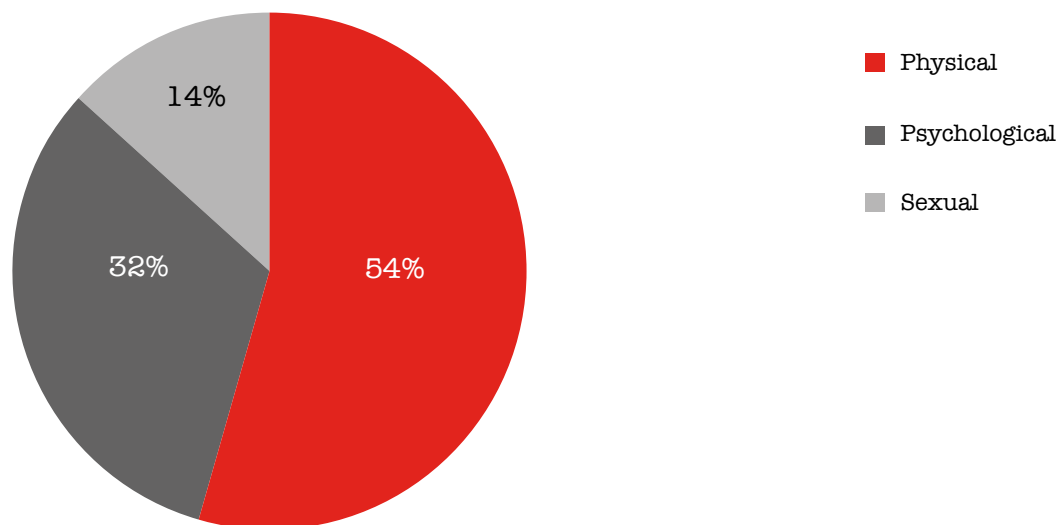
D. SEX OF DIRECT VICTIMS



Available data show a higher proportion of men than women among direct victims who have benefited from the OMCT Fund. **The statistics mainly concern direct victims, because information dating back several years did not specify the sex of all indirect victims.** Certain cases had no disaggregated data for aid granted for victims in a group, for example a case that OMCT supported in Cuba in 2011 that involved over 400 people.

Nevertheless, in recent years, OMCT has systematically specified the sex of direct and indirect victims in its database, in order to facilitate future statistical analyses.

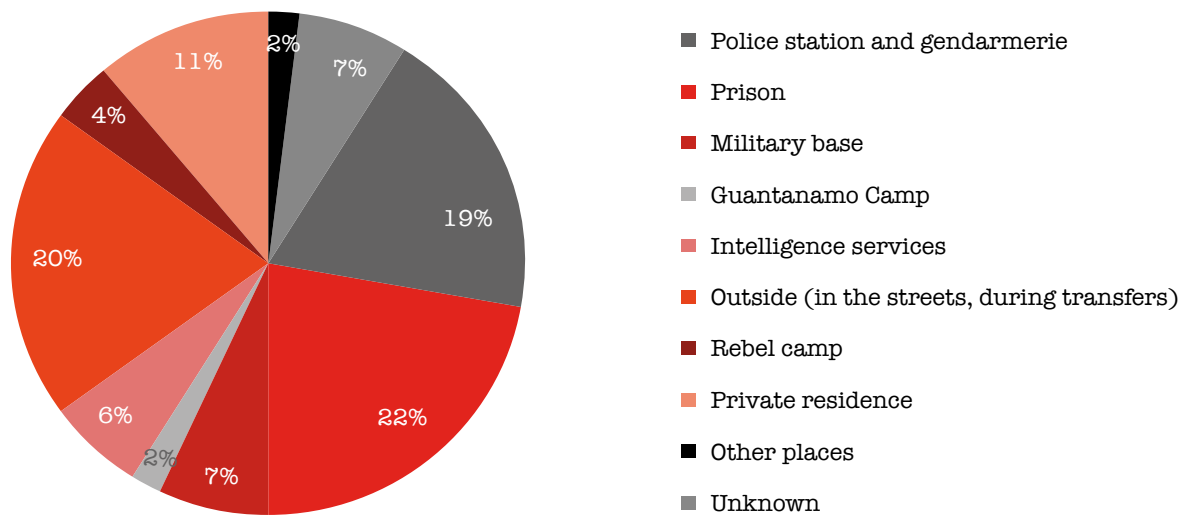
E. TYPE OF TORTURE SUFFERED



The graph above shows that victims most frequently denounced physical torture, followed by psychological torture. However, in over half of the cases, victims suffered several types of violence, including sexual violence.

In terms of torture of a sexual nature, while the figures are significantly lower than those of physical and psychological torture, that in no way means that this type of torture is rarer, but more likely that the victims—mostly women—are reluctant to report sexual violence.

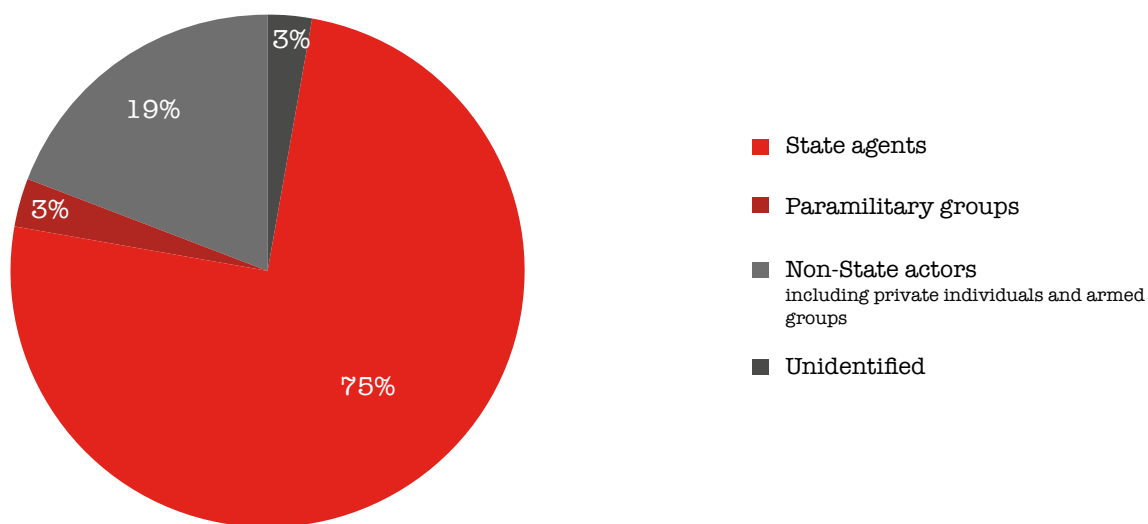
F. MAIN PLACES WHERE VICTIMS WERE TORTURED



As for places where the victims were tortured, the vast majority are under State administration. Nearly half (41%) are “traditional” places of detention (prisons, police stations or *gendarmeries*). A lower percentage of people were tortured on the premises of intelligence agencies (6%), in military bases (7%) or private homes (11%). The Guantanamo Bay detention camp is in a category of its own, given its notoriety and the specific assistance extended to a dozen of its former prisoners as part of regular cooperation between the OMCT and Reprieve. The incidence of violence inflicted in the streets or during transfers is strikingly high (20%); it is a common occurrence that is the subject of growing debate on ill-treatment and torture outside places of detention (non-custodial settings).⁷

7. See, in particular, the report submitted in 2017 to the UN General Assembly by the Special Rapporteur on Torture: *Extra-custodial use of force and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment*, UN Doc A/72/178, 20 July 2017; see also Tobias Kelly, “The Struggle Against Torture: Challenges, Assumptions and New Directions,” *Journal of Human Rights Practice*, Volume 11, Issue 2, July 2019, pages 324–333.

G. PERPETRATORS OF ACTS OF TORTURE



An overwhelming majority of victims supported by the OMCT Fund suffered torture at the hands of State agents, followed by non-State actors (armed groups or individuals). The OMCT has done a lot of work relating to violence committed by individuals, and this is considered an essential aspect of its mission. Indeed the OMCT has, through various actions, helped ensure the recognition of such violence as constituting torture.

2.2.2 STATISTICS ON THE ASSISTANCE PROVIDED BY THE OMCT

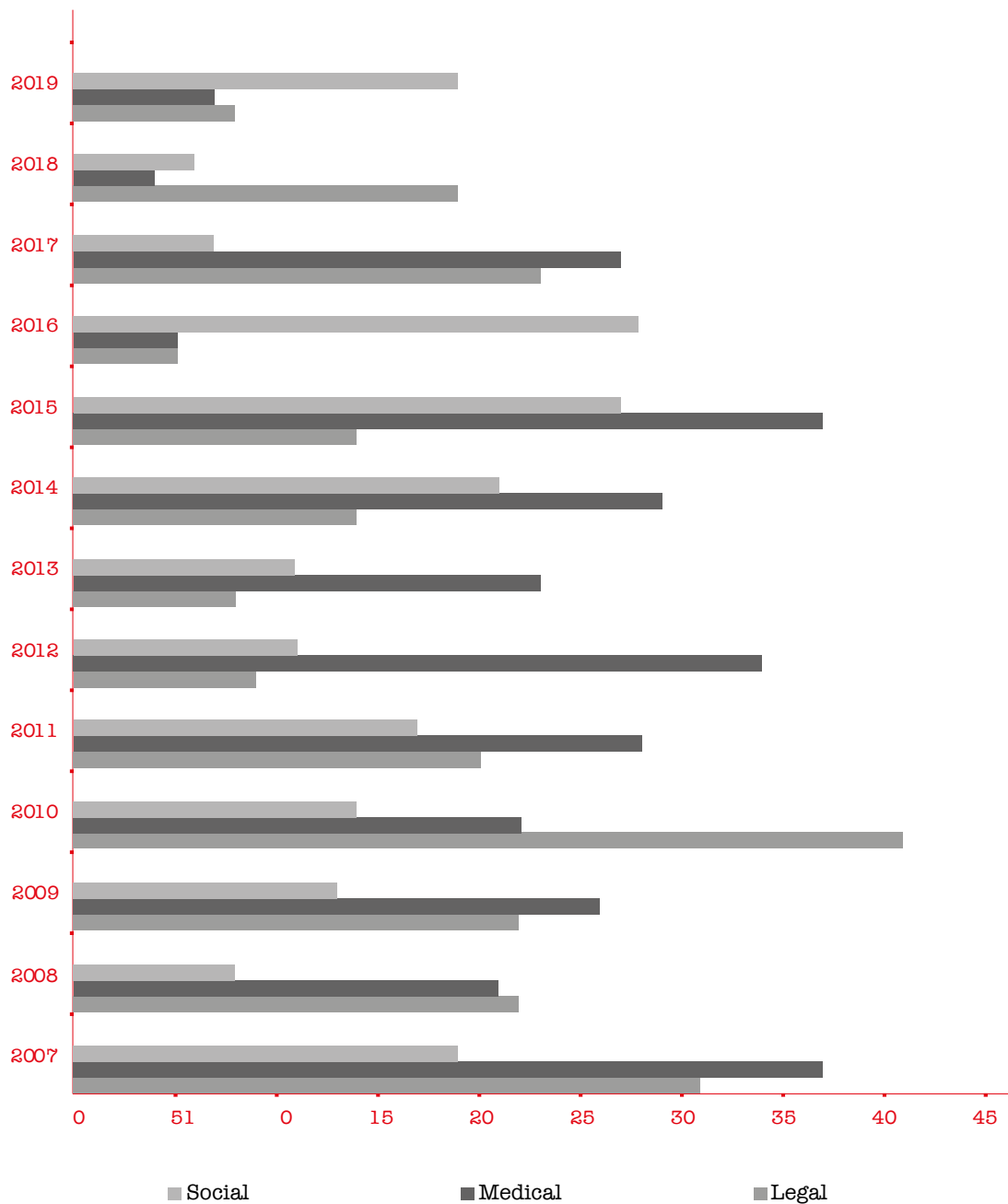
Between 2007 and 2019, the OMCT provided medical assistance in 300 cases, legal assistance in 236 cases and social assistance in 201 cases. In 113 cases (13% of total cases), the OMCT had the financial means to provide multidimensional assistance (medical and legal, medical and social or legal and social and, and in some cases, all three types of assistance).

