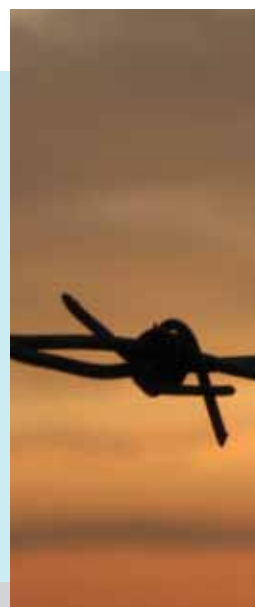
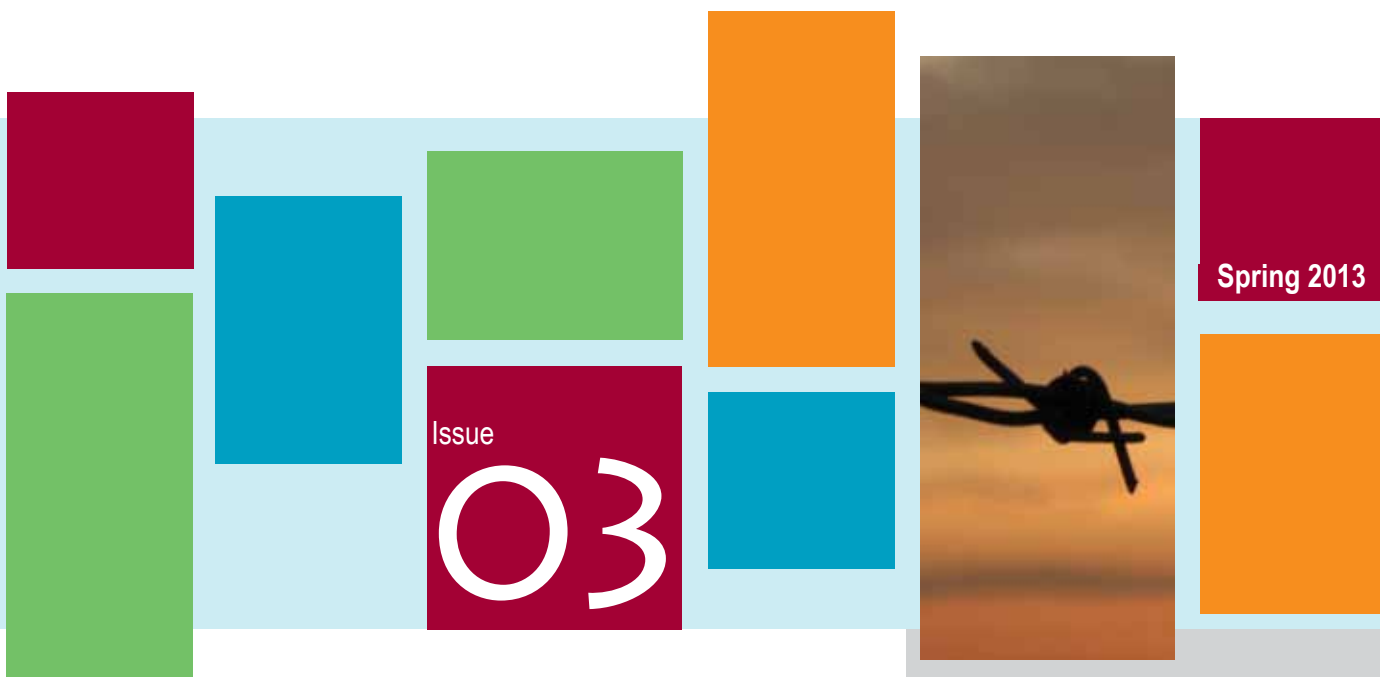




association for
the prevention
of torture

The Middle East and North Africa

A Torture Free Zone



Spring 2013

A space for “torture-free zone” activists

Torture is a grave violation of human dignity, deeply wounding individuals and poisoning societies. This regional e-Bulletin aims at creating a space through which activists and experts can exchange ideas, opinions and experiences about how to create torture free zones.

The APT would like to warmly thank the editor, Mervat Rishmawi, the members of the Advisory Panel and the many activists, experts and organisations that have contributed.

While this issue of the regional e-Bulletin was being prepared, a young Palestinian detainee (Arafat Jaradat, 30) died in Israeli detention on 23 February. This raised serious concerns of torture and initial autopsy reports showed that there were many signs of beating on Jaradat’s body. This is a stark reminder of the need to prevent torture and ill-treatment before it is too late! We must all take a stand to better protect all detained persons, as is reflected in an article in this bulletin on the conditions of ailing Palestinian detainees, and similar calls to independently investigate the case of Arafat Jaradat.

Please do share your reactions, comments and further thoughts on how to free our societies from the scourge of torture and do suggest topics and authors for future issues.

For reactions to this issue and suggestions and contributions to future issues, please contact the Bulletin through: editor.mena@apt.ch

Mark Thomson
Secretary General, APT

Contents

1. Editorial: “Zero Dark Thirty” is a gross offense to victims of torture

2. Opinion Pieces

The Impact of the Recognition of the State of Palestine

Combatting Torture in Libya: Reality and Legislation

3. Recent Updates

4. From the Field

Detention monitoring as key part of the work of National Human Rights Institutions

Practitioners on torture litigation from Middle East-North Africa exchange experiences

National Conference for supporting ailing detainees in the Israeli occupation jails

Tunisian lawyers – the spearhead of judicial reform

5. Questions and Answers

Did you know that the UN General Assembly adopts a resolution condemning torture and calling on states to take action every year?