A. TYPE OF ASSISTANCE GRANTED

Cases eligible for social assistance from the OMCT notably include the relocation of people whose wellbeing, or even life, is at risk in their region or country of origin (34 cases in 2007–2014). Such cases, which prompted the creation of the Fund in the mid-1980s, often involve human rights defenders. However, since late 2015, the OMCT has worked with several other international NGOs to develop a sizeable aid project specifically for human rights defenders, and which includes a “material assistance” component that is now separate from the Fund.⁸ What sets the OMCT Fund apart, in this context, is its ability to continue offering support – when relocation is necessary – to torture victims who are not human rights defenders.

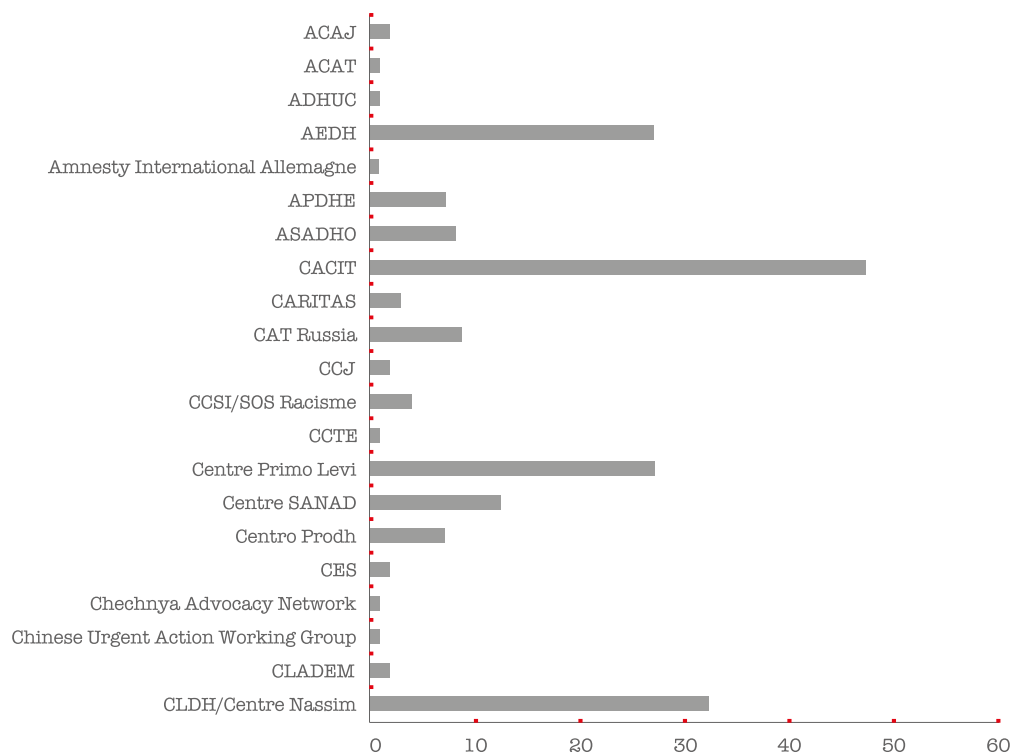
8. See: <https://www.OMCT.org/eng/human-rights-defenders/links/2015/10/d23599/>

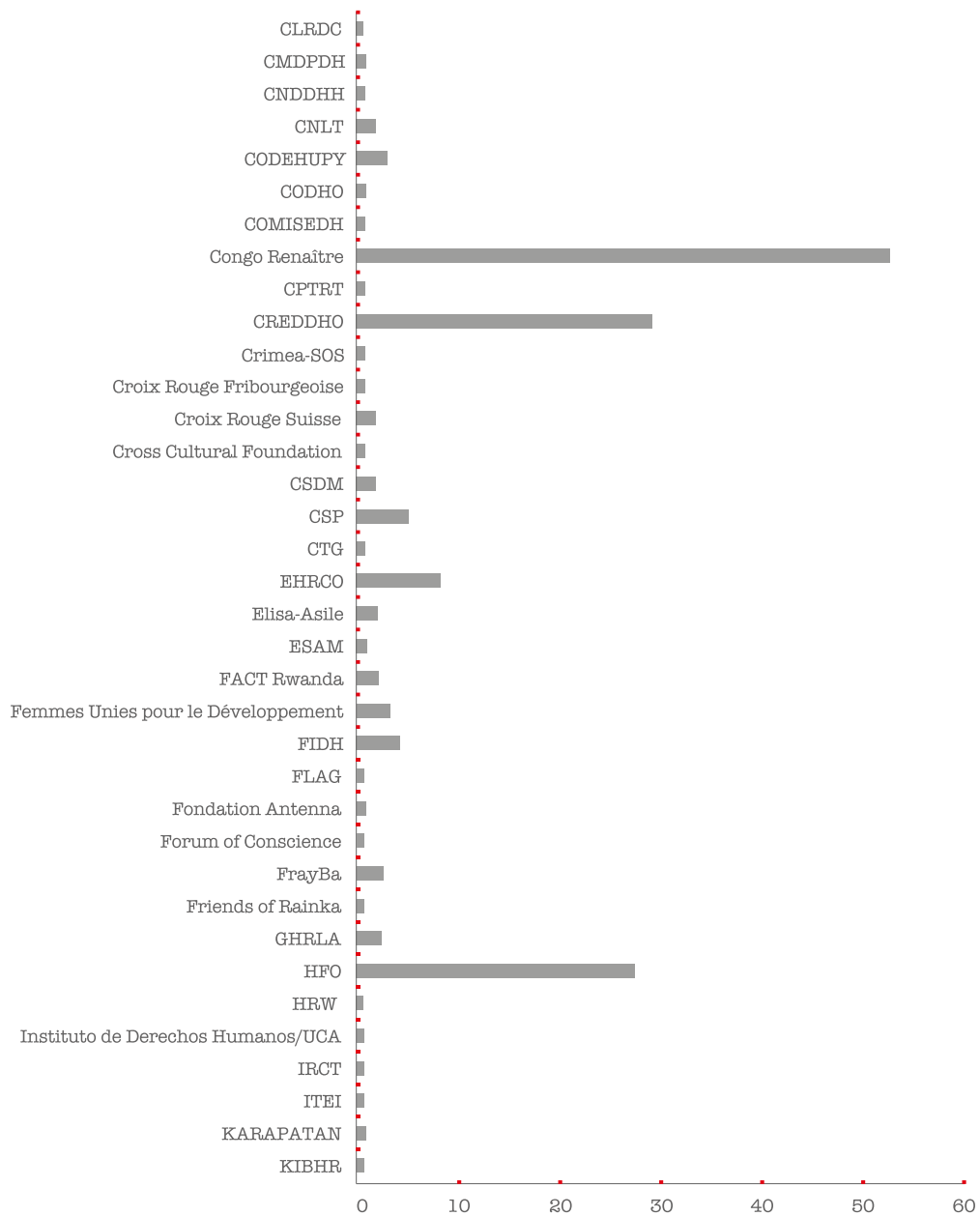
B. TYPE OF ASSISTANCE GRANTED PER YEAR

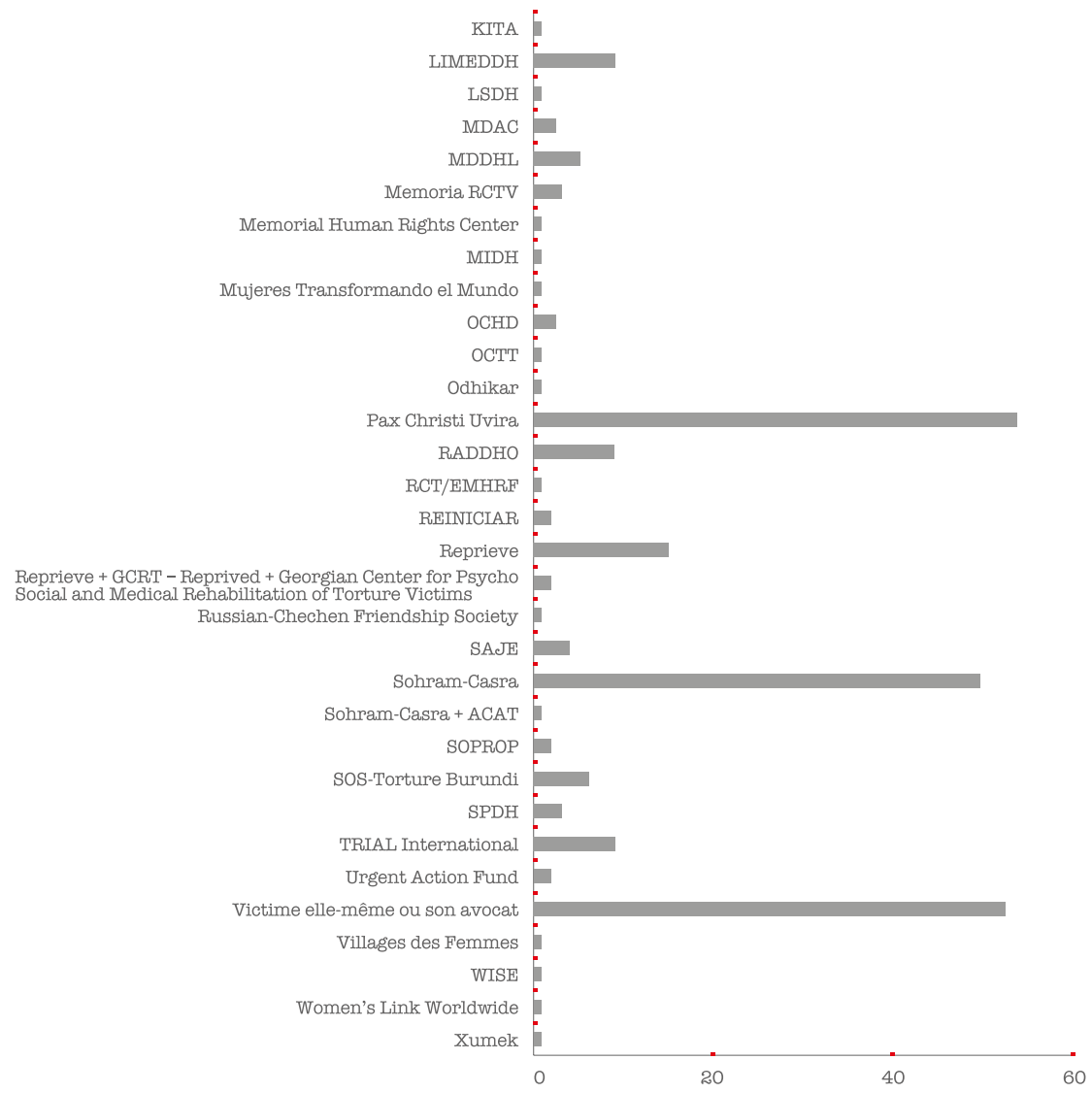


C. ORGANISATIONS THAT HAVE SOUGHT AID

The two tables below show that between 2017 and 2019, overall, 87 organisations – SOS-Torture Network members or partners – requested assistance from the Fund to help victims of torture or ill-treatment in the countries where they (members or partners) operate. As can be seen, victims themselves or their lawyer also brought a significant number of cases directly to the attention of the OMCT. In the period under consideration, the organisations mainly operating in Africa appealed to the Fund for aid to a substantial number of cases. At one point, collaboration with some of these organisations was particularly solid, which largely explains the regional concentration of cases assisted during this period. Indeed, the OMCT has had a privileged longstanding partnership, notably with Pax Christi Uvira, Congo Renaître, and many others in the Democratic Republic of Congo. However, the number of cases submitted by these organisations has declined in recent years, given that the OMCT is adjusting the distribution of its assistance based on countries' overall political contexts and the needs of organisations also operating in other regions.

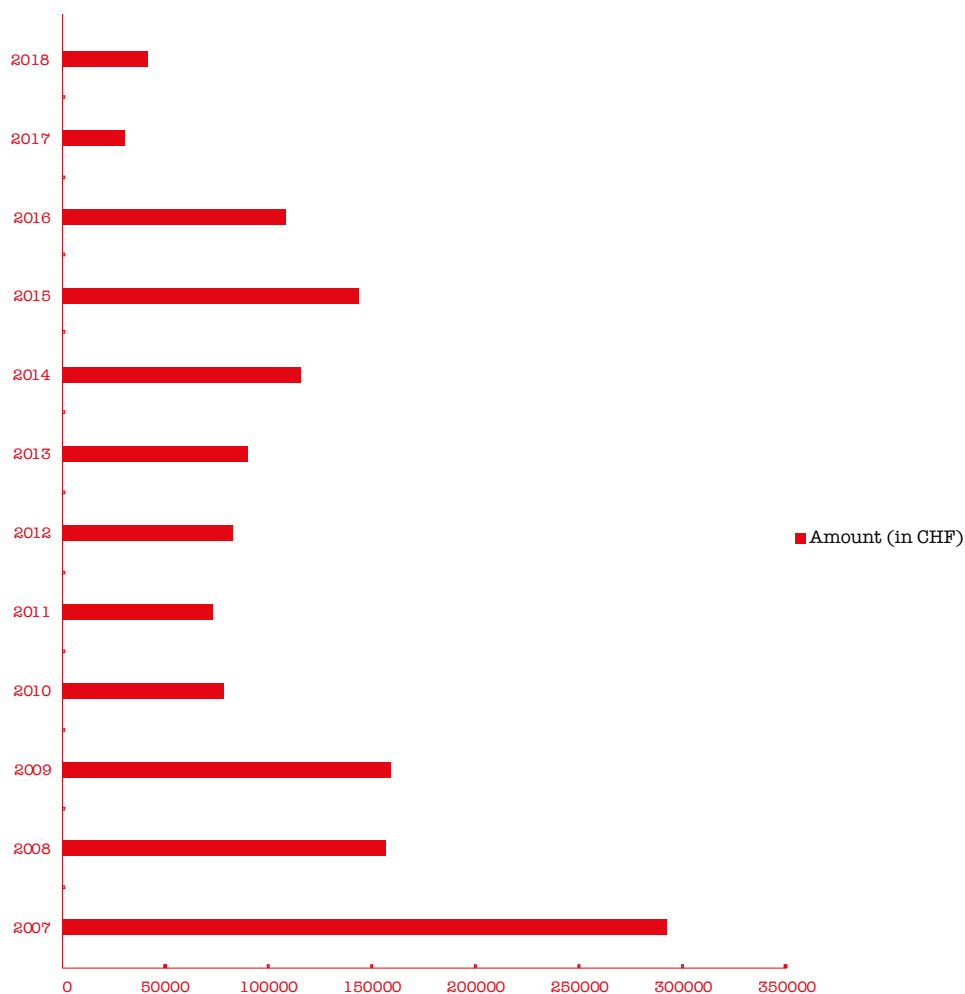






2.2.3 THE FUND'S FINANCIAL STATISTICS

The OMCT received a total of CHF 1,376,130 for the Fund between 2007 and 2019. Institutional donors (some 20 public authorities and foundations) provided the bulk of the support to the Fund. Nevertheless, it should be noted that private donors made contributions to the tune of CHF 35,000 in the same period. For comparison, the table below summarizes the amount of funds received for assistance to victims each year, since 2007:



Each case received relatively small amounts in assistance from OMCT, ranging from a few hundred to a few thousand francs.

3. ANALYSIS

3.1 THE FUND'S RELEVANCE AND ADDED VALUE IN 2019



“THE OMCT FUND’S MISSION REMINDS US THAT VICTIMS OF TORTURE HAVE A RIGHT TO REHABILITATION AND THAT THE FUND STANDS READY TO HELP WHEN NO ASSISTANCE IS AVAILABLE AT THE NATIONAL LEVEL (...) THE OMCT WORKS WITH ITS PARTNERS TO FIND SOLUTIONS. IT DOES THIS WITH GREAT INSIGHT AND CAREFUL CONSIDERATION. THE FUND DESERVES TO HAVE MORE RESOURCES.”

Sibel Agrali, Centre Primo Levi

Since the Fund was created, requests for assistance have come in non-stop. Indeed there has been a recent increase, (see the statistics section above), mainly because this programme is now better defined, thanks to the ongoing project to fight against impunity in Africa, Asia and Latin America. Between January and September 2019, 166 victims (direct and indirect) in 15 countries (Argentina, Burundi, Cameroon, the DRC, El Salvador, Guatemala, Honduras, Mexico, Pakistan, Philippines, Russia, Sri Lanka, Thailand, Togo and the United States) received assistance from the OMCT Fund. These figures demonstrate the relevance of the Fund, which continues to respond to the urgent needs of victims of torture in all regions of the world.

A recent⁹ assessment among various OMCT partners shows that this flexible and accessible assistance is indeed still relevant, not only in reference to the needs of victims, but also in terms of the difficulty, for many of them, to gain timely access to international financial support for ad hoc aid. Its vast global network allows OMCT to give victims direct access to such assistance.

Such perception about the Fund's relevance solidified during the preparation of this report and through interviews conducted with SOS-Torture Network member organisations and OMCT's other partner organisations. All of them stressed the need to sustain a fund of this nature, sometimes described as a "last-resort" fund that fills a void by providing timely help to the poorest of victims. At the national level, there is often a lack of resources for the care and welfare of victims of torture, and many national non-governmental organisations face increasing obstacles to get funding from outside.

“OMCT ASSISTANCE IS ESSENTIAL IN THE PHILIPPINES AT THE MOMENT. WE HAVE NO OTHER CONTACT IN OUR NETWORK THAT COULD PROVIDE DIRECT AND IMMEDIATE ASSISTANCE. WE CAN COUNT ON THE OMCT.”

Rose Trajano, PAHRA

9. ODS Greater Impact, Kumquat Consult, *Independent evaluation: "Network Impact Against Torture (2016-2019)"*. Mid-term evaluation report, 20 December 2018.

Donors are not always willing to fund this type of humanitarian assistance. Indeed, while the past 30 years have seen the development of rehabilitation centres for victims of torture in many countries¹⁰, this does not mean that such structures can meet the various needs of victims in all situations. The cases analysed for this report clearly bear this out. Such structures generally focus on medical and psychosocial assistance and often cannot provide legal support to victims. The OMCT Fund therefore complements these national structures. OMCT's direct financial support to victims (although an organisation belonging to its network often helps administer the assistance, for example when the victim does not have a bank account) also resonates with some organisations, which emphasized during the interviews that it enabled them to maintain a special link with the victims and prevented their being perceived as donors.