Editorial

“Zero Dark Thirty” is a gross offense to victims of torture



Mark Thomson
APT Secretary General

“Zero Dark Thirty” is a Hollywood dramatisation of the hunt for and killing of Osama bin Laden. A central claim in the film is that the intelligence which led the CIA to bin Laden’s hideout was obtained as a result of torture.

US Senators, CIA veterans, former Guantanamo guards and prisoners, and even the CIA itself in an unusual public comment, have stated that this is not what happened. The use of torture did not lead to any critical information which helped find the al-Qaida leader. The main result of the torture has instead been deep suffering and further poisoning of societies.

The film director, Kathryn Bigelow, has repeated that “Zero Dark Thirty” is fiction and not a documentary. Nevertheless, the introduction of the film states that it is “based on first-hand accounts of actual events”. This leaves the audience with the false impression that torture, as presented in the film, can be effective and even necessary to combat an unknown enemy in times of national threat.

Why we are worried about this film?

“Zero Dark Thirty” exploits the anxiety and fear that took root after the attacks on the United States on 11 September 2001. The film is a version of the thought experiment commonly known as the [“Ticking Bomb Scenario”](#) (“suppose that the perpetrator of an imminent terrorist attack would disclose the information needed to prevent the attack only if he is tortured”). The “Ticking Bomb Scenario” creates suspense and is therefore appealing to script writers and producers. What we must remember is that it is created to manipulate emotional reactions. The scenario justifies torture as serving a greater good, and makes our sympathies fall on the perpetrator, not on the victim.

Mass media and the entertainment industry have

great powers to influence perceptions and values. As a possible Oscar winner, “Zero Dark Thirty” will be seen by millions of people all over the world. By justifying – and glorifying – the use of torture it represents a gross offence to the victims of torture and to the global anti-torture movement.

Torture is absolutely prohibited in international law. It is one of the worst offences a State can commit against persons under its care. But we are again reminded that there is still a long way to go before it is universally rejected, like genocide and slavery.

Therefore, if you see the film just remember these simple facts about torture:

- **Torture is always wrong.** It not only deeply wounds the victims, many of whom may be innocent of any crime; it has a toxic effect on the societies that tolerate it.
- **Torture is illegal.** It is a crime punishable by severe penalties wherever in the world it is committed. There are no exceptions to the absolute prohibition of torture in international law, such as conflict or instability.
- **Torture is an ineffective and unreliable means to obtain information.** It has often been observed that tortured victims will say anything just to get the pain to end. And even if the information obtained were the truth, there is no way to know if it is accurate, making it absolutely worthless as an interrogative tool. And such acts would still be wrong and illegal.

Opinion Pieces

The Impact of the Recognition of the State of Palestine on the rights and freedoms in the Palestinian territory

Advocate Nasser Al-Rayes

Advisor, Al-Haq¹

The legal status of Palestine as a state has begun to be enhanced by obtaining its second recognition by the international community. The international community has recognized the State of Palestine for the first time in the thirty-sixth session of the Educational, Scientific and Cultural Organization (UNESCO) held on 25 October - 10 January 2011.



On November 29th, the United Nations General Assembly recognized Palestine as a non-Member observer State in the United Nations, which means granting Palestine the legal personality granted to States under public international law. Consequently, Palestine has obtained the legal status that qualifies it to accede to international treaties.

Undoubtedly, the international recognition of Palestine as a State has a number of legal consequences, the most important of which is the right for the Palestinian State to accede to all international conventions and charters regulating human rights and freedoms; other international conventions which regulate various aspects of economic, social and cultural relations; and the international cooperation in all these different fields. This was not available to Palestine under its previous legal status, which was limited to the recognition of its possession of the international legal personality as a national liberation movement.

The importance and the impact of this recognition on the reality of human rights in the Palestinian territory is that this recognition has eliminated the inhibitor between Palestine and the possibility of acceding to the various international treaties related to human rights and freedoms. This means that Palestinians now have the ability and eligibility for a range of international conventions.

¹Al-Haq is an independent Palestinian non-governmental human rights organisation based in Ramallah, West Bank. It was established in 1979 to protect and promote human rights and the rule of law in the Occupied Palestinian Territory (OPT).

The ongoing local Palestinian discussion after obtaining the prestige of the State at the level of the official bodies and Palestinian civil society indicates that there is a clear Palestinian inclination towards the accession to a number of international conventions in the near future, including the following:

1. The International Covenant on Economic, Social and Cultural Rights.
2. The International Covenant on Civil and Political Rights and its additional protocols.
3. The Convention against torture and other cruel, inhuman or degrading treatment or punishment and its additional Protocol.
4. The Convention on the Rights of the Child.
5. International humanitarian law treaties, in particular the four Geneva Conventions of 1949 and their protocols.
6. The Statute of the International Criminal Court.
7. The Convention on the Elimination of all forms of discrimination against women.
8. The Vienna Convention on the Law of Treaties.

In addition to these, other international conventions are currently under review and study, and the preparation to accede to them this year is underway.