“THE OMCT HAS PROVED TO BE A FLEXIBLE AND RESPONSIVE PARTNER, WHO UNDERSTANDS THE NATURE AND DEMANDS OF THIS UNIQUE WORK. OMCT BASICALLY FUNDS ESSENTIAL WORK THAT MAY NOT NECESSARILY BE WITHIN THE AREA OF COMPETENCE OF OTHER DONOR ORGANISATIONS. THAT SAID, THE OMCT COULD ALSO PLAY A MUCH BIGGER ROLE WHEN THE NEED ARISES. NOTABLE EXAMPLES INCLUDE THE WORK IT CARRIED INVOLVING LEGAL ASPECTS OF SOME OF REPRIEVE’S CASES, AND RECENTLY WE WORKED WITH TWO OMCT EXPERTS AS PART OF A TRAINING COURSE ON THE MANAGEMENT OF SUPPORT GROUPS FOR SURVIVORS OF TORTURE, CONDUCTED IN TUNISIA.”

Katherine Taylor, Reprieve

10. As part of its work in Tunisia, OMCT has integrated this dimension and played a role in the development by helping create two specific multidisciplinary assistance centres (psychological, medical, social and legal) for victims of torture in Tunisia. The centres have worked in coordination with the OMCT office in Tunis to support victims since 2013. See: <http://OMCT-tunisie.org/activity/direct-assistance/sanad/>.

THE OMCT FUND: A ONE-OF-A KIND INTERNATIONAL FUND

Compared with other existing international structures, the Fund is flexible (open to all types of victims) and able to offer timely, direct and individual assistance that is adapted to the needs of each victim, wherever they are in the world, and without red tape; this makes it a one-of-a kind resource that complements other types of funds, such as the United Nations Voluntary Fund for Victims of Torture. This UN Fund, created by the UN General Assembly in 1981, gives grants to public or private organisations that offer assistance to victims of torture (NGOs, associations of victims and / or relatives of victims, public and private hospitals, legal aid centres and public interest law firms). A council, which meets once a year,¹¹ examines and then selects projects. The UN Fund also has an emergency procedure that allows organisations to apply for grants at any time of the year. However, the UN Fund's Board has to review and approve such requests, which in practice often takes weeks or even months. The OMCT Fund therefore offers a faster and more accessible alternative in the event of an extreme emergency.

WORKING FOR, AND ALONGSIDE, VICTIMS TO FIGHT AGAINST IMPUNITY

Regarding other international NGOs, the International Rehabilitation Council for Torture Victims (IRCT), for example, offers organisations in its network the opportunity to submit a project for funding each year. The funding is institutional (victims have no direct access to it) and only granted to a limited number of organisations each year. The type of assistance it provides mainly involves the funding of medical and psychological¹² rehabilitation services. Other organisations, originally active at the national level, have developed projects in certain countries, but again, with a focus on psychosocial¹³ rehabilitation services.

Another important aspect of OMCT assistance is that it is not a donation to an organisation; it is strictly geared towards paying for the victim's expenses. Organisations that act as intermediaries between the victim and OMCT cannot claim any administrative expenses whatsoever or other indirect costs. This assistance can also complement aid provided by other funds, the advantage being that it often arrives faster than other types of financing,

11. In 2019, the United Nations Fund supported 160 projects through organisations in 77 countries on a budget of over \$ 7 million (source: Report of the Secretary-General, United Nations Voluntary Fund for Victims of Torture, Doc UN AG A / 74/233, July 26, 2019). For more information on the UN Fund, see: <https://www.ohchr.org/EN/Issues/Torture/UNVFT/Pages/WhattheFunddoes.aspx>.

12. For more information on the financial support, go to the IRCT webpage: <https://irct.org/global-resources/irct-centre-support-grants>

13. See the Center for Victims of Torture in Minnesota, which dates back to the mid-1980s, one of the first organisations in the world (along with the Danish centre for the rehabilitation of victims of torture), created to assist victims of torture (in this case, mainly refugees in the United States).

and that it may also be requested for the same victim years later for monitoring, medical or other needs, as required. In other words, by its very nature, the Fund is endowed with flexibility that is lacking in other funds with a similar purpose.

“IT IS A FANTASY TO IMAGINE INITIATING STRATEGIC LITIGATION WITHOUT FIRST HELPING THE VICTIM.”

Gerald Staberock, OMCT Secretary General

OMCT’s partners stress – and the victims’ experiences bear this out – that no fight against impunity can be effective without the victims playing an active role. As such, it is crucial for them to undergo rehabilitation so that they are able to seek justice and compensation. The OMCT is carrying out a series of projects in Africa, Asia and Latin America in an effort to combat impunity. The projects involve exchanges among human rights lawyers to build their capacities to document cases of torture, equip them to develop advocacy strategies, as well as to bring the cases before national courts and international mechanisms. In addition to legal and advocacy features, the projects incorporate an aspect of assistance to victims and their families.¹⁴

“THE OMCT URGENT ASSISTANCE FUND FOR VICTIMS OF TORTURE IS UNIQUE AND VITAL FOR KEEPING VICTIMS ALIVE AND PROTECTED. WINNING A LAWSUIT IS WORTHLESS IF YOU CANNOT PROTECT THE VICTIM. YOU CANNOT SEPARATE THE LAWSUIT FROM THE PERSON.”

Olga Sadovskaya, CAT, Russia

14. Visit the OMCT webpage: “New initiative to multiply litigation victories against torture and impunity”, December 2018: <https://www.OMCT.org/fr/monitoring-protection-mechanisms/statements/2018/12/d25173/>

In conclusion, the Fund offers added value both for victims who cannot easily access funds at the national and / or international level and for partner organisations and members of the SOS-Torture Network. Indeed, OMCT's support allows partner organisations and Network members to build their capacity to work alongside the victims (and to avoid appearing as "donors"). Lastly, as the project described above illustrates, the Fund also adds value to the work of the OMCT Secretariat because it gives the organisation an opportunity to implement its strategic objective of fighting against impunity by going beyond advocacy and "traditional" legal work to provide more comprehensive support to victims.



3.2. IMPACT OF THE FUND'S ASSISTANCE TO VICTIMS

“THE FUND HAS A PROFOUND IMPACT ON THE LIVES OF VICTIMS OF TORTURE AND THEIR FAMILIES. IT SUPPORTS THEM IN THEIR REHABILITATION PROCESS AND MEETS THEIR MOST URGENT NEEDS. THIS MICRO-LEVEL IMPACT IS AN ESSENTIAL ASPECT OF THE IDENTITY OF THE OMCT, ITS MEMBERS AND PARTNERS.”

Independent evaluation of an OMCT project (December 2018)

Beyond the statistics, victims' direct testimonies best illustrate the importance of the assistance given by the OMCT and how its intervention has helped transform their lives, and indeed in some cases, saved their lives and those of their loved ones. We have a selection of stories below, of men, women and children who have benefited from the OMCT Fund. They reflect the diversity of situations in which aid can be granted. These true stories also show that while aid seeks to bring long-term benefits to each direct victim and their relatives, it can also have a broader reach and benefit other victims of torture, and indeed society at large.

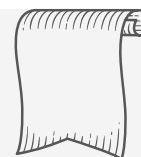
3.2.1. SUPPORTING THE DEVELOPMENT OF JURISPRUDENCE ON TORTURE

Sometimes OMCT assistance has impacts that extend beyond the rehabilitation of the victim as such. Indeed, in their pursuit of justice for victims and recognition of the torture endured, national, regional and international judicial authorities sometimes develop more stringent jurisprudence on torture, thereby ensuring better protection of the rights of individuals.

DEVELOPMENT OF JURISPRUDENCE WITHIN INTERNATIONAL MECHANISMS

As an example relating to asylum applications, the OMCT recently played a part in the success of a case before the United Nations Committee against Torture. The latter adopted a historic decision recognizing that an asylum applicant suffering from the consequences of torture has the right not to be returned to a third country, if the expulsion interrupts medical treatment whose aim is to rehabilitate him or her.

A.N. ERITREA



A.N., an Eritrean from the Bilen ethnic group in Hagaz, was imprisoned for five years (between 2008 and 2013) for trying to leave his country without authorization. He was tortured and placed in solitary confinement for his political involvement. Moved from prison to prison, he never saw a lawyer nor consulted a doctor, even though he suffered from various health problems. As soon as he was released, he fled to Libya, where he endured further ill-treatment at the hands of smugglers.

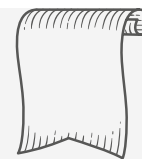
In September 2015 he arrived in Switzerland, where he asked for asylum. Forensic reports submitted to the authorities confirmed that he suffered from the physical and psychological effects of the torture that he had endured and that he needed treatment. The Swiss Centre for the Defence of the Rights of Migrants (CSDM) in Geneva provided A. N. with legal support and requested the Committee Against Torture for a temporary status to prevent his expulsion. The request was denied and, as a result, the Swiss authorities ordered and carried out his expulsion to Italy, through which A.N. had transited, in conformity with the Dublin Regulation.

A.N. returned to Switzerland and requested asylum again. Once again the CSDM took the matter up with the Committee Against Torture, which granted him a temporary status this time around. OMCT helped meet the legal expenses for this procedure.

In August 2018 the Committee delivered its decision¹⁵: the expulsion of a torture victim contravenes the United Nations Convention Against Torture if it deprives them of the medical treatment they need for their rehabilitation. By acknowledging that torture survivors have medical and psychological needs, and that neglecting these needs undermines efforts to end ill-treatment, this decision established an important case law. The decision offers essential guidance on how to implement the Dublin Regulation in the effort to protect refugees and asylum seekers who have survived torture.

Through legal assistance, OMCT also helped four young Mexicans bring their cases before the United Nations Committee against Torture. The victims were released and awarded compensation, making it the first case of torture in Mexico to have been won before the Committee. Additionally, the decision provided for legislative and institutional changes in the country, and in so doing set an important judicial precedent.

RAMIRO, ORLANDO, RAMIRO AND RODRIGO **MEXICO**



In June 2009, soldiers violently arrested four young Mexicans in the street, without evidence, investigation or arrest warrants. Suspected of kidnapping, they spent 43 days in arbitrary detention, tied up and deprived of sleep. They were subjected to daily electric shocks administered to their genitals and to near drownings, and had their nails pulled out. To put an end to this, they agreed to sign confessions, blindfolded, and ended up spending six long years in prison, until November 2015.

Alerted by its local partner, the OMCT filed the case, but seeking redress from the Mexican justice system led nowhere. On 15 March 2012, OMCT presented the case before the United Nations Committee Against Torture. While its procedures were slow at times, they were not futile. On 14 October 2015, the Committee issued a historic decision, making it the first case of torture in Mexico to have ever been won at this UN body. The decision provided for the release of the victims and for substantial reparations. It also stipulated major institutional and legislative changes within the State. This type of success is crucial in a country where such situations have become endemic. The success set a significant precedent in international law, and as such, it may have a global impact on the protection of all victims. Mexico accepted the decision and had the four victims released a month later. Since then, the OMCT has actively worked to ensure that the State implements all aspects of the decision.

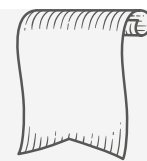
15. United Nations Committee Against Torture, A.N, c. Suisse, Communication 742/2016, 3 septembre 2018, Doc de l'ONU CAT/C/64/D/742/2014

DEVELOPMENT OF CASE LAW WITHIN REGIONAL MECHANISMS

OMCT has also intervened at the regional level with United Nations bodies and regional mechanisms, such as the Commission or the Inter-American Court of Human Rights (see box below), which have played a key role in developing international jurisprudence for the rights of victims of torture and other forms of ill-treatment.

The interventions include the OMCT providing funding for the mother and two wives of victims, along with their lawyer, to travel to Chile so that they could testify about the ordeals their loved ones had gone through; this was part of the procedure to extradite former President Alberto Fujimori from Chile to Peru. This helped in filing cases of serious human rights violations, including torture, committed during his presidency (1990–2000), and therefore contributed to the Chilean justice system’s decision to extradite the former president so that he could answer for his crimes before his country’s courts. Through such a historic condemnation—of a former head of State—this case played a role in the fight against impunity and human rights violations.

SUPPORTING THE PROCEDURE TO EXTRADITE ALBERTO FUJIMORI PERU



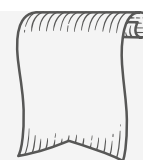
In November 2005, Alberto Fujimori was arrested in Chile, which he was visiting briefly with plans to return to Peru to participate in presidential elections in April 2006. The Peruvian authorities requested to have him extradited. In September 2007, the Chilean Supreme Court gave its green light and, on 22 September, he was extradited to Peru on charges of human rights violations and corruption.

The OMCT provided financial support to a mother and two wives of victims, along with their lawyer, (herself a torture victim during Alberto Fujimori’s presidency) to travel to Chile so that they could testify, as part of the extradition process, about the suffering inflicted on their loved ones. The latter were in Miguel Castro Castro Prison when Alberto Fujimori ordered an attack on the wing that housed political detainees. The attack resulted in the execution of 42 prisoners and in dozens of casualties. Survivors still suffer significant physical and psychological effects of the violence they endured during that attack.

The testimonies helped bring about Alberto Fujimori's extradition, his conviction by the Peruvian Supreme Court in April 2009 for crimes against humanity and his sentencing to 25 years in prison. The crimes mainly included his role in two massacres of civilians (the "Barrios Altos" case that involved 15 deaths in 1991 and the "La Cantuta" case, in which 10 people died in 1992), carried out by a death squad. This unprecedented conviction against a former head of State was a huge step forward in the fight against impunity for serious human rights violations, including torture.

OMCT's support to this cause also enabled the Peruvian lawyer for the Castro Castro Prison issue and the two Chilean lawyers to work together to build a case that they filed with the Inter-American Court of Human Rights. This initiative—along with the extradition to Chile—helped make it possible for the Court to acknowledge, in its ruling of November 2006, the Peruvian State's role in this matter.¹⁶

LINDA **VENEZUELA**



Linda Loaiza was 18 when she arrived in Caracas, the capital of her native Venezuela, to start university. On 27 March 2001, a stranger kidnapped her, then brutally tortured and raped her over a three-month period in a private apartment. One day, left for dead, Linda managed to drag herself to the balcony and alert neighbours.

It took 15 complex surgical operations and several treatments to just get her to walk again. She also required dental reconstruction. For many years thereafter she struggled with constant fear, panic attacks and shattered self-esteem. And yet the police, who knew the kidnapper's identity from the start, as Linda's sister had informed them, did nothing about it because his father was a public figure.

16. Inter-American Commission on Human Rights, Case of the Miguel Castro-Castro Prison v. Peru, Judgment of November 25, 2006. (Merits, Reparations and Costs).

Linda bravely brought her case before the Peruvian justice system, which barely cooperated. In the end her torturer was convicted of holding her captive and causing grave bodily harm, but not of attempted murder or torture.

The case was then brought before the Inter-American system. The OMCT provided legal support by submitting an amicus curiae as part of the proceedings before the Inter-American Court of Human Rights. On 16 November 2018, that is 17 years after the events, the Court issued its first-ever conviction against a State (Venezuela) for crimes (torture and sex slavery) committed by a private individual, because the State's agents had failed for months to intervene and put an end to Linda's ordeal .

Linda, now a lawyer, works tirelessly against the violence targeting thousands of other women in her country.

■ DEVELOPMENT OF CASE LAW AT THE NATIONAL LEVEL

The OMCT also supported the development of case law at the national level for the recognition of the rights of Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning (LGBTIQ) people, by providing social and legal assistance (relocation, helping meet the cost of court proceedings and subsistence needs).

ANDREW UGANDA



Andrew was born in Uganda as a biological female but does not identify as such. He feels male and likes women. Unfortunately, in his country, the law penalizes same-sex relationships and LGBTIQ people are marginalized and face violence. As a president of a human rights organisation that fights to protect the rights of sexual minorities, Andrew himself is a victim of persecution.*

In July 2005, Andrew returned home to find that the local authorities had forced their way in and seized documents and equipment belonging to his organisation. All this was done without a search warrant. Andrew was taken to the police station where police officers

subjected him to acts of sexual humiliation. But that was not all: he was the target of multiple threats and attacks because of his sexual orientation. For his own safety, he was forced to seek temporary refuge in a foreign country and could only return to Uganda by sneaking in.

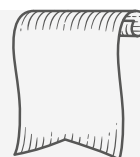
In July 2006, after one of its partner organisations, the International Gay and Lesbian Human Rights Commission (IGLHRC), reached out, the OMCT provided legal support to Andrew by helping him file a lawsuit against his tormentors. However, after the legal process began, pressure and threats against Andrew intensified. Faced with imminent danger, he had no choice but to flee Uganda and seek refuge in a neighbouring country as he waited for the trial to begin. Given the urgency of the situation, the OMCT decided to contribute towards his upkeep to help Andrew settle down in his host country.

In May 2007, after Andrew reached out to it again, OMCT, along with other international human rights organisations, contributed towards attorney's fees incurred in the legal proceedings that were underway before the Uganda High Court. In 2008 the verdict came: the Court recognized that Andrew's constitutional rights and his right to a private life had been violated. The court adhered to international standards in recognizing—for the first time—that constitutional rights apply to LGBTIQ people.

**Fictitious name*

■ PSYCHOLOGICAL SUPPORT TO ENABLE VICTIMS TO TESTIFY

MERCEDES* **MEXICO**



Mercedes was arrested in 2006 in San Salvador de Atenco, in Mexico, when the police brutally intervened to quell revolts in Atenco. The State used disproportionate force in dealing with demonstrators, and violently arrested Mercedes as well as dozens of other women. During their arrest and detention, they were subjected to physical and psychological torture as well as sexual attacks and degrading treatment.*

Following the events, the Mexican authorities neither carried out a credible investigation nor initiated an effective prosecution of those responsible. Overall, 11 women, including Mercedes, sought justice. The OMCT and its local partner, the Centro Prodh, submitted reports and correspondence to the Committee on the Elimination of Discrimination Against Women, the Committee Against Torture and the Inter-American Commission on Human Rights.

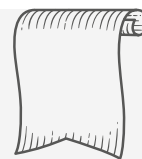
The case was later sent to the Inter-American Court of Human Rights, a move that gave it a higher profile and necessitated more active involvement from the victims than the investigation had. Mercedes became considerably more vulnerable as a result of this public exposure. She underwent a preliminary psychological evaluation, which revealed lasting effects of torture, and thus highlighted the need for emergency psychological intervention. OMCT provided her with assistance to help her deal with the effects of her trauma.

Mercedes subsequently attended several sessions with a psychotherapist specialized in working with victims of torture, and this helped build her strength. She found the sessions to have a positive impact on her wellbeing: she felt better and, importantly, she was able to appear in court and recount her experiences.

In 2018, the Inter-American Court announced its verdict: it condemned the Mexican State and held it responsible for the sexual violence, rape and torture of the 11 women from Atenco. This condemnation is historic in that it helps advance the fight against impunity, and particularly the fight to end violence against women.

**Fictitious name*

YATA*
GAMBIA



Yata was arrested in 2006 on suspicion that she had taken part in a coup attempt against the regime of President Yahya Jammeh in Gambia. Detained and tortured by high-level authorities, she was also subjected to sexual abuse following interrogations by a paramilitary unit known as the “Junglers”. She was in detention for six weeks. A few months later, she was re-arrested, detained for another three weeks and subjected to further torture.

When Yata heard that President Jammeh was relinquishing power and leaving Gambia in January 2017, and that Ousman Sonko, a former Minister of the Interior, was under

criminal investigation in Switzerland for torture, she decided to file a lawsuit against one of her former torturers. In June 2017 she was invited to testify as part of this investigation. Although her lawyer and a team from TRIAL International accompanied her, she experienced a culture shock that threw her into a fragile emotional state before the court hearings could even begin. She was very shaken and tearful during the first hearing. To prevent her from feeling like a victim all over again, TRIAL International requested OMCT to pay for a psychologist to support Yata during this painful process.

She found the psychologist's support very helpful. Indeed Yata later acknowledged that this support and the assistance she received as she prepared for the hearings enabled her to feel like her old self again.

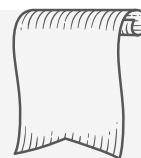
“WE ARE CERTAIN THAT THE PSYCHOLOGICAL ASSISTANCE PROVIDED WITH OMCT’S SUPPORT PLAYED A KEY ROLE IN THE HEARINGS.” TRIAL International

**Fictitious name*

3.2.2. BOOSTING THE SECURITY OF VICTIMS WHO ARE IN DANGER

For some victims, it is unthinkable to remain in the same city, region or country as their torturers because the danger of reprisals or even death is too great. In such situations, the OMCT Fund provides emergency support for relocation to a new place, where victims can try to rebuild a new life in safety.