As a result of the accession of Palestine to these treaties, Palestine will have to adopt and implement the contents of these conventions relating to civil, political, economic, social and cultural rights and freedoms. It will also have to refrain from any actions and practices prohibited by these treaties such as discrimination, inequality, torture, degrading and ill-treatment, and exploitation and restrictions on the rights and freedom of the media and other such practices prohibited by these conventions. It will also entail obligations on the State of Palestine as a result of its commitments to these conventions to revise its internal legislation in order to amend the current legislations in Palestine in a way to make it consistent and compatible with the above mentioned international treaties. It will also entail taking administrative procedures to ensure respecting and enforcing these conventions by various authorities. Additionally, it will require the commitment of the national judiciary to adopt the contents of these conventions and rights, freedoms, principles and standards and to rely on them when issuing verdicts and decisions.

No doubt that these new transformations on the position and status of Palestine and the subsequent accession of Palestine to international conventions are crucial for the

reality of human rights and freedoms in the Palestinian territory. We as activists and advocates of human rights and freedoms have witnessed the extent of the negative impact of lack of applicability of the international treaties on human rights, including the Convention against torture, in the Palestinian territories and perhaps the most important of these negative effects are:

- 1- Palestinian legislation lacks some of the important guarantees of rights and freedoms contained in international conventions. Many of the existing pieces of legislation, for example, do not incorporate equality between men and women. Also many practices have not been criminalized by the applied penal legislations such as discrimination, inequality, exploitation, trafficking in human beings, violating human dignity and torture, which is considered as a misdemeanor according to the applicable penal legislation in Palestine punishable by imprisonment for a period of three months to three years. The concept of torture in the legislation is limited to physical harm, and thus those legislations do not define physical and psychological torture or humiliating and degrading treatment.

- 2- Failure to use the available international mechanisms of several conventions as a means of pressure and also for holding to account perpetrators of serious violations of human rights and freedoms in the Palestinian territory. This includes crimes of murders and extrajudicial executions, torture, arbitrary detention, and crimes of discrimination on the basis of political affiliation or belief that became more used in the Palestinian territory after the Palestinian political division and the control of the Islamic Resistance Movement (Hamas) over the Gaza Strip.

Many of the perpetrators of such violations, if not all of them, are not held accountable by national authorities. Therefore, the lack of access to international mechanisms of the treaties had its impact as alternative and complementary tools for questioning and holding those persons to account. This had its impact resulting in the negligence of many of the local authorities to respect the rights and freedoms, with no hesitation to violate these rights because they feel immune against accountability and prosecution, either at the domestic or international levels.

- 3- The inability to use the international principles and standards before the local

courts because of lack of Palestinian commitment to the conventions regulating these principles, made the advocates of human rights lack an important tool in defending rights and freedoms. This is because the Palestinian justice system and the institutions of the executive authorities are governed by the domestic legislation only, although many rights in these are not consistent with international standards and principles.

- 4- The Palestinian General Intelligence Service Act No. 17, 2005, provides in article 13 that "intelligence has to take into account the rights and guarantees laid down in the Palestinian laws and norms of the international law in this regard". The legislative decree issued by the President of the Palestinian National Authority no. (11), 2007 concerning the preventive security also provides under article 8 that "the General Administration of the Preventive Security are required to respect the rights, freedoms and guarantees laid down in the Palestinian laws, international charters and treaties." (unofficial translation)

However, in the absence of the accession of Palestine to any of the international treaties, we were not able to use the contents of these international treaties against any actions committed by these security bodies breaching guarantees of respect for rights and fundamental freedoms.

On this basis, accession of Palestine to many of the international treaties will lead to overcoming many of these drawbacks, and would reflect positively on the reality of human rights and freedoms. This is particularly so in relation to arbitrary detention, violation of media freedoms, freedom of opinion and expression, violation of human dignity, the right to peaceful assembly, the right of association and other such practices and acts prohibited by the international conventions. The accession of Palestine to these conventions will enable us to be equipped with legal tools against the violations and infringements on the rights and freedoms and also for accountability of the perpetrators and the instigators of these violations.

Opinion Pieces

Combatting Torture in Libya: Reality and Legislation

Magistrate Marwan Ahmed Al-Tashani

Head of the Libyan Judges Organization²

After the end of the armed struggle in Libya and the declaration of liberation, those following the situation expected the new Libyan authority to take more effective measures to fight torture and other forms of ill-treatment in detention places across the country,



and which fall outside the supervision and monitoring of the authorities, and to bring those responsible to justice. However this situation has been complicated because of the weakness of the state and the fragility of its apparatuses in the face of the de facto authority: armed militias that lack experience and professionalism in dealing with detainees.

From the start of the Libyan revolution, the National Transitional Council (NTC) tried to follow-up on the situation of detention and arrest in the areas it controlled, which included the eastern region, the city of Misrata and the Nafusa Mountains. The NTC established a committee on detainee affairs specialized in documenting and keeping track of detainees as well as following-up on their affairs, supervising detention centers and prisons, applying international standards in its work. Most violations occurred during the arrest and initial detention of the victim; once the detainee was placed in the detention center, they were treated reasonably well due to the follow-up of concerned committees and the visits of international institutions and organizations. However, after liberation was completed and the geographic scope expanded, the work of this committee

² Former president of the committee for documenting and following-up detainee affairs in the National Transitional Council (NTC)

became more difficult and complicated; the number of armed militias grew and detention centers spread like cancer, used to hold individuals captured during the armed struggle, individuals affiliated with the former regime, or sometimes individuals who committed crimes before criminal prisons were opened. Violations of rights and torture of detainees started to glaringly increase, especially since the authorities supervising the detention centers did not possess the practical or technical expertise to perform their duties. Their main concern was to prove the crime by any means possible even through the use of torture in its various and cruel forms, such as removing fingernails, electric shocks to sensitive body parts, and other torture methods.