JULIE AND REINE **THE DEMOCRATIC REPUBLIC OF CONGO**



On 19 January 2008, government soldiers abducted Julie and her daughter Reine*, then aged under two, both natives of the Democratic Republic of Congo (DRC). The soldiers shoved them into a container truck, where they found several other people, some of them mutilated. The soldiers then drove the truck deep into the forest. They had targeted Julie because she was married to the secretary of Ne Muanda Nsemi, the leader of a political religious movement called Bundu Dia Kongo Church. Ne Muanda Nsemi and his followers were accused of carrying out anti-regime activities. Julie was repeatedly interrogated about the activities of her husband and Ne Muanda Nsemi.*

While she was also a member of the Bundu Dia Kongo Church, Julie knew nothing about the activities of her husband or his employer. This meant nothing in the eyes of her tormentors, who demanded every morning that she choose whether to be flogged or raped. And so, day in, day out, Julie received lashes of the cane in front of her daughter. On the fourth day, as her battered body could no longer bear the blows, she was forced to “choose” the second option. In the days that followed, she was raped; this also in front of her daughter. Occasionally, the soldiers administered electric shocks to Julie. Every night she prayed that someone would come and rescue her from this ordeal and save her daughter.

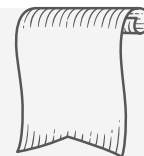
As if their physical torture were not enough, Julie and her daughter were forced daily to witness the execution of a fellow detainee. Indeed the soldiers habitually dragged detainees out of the container, called one of them and slaughtered him or her over a basin. While this was happening, no one was allowed to scream or cry. When this macabre ritual was over, the soldiers would distribute a little food to the detainees.

On 3 April 2008, the torturers imposed another choice on Julie: to have her eyes gouged out or her daughter executed. Julie begged them to spare her daughter's life. The soldiers then told her that they would gouge her eyes the following morning. That evening, a terrified Julie prayed, as usual, in her mother tongue. At this point, a security guard, who spoke the same language and had heard her cries, night after night, decided to let her out. He gave her a torch, as well as directions to get out of the forest. Julie grabbed Reine, got out of the container, fled the forest and managed to leave the DRC.

When she and her daughter arrived in France, Julie requested asylum. In November 2008 the Primo Levi Centre contacted the OMCT, which helped pay the legal fees involved in the processing of the asylum request submitted to the French authorities. In December 2008, Julie and Reine were finally granted asylum and able to start a new life in France.

**Fictitious name*

ALEXEI AND SACHA **RUSSIA**



Alexei was 48 when he was arrested, on 27 November 2004, in his little town of Shali, in Chechnya. The Chechen authorities had ordered his arrest to put pressure on his son, Sasha*, a Chechen separatist exiled in Europe, who denounced the abuses committed*

by the regime that had tortured him. Alexei was detained for 11 months. Those were eleven months of torture that left him broken physically and psychologically, with serious consequences: broken nose and jaws, damaged knee and hips, broken and lost teeth.

“I WAS TREATED LIKE A PIECE OF MEAT. THEY TORTURED ME AND BEAT ME UP SEVERELY.”

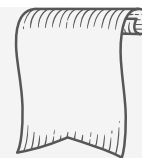
Released on 4 October 2005, he fled to Norway. Since his release, Alexei has been suffering from sleep disorders, anxiety, serious migraines as well as chest pain and toothache.

In 2006, the father and son filed a lawsuit in the European Court of Human Rights (ECHR) for illegal detention and torture. Because the revelations they made directly implicated Ramzan Kadyrov (future president of Chechnya), whom Sasha accused of taking part in interrogating and beating him, they, along with the rest of their family, became targets of the Chechen authorities. In January 2009, Sasha was murdered on a street in Vienna. Alexei feared that he would be next and that he was no longer safe in Norway. At the request of the Norwegian Helsinki Committee, the OMCT intervened as a matter of urgency to meet the cost of Alexei's travel from Norway and pay the first few months of rent for his new home in a safe place.

Subsequently, Alexei was able to witness the sentencing of his son's killers to lengthy terms in prison. However, he is still waiting for a ruling from the ECHR on his lawsuit against Russia.

**Fictitious name*

FAZAL* **PAKISTAN**



In 2005 Fazal was living in Sargodha, a large city in the Punjab Province of Pakistan, with his mother, widowed three months earlier, and his two brothers. Aged 24, he supported his mother through donations that he received from the local Christian community for organizing prayer meetings in his home. On several occasions the local police demanded that Fazal pay them a monthly bribe to continue his activities. Each time, Fazal refused,*

because on the one hand he did not have the means, on the other he believed that his activity was legitimate and therefore he should not have to pay the police to practise it.

In October 2015, after filling out a complaint¹⁷ form regarding blasphemy, the police arrested Fazal at his home. In the complaint, Fazal was accused of having, in his prayer room, a sword with a verse from the Koran inscribed on it, and of having desecrated it by repeatedly stepping on it and dropping it carelessly to the ground. Therefore, according to the police, Fazal was guilty of blasphemy, a crime punishable by death in Pakistan.

Following his arrest, Fazal was taken to the police station where, for two days, police officers kicked him repeatedly and hit him with a metal bar and a stick. In spite of the police officers' brutality, Fazal maintained his innocence. He later told the Human Friends Organisation (HFO), OMCT's partner organisation that was handling his case, that he believed he was subjected to torture for his refusal to pay the bribes that the police demanded, and for his religious beliefs.

The lawyer that the HFO hired for Fazal was able to get him released on bail. However, although he was now out of the police station, Fazal did not feel any safer and feared for his life as well as the lives of other members of his family. So he asked the HFO to help him and to shelter him and his loved ones. HFO reached out to OMCT, which paid the first few months of rent for the family in a new home in Pakistan, as well as food costs. Since then Fazal and his family are well and living in safety. They are very grateful to HFO and OMCT for the crucial support that saved their lives.

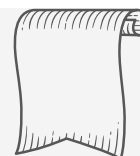
**Fictitious name*

17. In Pakistan, the police can initiate legal proceedings on the basis of a First Information Report (FIR), an official document completed by anyone with information about an individual who has committed an offence.

3.2.3. PSYCHOLOGICAL AND MEDICAL REHABILITATION OF VICTIMS AFTER THE TORTURE ENDS

The OMCT provides access to medical assistance to help victims of torture to recover physically and psychologically when they have no one else to turn to. It is the first step towards rebuilding their lives.

BLANCHE THE DEMOCRATIC REPUBLIC OF CONGO



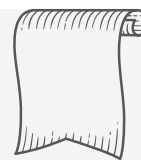
In the Democratic Republic of Congo (DRC), Justin was unofficially supporting a local human rights organisation by providing it with regular reports on cases of rampant human rights violations. In 2005, two soldiers beat him and his wife Blanche* all over the body, especially the face, legs and back. The couple subsequently survived an attempt on their lives.*

When they could not take it any more, Justin, Blanche and their daughter left the DRC for a neighbouring country. They managed to flee with the help of two organisations that belong to the OMCT SOS-Torture Network: the Solidarité pour la Promotion Sociale et la Paix and Agir Ensemble pour les Droits de l'Homme.

In 2006, Blanche became pregnant but it was a difficult pregnancy, accompanied by unusual pain. She also had difficulty walking. An emergency ultrasound revealed this to be a consequence of the brutal beatings inflicted on her by the soldiers: a back injury that was revived by the pregnancy. In October 2006, the OMCT paid Blanche's medical expenses and her health gradually improved. In February 2007, the OMCT was approached again because Blanche was experiencing excruciating back pain. Additionally, given that her due date was imminent, she needed constant medical attention to prevent putting her life and that of her unborn baby at risk. OMCT paid for the monitoring right away. Soon thereafter, she safely delivered a baby girl, that she called Anne.

**Fictitious names*

KHURRAM AND LIAQAT PAKISTAN



In January 2016, the police placed 20-year-old Khurram Masih in detention. This Pakistani student from a modest family was working as a rickshaw driver in his free time to help support his family. His father, Liaqat Masih, a Christian, worked as driver for the family of an influential Pakistani politician's son.

Following an allegation that cash and gold jewellery had been stolen from his employer's house, Khurram's father was arrested, although there was no evidence linking him to the theft. His family saw this as an effort to extort money from him to replace the stolen gold, as his employer had not insured it. For two months, the police tortured Liaqat Masih repeatedly, even in front of his employers, in an effort to extract a confession from him. Because he refused to confess, the police detained his son, without any charges. Khurram and his father were each tortured in front of the other.

The police punched the two men and beat them up repeatedly with truncheons and sticks. They deprived them of sleep and suspended them from the ceiling, with their hands tied back. They stretched Khurram's legs so far apart that they nearly disabled him.

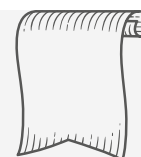
On 13 January Liaqat Masih died from the torture, with his son beside him. Khurram survived, but he could neither walk nor sit properly. In February, Human Friends Organisation (HFO), a Pakistani human rights group, reached out to the OMCT to request assistance for Khurram. The OMCT provided the financial support necessary for Khurram's medical treatment, namely X-rays, therapy, medication and psychosocial assistance. It then followed up with assistance to cover his family's basic needs for the first few months, all the while continuing to help pay for his treatments, given that with the death of his father, it would be up to Khurram to support his family.

To this day, no one has been questioned or arrested in connection with this case. Khurram has recovered and is gradually resuming work. The OMCT and HFO continue to work together in seeking justice for Khurram and his father. The case is currently awaiting examination by the Gujranwala Court.

3.2.4. EMERGENCY SOCIAL ASSISTANCE TO MEET BASIC FAMILY NEEDS

The effects of acts of torture suffered by a person often extend beyond the victim himself or herself: sometimes, in addition to the plight of the victim, their loved ones end up destitute, especially when the victim was the main breadwinner for the entire family. In such cases, the OMCT provides support to the victim's relatives to help them survive.

SHAH JALAL BANGLADESH



Shah Jalal, 35, was living in a shanty town in Khulna in the south-west of Bangladesh with his mother, wife and 10-month-old daughter. He was his family's sole breadwinner, and hawked fruit and vegetables in the streets but barely earned enough to feed them.

One evening in July 2017, as he was buying powdered milk for his baby, the police arrested him and took him to the police station. They accused him of theft and beat him brutally. The police demanded 150,000 takas (the equivalent of CHF 1,800) before they could release him. As his family was unable to come up with that sum, the police took Shah Jalal to the outskirts of the town, where they tied him up and gouged his eyes out. "One police officer sat on my chest and strangled me as another firmly held my head. I saw a third officer lean over me, holding a wrench with which he gouged my eyes out. It was the last thing that I saw," said Jalal. The officers then left him in a hospital, close to death.