There are numerous reasons for this. Some go back to the culture of tyranny inherited from the former regime, while others relate to insufficient knowledge of investigation methods and obtaining information. Other reasons relate to post-liberation revenge, especially with former political prisoners supervising some detention centers and seeking revenge for the torture and insults they endured while incarcerated in the past. However, the most dangerous reason may be the absence of supervision and accountability, combined with overlapping jurisdictions and chaos.

After the interim transitional government came to power, the Ministry of Justice attempted to take control of some of the prisons from the rebels and supervise them directly through the judicial police apparatus within the ministry. Indeed, the ministry was handed prisons in Misrata, Tripoli, Tajoura and other regions. However, the real and de facto supervision remained in the hands of the previous parties, as the armed militias merely repositioned themselves to operate under the authority of the Ministry of Justice. Nonetheless, the same non-specialists persons continued to supervise and work in the prisons.

Furthermore, the judicial police apparatus concerned with and specialized in supervising the prisons is not operating at its full capacity. Despite the fact that it has more than 13,000 members, only 1,500 members of the apparatus or slightly more are actually working. The reasons for this are numerous: some members continue to receive their salaries even when they are absent from work, while others have joined armed militias and are receiving higher pay, leading them to leave their judicial police positions but continue to draw their salaries. Other members blame the absence of security and fear of retribution from families of prisoners or detainees.

After Mr. Salah Marghani was appointed head of the Ministry of Justice, a competent lawyer and remarkable figure in the judiciary, the legal community was optimistic especially after Marghani declared his future vision of Libya as a state of law, justice and respect for

human rights, and where just trials are sought according to international standards and with respect for human rights. The ministry is currently trying to regain its supervision over prisons and detention centers and to close unofficial detention centers. It is also strenuously attempting to impose its control over prisons.

This is a brief overview of the reality in Libya. If we were to tackle the legislative aspect of this subject, we would find that the Libyan legislator overlooks crimes of torture despite the fact that Libya has ratified the Convention against Torture adopted by the UN General Assembly by Resolution 39/46 and came into force in 1987. This Convention is of great importance and represents the recognition of the world's countries of inherent rights derived from the dignity of human beings as well as their recognition that no one should be subjected to torture, inhumane or degrading treatment, or cruel punishment.

Unfortunately, Libya has not ratified the Optional Protocol to this convention, which aims to eradicate the epidemic of torture by establishing a prevention mechanism based on regular visits made by independent international and national bodies to places where individuals are denied their liberty. The objective of this system is to stop torture and other types of cruel, inhumane or degrading treatment and punishment. Without the ratification of the Optional Protocol, the establishment of a preventive independent national mechanism becomes an elective matter for the state and not mandatory.

Furthermore, Libya's domestic legislation has neglected legal texts regarding torture and has not given them full priority in terms of providing torture victims with guarantees and necessary protection. Only three crimes are mentioned in Libyan legislation: Article 435 of the Libyan Penal Code regarding the torture of detainees. The article states that any public servant who orders the torture of accused individuals or commits tortures themselves are sentenced to a three to ten years in prison. Even though this text regards the crime of torture as a serious crime and categorizes it as an offence, with a minimum sentence of three years in prison and a maximum sentence of 10 years in prison, simply prescribing severe punishment for torture does not hide the flaws in this text. The law does not define torture in a comprehensive manner as defined in Article 1 of the Convention against Torture, which defines the types of torture to include the infliction of physical or mental pain, intimidation, coercion, cruel and degrading treatment as well as discrimination or failure to report torture. The Libyan text was limited and fulfills neither the ambitions of activists fighting against torture nor those of the victims, especially since the text was issued as part of the 1953 penal code.

This has prompted the Libyan Judges Organization on the occasion of the International Day against Torture in

June 2012, and on the occasion of a workshop held with the World Organization against Torture and aiming at fighting against torture and other forms of ill-treatment, to issue recommendations to the legislative authority to address local legislative problems. The most important of these recommendations are:

- 1- The absolute prevention and prohibition of torture in all its aspects and forms no matter what the circumstances and justifications could be.
- 2- The new constitution must include the principles of human rights, and international conventions and treaties against torture.
- 3- The coming constitution shall include a clause stating that criminal and civil proceedings resulting from torture may not be dropped due to the passage of time.
- 4- The amendment of Libya's current domestic laws to be consistent with all international instruments ratified by the Libyan state.
- 5- Demand that Libyan authorities must join and ratify the Optional Protocol to the Convention against Torture.
- 6- Pressure the legislative authority to include texts criminalizing acts of torture within the penal code, whether these acts concern individuals who ordered the torture, those who inflicted it, or those who failed to report it and was present during by virtue of their official role.
- 7- Allow civil society institutions specialized in human rights to visit detention centers and observe the circumstances of the detainees and the conditions of their detention.
- 8- Take necessary measures to support victims of torture.
- 9- Organize training and rehabilitation sessions for law enforcement officers and the parties supervising detention centers as well as employees of the legal system, forensic doctors, medical staff and all those working with detainees.

In this context, the Ministry of Justice almost a month ago, and as a reflection of the minister's nature as an advocate of human rights, presented a draft law aiming at criminalizing torture, enforced disappearance and discrimination to the General National Congress (the legislative authority). The draft law is composed of nine articles and, in Article 2, imposes the sentence of five years in prison whoever inflicts or orders the infliction of physical or mental harm on a detainee. The significance of this draft law is that it prescribes punishment for both those who inflict the torture and those who order it, whereas the previous text only punishes the original perpetrator.