"I WILL NEVER REGAIN MY SIGHT, BUT I WANT TO GET JUSTICE"

The day after his arrest, Rahela, his wife, found him lying on the floor at the hospital, blind and bleeding from the eyes. "We are poor. My daughter is starving. As long as my husband does not find work, we shall not survive. Why did the police do this?", she asked.

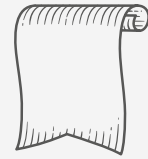
Odhikar, an organisation that belongs to the OMCT SOS-Torture Network in Bangladesh, requested support from the OMCT, which immediately provided aid to meet the family's most basic needs, and helped them cope. Shah Jalal made a slow recovery but remained severely traumatized. Supported by local activists, his family decided to file a lawsuit at

the metropolitan court in Khulna in September 2017. The family lived in fear of further ill-treatment, as they repeatedly received threats, as well as offers of bribes from the police, who wanted the case withdrawn. The investigation into the case, and the criminal proceedings, made slow progress and lacked impartiality. In the meantime, following a lawsuit filed against him, in July 2019 Shah Jalal was sentenced to two years behind bars. In December, the OMCT provided him with legal assistance by paying his legal fees, which helped to get him released on bail the following month.

3.2.5. HELPING VICTIMS ACHIEVE SOCIO-PROFESSIONAL REINTEGRATION

Certain cases illustrate the impact that help can have on the long and painful journey towards a fresh start in life and reintegration into society. Shattered by the torture they have suffered, many victims—or their relatives—struggle to fit back in society. The main aim of OMCT’s work is to meet their needs in order to optimize victims’ chances of bringing back a semblance of normality into their lives. The two cases below demonstrate how some victims have managed, with social and multidimensional assistance, to take back control of their lives.

SERGIO **MEXICO**



In 2015, Sergio was living with his wife and two children in Concordia Municipality in the Chiapas State of southern Mexico. He was working there as a street vendor, selling fish and seafood. On 5 November, municipal police officers forced their way into his mother-in-law’s house. They threatened him, and then hit him and his wife in front of their children. They led him away in a vehicle, with his head covered with a sweater, and hit him on the back, ribs and neck. He was brought before the prosecutor that very evening and forced to sign a document implicating him in crimes that he never committed. The judges who heard his case were unaware that he had made a forced confession and in October 2017 sentenced him to six years in prison. He ended up spending three years behind bars, during which time he was tortured repeatedly.

Released in October 2018, Sergio was relieved but saddened. He was happy to be back with his family and to have had the courage, with the help of the Fray Bartolomé de las Casas Human Rights Centre (also known as Frayba), a member of the SOS-Torture Network, to file a lawsuit concerning the violations that he endured. But he was sad because he suffers from various types of mental trauma as a result of the torture that was inflicted on him. Additionally, while he was in prison, he and his family lost their entire livelihood. The Frayba suggested that Sergio, who learned carpentry while in prison, try and find a new way to earn a living. The OMCT stepped in to help him buy tools so that he could fend for his family.

“THANKS TO YOUR ASSISTANCE, I HAVE FOUND WORK AGAIN AND GOT BACK MY DIGNITY. I AM PROUD TO HAVE REGAINED MY PLACE IN SOCIETY. MY FAMILY AND I HAVE A FRESH START. (...) I AM TRULY GRATEFUL TO YOU. YOU HELPED EVEN THOUGH YOU DIDN'T KNOW ME. IN THIS PLACE, NO ONE HELPS YOU UNLESS THEY KNOW YOU.”

Sergio, Mexico

HASSAN **LEBANON**



Hassan is Egyptian. Between June 2000 and June 2001, he was detained in a military barracks and subsequently in a prison in Lebanon. The Lebanese military intelligence services accused him of collaborating with the militia known as the South Lebanon Army, and to have infiltrated Israeli territory.*

While in detention in the barracks, Hassan was subjected to beatings. He was held, along with some 100 other people, in a long, dark and humid corridor, a metre wide, where all the detainees slept, piled up on top of each other. Hassan was then moved to an equally overpopulated prison, where he was subjected to further torture, deprived of water and food, repeatedly humiliated and put through daily sessions of interrogation. For three months, he was shut off in total darkness, with no chance to shower or change clothes.

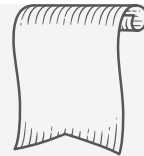
Three years after his release in June 2001, the physical and psychological effects of his torture were as severe as ever. Hassan suffered from an ankle injury and carpal¹⁸ tunnel syndrome as a result of the constant pressure of handcuffs during his ordeal. Having lost his financial independence and crippled with depression in addition to low self-esteem, he sought comfort in alcohol.

In 2008, the Lebanese Center for Human Rights requested the OMCT to help rehabilitate Hassan and reintegrate him into society. The OMCT provided Hassan with financial assistance, and as a result he was able to undergo surgery to heal the carpal tunnel syndrome, as well as to pay for the drugs and laboratory examinations that he needed. Thanks to OMCT's support, Hassan, a shepherd, also bought three goats in order to start a small herd that would, with time, help him regain his financial independence.

The OMCT has since learned that his health has greatly improved: he has cut down his alcohol consumption substantially and is once again financially independent. He can now provide for his family because he has work.

**Fictitious name*

WILLY **ARGENTINA**



Just three months after he reached adulthood, Willy was arrested for drug possession. In spite of the minor nature of the offence, he spent a year and four months behind bars.

He came from a very modest background and had been living a marginal existence since his first stint in prison, when, in 2014, he reoffended; this time it was armed robbery. He was sentenced to five years in prison.

At the time Willy was serving the last few days of his first sentence, OMCT's Argentinean partner, the Xumek association, had received a mobile telephone from an anonymous source. It contained several videos showing acts of torture perpetrated by prison wards. In one of the videos, you could see Willy, handcuffed and on the ground, with six guards punching and kicking him. They dislocated his arm and whacked him in the ribs as they insulted and degraded him.

18. Carpal tunnel syndrome causes tingling in the fingers, numbness and the loss of muscle strength in the wrist and hand.

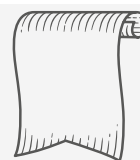
Xumek filed a lawsuit in 2011 but faced numerous legal pitfalls. It was not until September 2019 that Willy finally got judgement and compensation. The six guards were found guilty of torture and handed 10 years in prison. In the end, the authorities acknowledged Willy's ordeal, and now he wants to start a new chapter in his life.

Willy is now 28. He is married and the father of a three-year-old son. Having spent most of his adult life in prison, he wants to start life afresh and open a pizzeria. OMCT decided to encourage Willy in his project by getting him a canteen truck to help him get started.

3.2.6. MAINTAINING FAMILY TIES FOR MORAL SUPPORT

In certain cases, the victim is completely cut off from their family, especially while in detention. As such, maintaining family ties can be a way of providing moral and psychological support. As part of its cooperation with Centro Prodh, in Mexico, the Fund helped the families of victims to visit them in detention and, in so doing, helped them keep hope alive. This was the case for Taylin, who, in spite of being detained, managed to remain strong and continue her quest for justice, thanks to the support she received from her children. Today, as part of the “Rompiendo el silencio” campaign, Taylin is a poster child for the combat of violence against women in Mexico.

TAYLIN **MEXICO**



Taylin became a victim of torture and arbitrary detention after the federal police carried out an illegal search of her home in Mexico City on 7 February 2014. On that day, the police beat up Taylin and her partner and threatened them, even though they had let the police know that she was a few weeks pregnant. Two of her three children were brought into the room and forced to witness the brutality being inflicted on her and her partner. The police kicked her eldest son and threatened him.

Thereafter, Taylin was taken to the police station and then to the compound housing the Prosecutor's Office where she was subjected to physical, psychological and sexual torture to force her to confess to a crime that she had not committed and to implicate other people as her accomplices. As a result of the torture, she suffered a miscarriage.

Within three years, she had been transferred five times, from one prison to another. Her mother, who was living in Peru at the time, had no choice but to move to Mexico to look after her grandchildren and seek justice for her daughter. Taylin's mother, however, was in no financial position to meet her grandchildren's needs fully and pay legal fees. A member of the family then came to their rescue and offered the children accommodation in a town far from the capital city. Under the circumstances, the children no longer had the means to visit their mother in prison, which had devastating psychological effects. Taylin fell into depression and began suffering from anxiety. OMCT stepped in and provided funding so that Taylin's children could make several trips to Mexico City to visit their mother in prison. At the same time, OMCT visited Taylin and carried out advocacy with the Mexican authorities on her behalf. Thanks to these efforts Taylin was registered with the Executive Commission for Victims' Assistance, in Mexico, which offered longer-term support to ensure that she continued to receive family visits. The visits were crucial in strengthening family ties as well as helping Taylin overcome her trauma and seek justice for the abuses that she endured.

“TAYLIN IS A FINE EXAMPLE OF THE WAY IN WHICH MANY WOMEN HAVE TURNED THEIR TRAUMATIC EXPERIENCE AROUND, AS IT WAS SHE WHO ENCOURAGED OTHER SURVIVORS TO BREAK THEIR SILENCE AND SPEAK OUT AGAINST THE TORTURE THAT THEY SUFFERED.” *Centro Prodh*

3.2.7. SUPPORT TO FORMER DETAINEES OF GUANTANAMO CAMP

As part of its cooperation with the NGO Reprieve, the OMCT has supported several cases of former Guantanamo detainees who, once released, are deported to different countries. Reception conditions vary greatly from one country to another and Reprieve regularly calls on the OMCT when the detainees have urgent needs. The aid granted mainly features: major medical interventions for which Reprieve is unable to obtain funds; language courses to facilitate social integration; coverage of basic subsistence needs; financial assistance for legal fees in host countries because former detainees often have no legal status. Atahir and Younous count among these former detainees.

“THE OMCT’S ASSISTANCE IS RELEVANT AND VERY SOLID BECAUSE IT MEETS VERY REAL NEEDS OF FORMER DETAINEES”.

Reprieve

**ATAHIR
PAKISTAN**



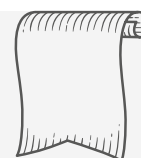
Atahir was barely out of his childhood when he was arrested in his native Pakistan. That was back in 2001 and he was handed over to the American authorities in Afghanistan. A year later, he ended up in Guantanamo. He was there for over seven years, without ever being formally charged. The catalogue of horrors that his captors inflicted on him seems endless: electric shocks, being suspended by the wrists for six hours per day, beatings, extreme temperatures, sleep deprivation, deliberate cigarette burns, humiliations and threats against his family. During interrogation, his captors would use his phobias to cause him distress, and in so doing, compromised his mental health. Throughout his detention, he was repeatedly denied access to healthcare.*

In 2009 Atahir was finally released but he was left with extremely serious physical and psychological trauma. What is more, he was in a country whose language he did not speak and where he knew no one.