The punishment of those who keep silent regarding

torture despite being able to stop it is also considered a major advance in local legislation and a good attempt to provide all the guarantees needed to stop impunity for those who participate, contribute in, or order acts of torture or even those who remain silent regarding the torture of an individual. The draft law also defines crimes of torture, enforced disappearance and discrimination as felony with a minimum sentence of five years. This sentence increases with the nature of the damage inflicted on the victim. For example, it increases to eight years if the act results in significant harm and to ten years if the harm inflicted is severe. If the victim dies during the act, the perpetrator is sentenced to life sentence.

The draft law goes even further and also prohibits granting amnesty for crimes of torture no matter the reason. It also imposes in Article 6 further sanctions on anyone who is convicted for torture. These sanctions consist of denying this individual his or her civil and political rights for a period twice the length of the imposed sentence. This individual is also prohibited from occupying any civil service job for life.

Article 8 of the draft law imposes the same punishment on every political or executive official, military leader, or those acting in their place, if one of their subordinates commits the crime and it is revealed that the supervising individual did not take necessary measures to prevent the crime or to expose it, or did not take necessary measures to present the crime to authorities concerned with discipline, investigation and legal proceedings.

If passed, this draft law would be a significant milestone in the process of criminalizing torture, strengthening the control and pursuit of those committing the crime, and bringing them to trial as a way to instill the principle of 'no impunity' and preserve the rights of victims. Equally noteworthy is the punishment prescribed for revolutionaries who abuse their affiliation with the revolution and use it to justify committing such crimes (Article 4).

On the other hand, there are some flaws in the draft law. It does not explicitly state that courts are not bound to discard any statement resulting from torture or coercion and to consider such a statement void under the law. It also neglects to mention that criminal and civil proceedings resulting from torture may not be dropped due to the passage of time, and does not impose punishment on inhumane, degrading or cruel treatment nor does it prohibit cruel punishments.

Following from this quick overview of the local legislative situation in Libya concerning the criminalization of torture and its sanctioning, I believe that the principles and mechanisms of human rights should be viewed as a comprehensive whole. There is also a need to spread these principles and root them in society without

focusing on one part and leaving out others. This can be done by including education about human rights in all media and awareness-raising programs in addition to including the study of human rights in all educational and school and curriculums from primary education to university level.

In this sense, there is an opportunity for us to put pressure on the Constituent Assembly tasked with drafting the constitution and convince it, after the assembly is established, of the need to include in the coming Libyan constitution provisions requiring the state to abide by the standards of the Universal Declaration of Human Rights and international treaties ratified by the state. The international treaties must have supremacy over domestic law and national law must be adjusted and brought into conformity with international human rights law, especially since the general atmosphere in Libya may accept such legislative developments as a result of the environment of freedom and the human rights demands of the February Revolution. However, the situation requires more than conformity with previous international treaties; it also requires seeking to join and ratify other international treaties that increase freedom and provide guarantees to the rights of individuals, minorities, women and children. Yet these steps may be premature due to the transitional nature of the authorities ruling Libya (the General National Congress) and the heavy tasks it has. Indeed, it is almost impossible to consider such developments now because the public is focused on demanding the establishment of the Constituent Assembly and drafting the constitution.

Finally, we must not forget the importance for the Libyan State to recognize the jurisdiction of the Committee against Torture according to Article 22 of the Convention against Torture in relation to receiving individual complaints, as well as the need to cooperate with special procedures of the UN Human Rights Council, especially with the Special Rapporteur against Torture. Furthermore, we must not forget the need to impose sanctions that correspond to the gravity of the crime of torture, all the while working on including the criminalization of "crimes against humanity" in the penal code. It is also important to ratify the statute of the International Criminal Court. Finally, the State must seek to provide the appropriate mechanisms of offering torture victims compensation, as well as psychological, social, and health rehabilitation.

Recent Updates



Prepared by:
Mervat Rishmawi
Human Rights Consultant

1. Developments in the UN

The Committee against Torture

General Comment on Redress for Victims of Torture:

In December 2012, the Committee against Torture adopted its General Comment 3 on Redress for Victims of Torture. The Committee explained that the term “redress” encompasses the concepts of “effective remedy” and “reparation”. Comprehensive reparation entails restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. The obligations of States to provide redress are two-fold: procedural and substantive. To satisfy their procedural obligations, States must enact legislation and establish complaints mechanisms, investigation bodies and institutions, including independent judicial bodies. At the substantive level, States must ensure that victims of torture or ill-treatment obtain full and effective redress and reparation, which must be adequate, effective and comprehensive. The Committee stressed that the State bears responsibility for providing redress for the victims when state officials failed to exercise due diligence to prevent, investigate, prosecute and punish acts by non-State officials or private actors. The Committee then explained the meaning and content of each of the five forms of reparation above. Restitution is designed to re-establish the victim’s situation before the violation was committed; and that monetary compensation alone may not be sufficient redress for a victim of torture and ill-treatment. Compensation should be sufficient to compensate for any economically assessable damage resulting from torture or ill-treatment, whether pecuniary or non-pecuniary. This may include: reimbursement of medical expenses paid and provision of funds to cover future medical or rehabilitative services; pecuniary and non-pecuniary damage resulting from the physical and mental harm caused; loss of earnings and earning potential due to disabilities caused by the torture or ill-treatment. Rehabilitation should be holistic and include medical and psychological care as well as legal and social services. This refers to the need to restore and repair the harm suffered by a victim whose life situation, including dignity, health and self-sufficiency may never be fully recovered as a result of the pervasive effect of torture. Satisfaction should include, by way of and in addition to the obligations of investigation and criminal

prosecution under articles 12 and 13 of the Convention, effective measures aimed at the cessation of continuing violations; verification of the facts and full and public disclosure of the truth. In relation to guarantees of non-repetition, the Committee pointed out that Articles 1 to 16 of the Convention constitute specific preventive measures that the States deemed essential to prevent torture and ill-treatment. To guarantee non-repetition, States should undertake measures to combat impunity for violations. The Committee also elaborated on the procedural obligations for implementation of the right



© UN Photo/Patrick Bertschmann

to redress, including enacting effective legislative, administrative, judicial or other measures to prevent acts of torture. States must affirmatively ensure that victims and their families are adequately informed of their right to pursue redress. This also includes the obligation on State authorities to promptly, effectively and impartially investigate and examine the case of any individual who alleges that she or he has been subjected to torture or ill-treatment; in addition to obtaining redress, even in the absence of a complaint, when there are reasonable grounds to believe that torture or ill-treatment has taken place.

For full text of General Comment no. 3 on Implementation of Article 14, see CAT/C/GC/3, available on <http://www2.ohchr.org/english/bodies/cat/comments.htm>

Consideration of state reports: The Committee against Torture considered the second periodic report of **Qatar** at its meeting in November 2012. After pointing out to positive aspects, the Committee raised concern over the lack of statistical information including comprehensive and disaggregated data on complaints, investigations, prosecutions and convictions of cases of torture and ill-treatment as well as access to detention records, trial duration, rehabilitation and compensation, and trafficking and sexual violence. While noting the amendment to the definition of torture in the Criminal Code in conformity with article 1 of the Convention and the amendment to its national legislation in order to apply appropriate penalties for torture and ill-treatment, the Committee regretted the lack of information about

cases in which those legal provisions were applied by domestic courts and the punishments imposed for such acts. The Committee was also concerned that provisions on legal safeguards to detainees are not always respected in practice, in particular, for non-citizens. In this connection, it was deeply concerned about reports of widespread torture or ill-treatment and abuse of migrant workers, in particular under the sponsorship system (kafeel). Of further concern were reports on persons detained without charge or trial where persons detained under the provisions of Protection of Society Law (Law no. 17 of 2002), Law on Combating Terrorism (Law no. 3 of 2004), and Law on the State Security Agency (Law no. 5 of 2003) may be held for a lengthy period of time without charge and fundamental safeguards, including access to a lawyer, an independent doctor, the right to notify a family member and to challenge the legality of their detention before a judge. The Committee remained concerned that flogging and stoning continue to be punishments under the Criminal Code. Further concern was also expressed at the lack of systematic and effective monitoring of all places of deprivation of liberty by national and international monitors. The Committee asked Qatar to consider ratifying the Optional Protocol to the Convention as soon as possible. The Committee was also concerned at the lack of information on measures taken to prevent harassment of human rights defenders and journalists, and to prosecute and punish perpetrators. It also expressed concern over the persistence of violence against women, including domestic violence and sexual violence against domestic workers

For further information see Qatar Second Periodic Report (CAT/C/QAT/2), and the Committee's Concluding Observations (CAT/C/QAT/CO/2), please see <http://www2.ohchr.org/english/bodies/cat/cats49.htm>

In its next session in May 2013, the Committee will consider the initial report of **Mauritania**, which was due in 2005. It should be noted that the Committee normally does not adopt List of Issues for initial reports. The State report (CAT/C/MRT/1) is available on <http://www2.ohchr.org/english/bodies/cat/cats50.htm>

Human Rights Committee

General Discussion Day on Article 9: In its session in October 2012, the UN Human Rights Committee held a General Discussion on article 9 of the International Covenant on Civil and Political Rights which enshrines some of the most important safeguards for all persons arrested or detained. This is to start the Committee's process of developing a General Comment on article 9, expanding upon its General Comment No. 8, from 1982, in light of later experience obtained in the review of State reports and communications and in the adoption of General Comments on related issues. The APT submitted preliminary comments making reference

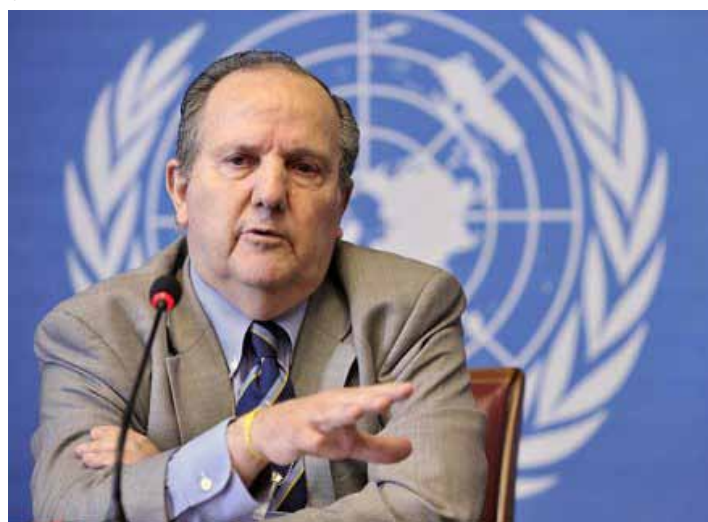
recent international and regional jurisprudence and legal texts to provide complementary authorities for the Committee's consideration. The draft General Comment will be available in advance of the Committee's next session in March 2013.