The OMCT stepped in and gave him a new lease of life. Providing him with medical care as well as professional training helped Atahir gradually build back confidence in himself, and trust in others. He is now married, a father of three and the owner of a fruit and vegetable store. During one of his discussions with Reprieve, he stressed that being recognized by an international organisation like the OMCT as a victim of torture and inhuman treatment played a crucial role in his road to rehabilitation.

**Fictitious name*

YOUNOUS MOROCCO



Younous was born in Morocco, but at 22 he moved with his brothers and sisters to Pakistan, where education was cheaper. A series of family tragedies left him in great financial difficulty and he went to Yemen and Syria to look for work.

In 2001 Younous settled in Afghanistan, where he opened a business. An ardent supporter of equal opportunity, he participated in various charitable initiatives, on a voluntary basis. After the events of 11 September, Younous tried to leave Afghanistan, but was arrested and detained in Kandahar. From there he was handed over to the American forces and taken to Guantanamo in 2002. Held without charges for close to 14 years, his day-to-day life was an ordeal: he was subjected to various forms of torture and humiliation.

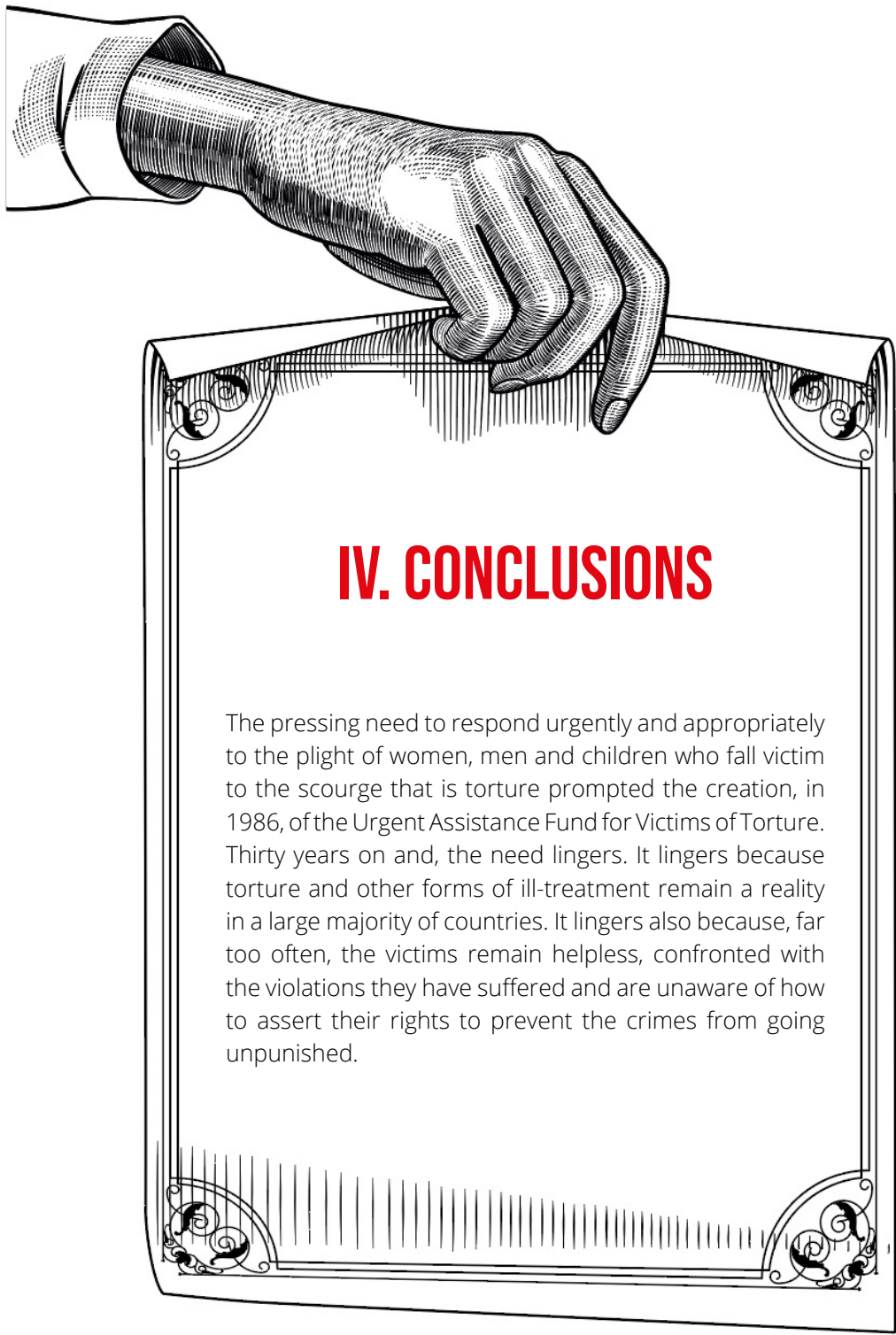
In September 2015, he was released in his native Morocco. But his ordeal was far from over. Once in Morocco, he was again detained, for nearly five months. Although he was eventually freed in February 2016, he faced a legal battle to clear his name completely. In February 2018, a Moroccan court finally acquitted Younous of all charges.

Having endured 14 years of detention and torture, Younous' needs in terms of rehabilitation were dire: he was broken both physically and psychologically, and suffered from chronic pain and anxiety. With financial help from the OMCT, he was able to receive medical care from different specialists, including physiotherapy and psychiatric treatment. The OMCT also provided urgent support to meet his daily needs.

Today Younous is free, married and the father of a little girl.

“SUPPORT FROM THE OMCT HELPED YOUNOUS TO STABILIZE ENOUGH TO GO THROUGH THE IN-DEPTH REHABILITATION THAT HE NEEDED SO BADLY. HE BEGAN TO LIVE HIS LIFE INDEPENDENTLY AND TO THINK ABOUT THE FUTURE. HE EVEN FOUND ENOUGH STABILITY IN HIS LIFE TO GET MARRIED. WE ARE DELIGHTED THAT YOUNOUS IS ABOUT TO WELCOME HIS FIRST CHILD. THIS NEW FAMILY LIFE OFFERS HIM STABILITY AND EMOTIONAL SUPPORT WHILE EXPANDING HIS RESOURCES, AND THEREFORE BOOSTING HIS EFFORTS TO START AFRESH.”

(Narrative report by Reprieve)



IV. CONCLUSIONS

The pressing need to respond urgently and appropriately to the plight of women, men and children who fall victim to the scourge that is torture prompted the creation, in 1986, of the Urgent Assistance Fund for Victims of Torture. Thirty years on and, the need lingers. It lingers because torture and other forms of ill-treatment remain a reality in a large majority of countries. It lingers also because, far too often, the victims remain helpless, confronted with the violations they have suffered and are unaware of how to assert their rights to prevent the crimes from going unpunished.

In the time that it has been in existence, the OMCT has supported individuals whose cases have reverberated across international borders. However, above all, and away from the spotlight, it has provided crucial assistance and helped rehabilitate hundreds of people whose lives had been shattered by torture. To this day, these **forgotten victims** remain at the very core of the Fund's approach.

This report has shown that the Fund is **still relevant** today and that, in the vast majority of cases, it has a positive impact on victims who reach out to the OMCT and its network. As it is readily accessible, the Fund is still very often the only available emergency option, given the lack of national structures and the increasing difficulty in obtaining international assistance.

The Fund has enabled the OMCT to remain, today, the only international human rights NGO to grant – with support from its network of member organisations and partners – direct and multidimensional emergency aid to any torture victim, wherever they may be across the globe.

This research also confirms the Fund's proven capacity as a **pragmatic and strategic tool** for the OMCT, members of its SOS-Torture Network and, more broadly, for the movement against torture. It owes this to its considerable flexibility. Most of the cases analysed in this report illustrate strong complementarity with other initiatives carried out at the national as well as the international levels.

As an example, the Fund helped provide security for torture survivors, or their psychological or socioprofessional rehabilitation during legal processes. This approach is part of the long road towards the rehabilitation of victims. It is also a precondition for filing legal proceedings and minimizing the risk of exposing survivors to further victimization. In other cases, the Fund helped support local lawyers in their search for evidence, or provided transport for witnesses in important trials. In this way, the Fund has played a crucial role in the fight against impunity over the years by providing the assistance needed locally and thereby contributing towards key convictions.

The Fund's strength lies precisely in its ability to offer **ad hoc support** to torture victims. The Fund is therefore in line with the effort to strengthen victims and with the solidarity and complementarity of the SOS-Torture Network's actions. It is important to maintain this level of capacity to respond, given the current global context with its emerging authoritarianism and populism that have made the environment hostile for humanitarian organisations. This is the type of situation that compels SOS-Torture Network member organisations to adopt litigation strategies whose support to victims rarely goes beyond legal advice.

Additionally, in recent years, OMCT has intervened in serious situations – in Burundi, India and Turkey – to sustain support to torture victims, which also involved using its Human Rights Defenders Programme. Experiences of the past few years have shown that the OMCT can respond with alacrity, even in situations where the United Nations Voluntary Fund for Victims of Torture remains out of reach.

Admittedly, while the anti-torture movement has helped increase the number of rehabilitation and reception centres for victims in certain countries, this in no way negates the need for urgent and strategic interventions in numerous countries that lack such structures or that only offer victims a limited range of support. Lastly, one element that is crucial to the future of OMCT assistance for torture victims is that it very often forms part of broader cooperation with local partners in the fight against torture. Greater cooperation with OMCT's other programmes could further strengthen the Fund as a tool. It is important to acknowledge that the Fund plays a key role in the implementation of OMCT's overall strategy, in harmony with other structures in place.

Finally, in preparing this report we observed, through interviews with external OMCT partners, that the various partners place a high value on the Fund and that it is of great interest to them. Surprisingly, however, the Fund remains relatively unknown, even among organisations working to end torture and rehabilitate victims; new partnerships could be planned with the latter in order to make the Fund better known.

IMPRESSUM

This report has been drafted by Isabelle Hayer Frigo in collaboration with the OMCT International Secretariat.

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