For further information see <http://www2.ohchr.org/english/bodies/hrc/hracs106.htm> and http://www.apt.ch/en/news_on_prevention/general-discussion-on-the-right-to-liberty-and-security/

Consideration of the report of Sudan: The fourth periodic report of Sudan (CCPR/C/SDN/4) will be considered by the Human Rights Committee in its 111th Session in July 2014.

UN Special Rapporteur on Torture

Report to the Human Rights Council – abuse in health care and torture: in his latest report, the Special Rapporteur explains that the report "focuses on certain forms of abuses in health-care settings that may cross a threshold of mistreatment that is tantamount to torture or cruel, inhuman or degrading treatment or punishment. It identifies the policies that promote these practices and existing protection gaps." In the report, the Rapporteur elaborates on the evolving interpretation of the definition of torture and ill-treatment. The Rapporteur then discusses emerging recognition of different forms of abuses in health-care settings including in relation to compulsory detention for medical conditions; reproductive rights violations; denial of pain treatment; persons with psychosocial disabilities; and marginalized groups.



For further information, see Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/HRC/22/53), available on <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session22/Pages/ListReports.aspx>

Report to the General Assembly - Death penalty and torture: In this report the Special Rapporteur

draws attention to the link between the death penalty and the prohibition of torture and cruel, inhuman and degrading treatment. He recalls that actual practices of the death penalty must comply with the absolute prohibition of torture and cruel, inhuman and degrading treatment and explores whether States can guarantee that the method of execution or the conditions of persons sentenced to death do not inflict illegitimately severe pain and suffering. In this regard, the Special Rapporteur looks into the legal framework, methods of execution, and the death row phenomenon. The Special Rapporteur also examines new developments and State practice and explores if there is an evolving standard to consider the death penalty as running afoul of the prohibition of torture and cruel, inhuman and degrading treatment or punishment. In this regard the Special Rapporteur examines the evolving standards and possible emergence of a customary norm in this regard.

For further information and full text of the report, see Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/67/279), available on <http://www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/SRTortureIndex.aspx>

UN General Assembly

Principles and Guidelines on Access to Legal Aid: In December 2012, UN General Assembly has adopted Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems. This is world's first international instrument dedicated to the provision of legal aid. These Guidelines provide that States should provide prompt access to legal aid, and that detained persons should enjoy unhindered confidential access to their lawyer at

For background information on the development of these Principles and Guidelines see a previous article on this in Issue 1 of this electronic Bulletin, available on <http://www.apt.ch/en/resources/mena-e-bulletin/>

For further information on the final Principles and Guidelines, see http://www.apt.ch/en/news_on_prevention/new-un-standards-and-guidelines-on-access-to-legal-aid/#.ULdqEK78Jek

Resolution on Torture: The UN General Assembly adopted its latest annual resolution on torture on 20 December 2012. The resolution was adopted by consensus by all member States of the UN, reflecting a universal agreement on its content. The GA resolution reflects the latest agreed standards on torture prohibition and prevention.

For further information about the resolution and how to use it in your daily work on the fight against torture and ill-treatment, see the **Questions and Answers** section of this issue of the Bulletin.

Resolution on Female Genital Mutilation: For the first time the Third Committee of the UN General Assembly urges States to end the practice of female circumcision and other genital mutilation procedures, calling on all Member States to prohibit the practice and end impunity for those who carry out such violations. For further information see http://www.apt.ch/en/news_on_prevention/draft-resolution-against-cruelty-of-female-genital-mutilation/#.ULdqYq78Jek

The UN Committee on Migrant Workers

The Committee on Migrant Workers is in the process of preparing a general comment on the rights of migrants in an irregular situation and of their family members. The Committee held a General Discussion Day in its 17th session in preparation for its draft general comment. The draft General Comment is available on

<http://www2.ohchr.org/english/bodies/cmw/GC2.htm>

The APT has submitted observations to the Committee to address the particular vulnerability of migrants in detention, highlighting the important role safeguards plays in preventing abuses in detention and to encourage independent monitoring of places of detention where migrants may be held.

For further details of the APT observations, see

http://www.apt.ch/content/files_res/apt-comment-on-draft-cmw-general-comment-number-2_irregular-migrants.pdf

all stages of the criminal justice process; and recommend the support of alternative models for legal services, such as university law clinics, NGOs or paralegal organisations, which could provide legal aid services throughout the country, especially in rural and economically and socially disadvantaged areas.



The Human Rights Council

Universal Periodic Review: the Human Rights Council conducted the Universal Periodic Review of the **United Arab Emirates** in its January 2013. The Outcome document of the Review, and the draft report of the Working Group was not available by end of January 2013, the time of writing of this issue.

For the State report, compilation of UN information, and summary of stakeholders' information, see <http://www.ohchr.org/EN/HRBodies/UPR/Pages/AESession15.aspx>



Israel was also supposed to be subject to Universal Periodic Review in the same session. However, the delegation of Israel did not attend. This made the review not possible, and a decision was made to adjourn this to next session, following great criticism of Israel and anger by member states. This is the first time ever that any state does not cooperate with the Universal Periodic Review of the Human Rights Council in this manner.

Djibouti is scheduled to be subject to the Universal Periodic Review in next session on 25 April 2013.

2. The Arab Human Rights Committee

The Arab Human Rights Committee, which oversees the implementation of the Arab Charter on Human Rights is a treaty body of the League of Arab States. The Committee considered its first ever report (initial report of Jordan) in April 2012. This was followed by the report of Algeria. As of the end of January 2013, the reports of Bahrain and Qatar have also been received and are pending consideration. However, the Concluding Observations of the Committee of its consideration of the Report of Algeria have not been made available until end of January 2013.

In its comments and concluding observations to Jordan, the Committee raised concern over the amendment of the penal code highlighting that the punishment for the crime of torture still does not reflect the seriousness of the crime. The Committee was also concerned over

lack of information on how this is implemented in practice and whether people are being held to account for the crime of torture. The Committee also noted the absence of clear provision on compensation for torture or arbitrary detention; and inadequate guarantees for persons held in pre-trial detention. The Committee was particularly critical of the wide authority provided by law and the practice pertaining to the use of administrative detention; and that the way it is used against large number of people, affecting mostly the poor, is in clear threat to presumption of innocence.

It should be noted that the Committee referred to international standards in some of its observations. Also many of the concerns of the Committee echo many, but not all, of those raised by UN treaty bodies and special procedures.



For further information on this, the State report, and the Concluding Recommendations of the Committee, see <http://www.lasportal.org/>

3. APT's Global Forum on the OPCAT Report

The final report of the APT's Global Forum on the OPCAT 'Preventing Torture, Upholding Dignity: From Pledges to Actions', which took place in November 2011 in Geneva, is now available in Arabic on the APT's website:

<http://www.apt.ch/en/resources/apt-global-forum-on-the-opcat-outcome-report/?cat=25>

From the Field

Detention monitoring as key part of the work of National Human Rights Institutions

© APT/Helen Putzman Penet



Esther Schaufelberger
MENA Programme Officer
APT

Detention monitoring is a key part of work of National Human Rights Institutions (NHRI), yet has only recently been legally supported in many States of the MENA region. Discussing the topic at a January meeting of NHRIs in Doha, Qatar, allowed the APT to share experiences and look into opportunities to strengthen torture prevention in the region. Participants also dealt with other key areas of their mandates, such as commenting on legislations, receiving complaints and providing education on human rights.

The APT was invited to speak on the role of NHRIs in detention monitoring and as National Preventive Mechanisms under the UN torture prevention treaty (OPCAT). The APT observes a positive recent tendency of States from the Middle East and North Africa region to grant increased powers to NHRIs in regard to visiting places of detention.

Founding legislations of some of the new NHRIs are granting explicit powers to conduct visits, including unannounced visits, from the outset. Further, several NHRIs from the region have seen their mandates and powers in regard to detention monitoring strengthened over the last years. This includes, but not limited to the following:

- With the revision of its founding legislation in 2010, the National Human Rights Commission of **Mauritania** was mandated to conduct unannounced visits to all the prisons and police detention centers to ensure respect for human rights.
- The 2011 legislation that developed the former **Moroccan** Consultative Council for Human Rights into the Moroccan National Council for Human Rights does now specify that the institution has the mandate to visit prisons and other places of detention to supervise the treatment of persons deprived of liberty.
- The 2008 law gives for example **Iraq's** High

Commission for Human Rights an expansive mandate to "conduct visits to prisons, social rehabilitation centers, detention centers and all other places without the need for the prior authorization of the said bodies". The Commission must further "...meet with those convicted and those detained, document cases of human rights violations and inform the relevant authorities to take the proper legal action."

- - Other institutions, such as the **Palestinian** Independent Commission for Human Rights and the **Jordanian** National Centre for Human Rights have been implementing detention monitoring programs for several years.
- Based on their exposure of the reality of detention, NHRIs take a keen interest in the UN torture prevention treaty, the OPCAT. Many of the NHRIs are regularly recommending their authorities to ratify the OPCAT. The meeting in Doha, which took place 14-15 January 2013, was an opportunity for the representatives of Arab institutions to discuss the opportunities and challenges related to OPCAT ratification and implementation in the region.

Practitioners on torture litigation from Middle East-North Africa exchange experiences at meeting organised by REDRESS and Mizan Law

Jo-Anne Prud'homme

Legal Programme Officer
REDRESS



The pervasive use of torture as a manifestation of state repression was one of the triggers for the uprisings in the Middle East-North Africa (MENA) region. Two years on, torture remains an ongoing concern, being committed in the course of conflict and transition, and used by old and new authorities as a means to suppress dissent and revenge. At the same time, protest movements have encouraged growing demands for institutional and legal reforms, creating unique opportunities to strengthen the prohibition and prevention of torture as well as justice for its victims in the region.

In the midst of a period of crucial changes but also entrenched repression across the region, REDRESS, an international NGO seeking justice and reparation

for torture survivors, and Mizan Law Group for Human Rights, a Jordanian NGO, recently brought together twenty lawyers and human rights defenders with first-hand experience in litigating torture cases and/or advocacy against torture. The participants from Morocco, Algeria, Tunisia, Libya, Egypt, Palestine, Jordan, Lebanon, Syria, Iraq, Bahrain and Yemen met in Amman, Jordan, from 14-16 January 2013.

The meeting provided a unique opportunity for participants to share experiences at a key moment when many practitioners on torture litigation are looking for good practices and comparative experiences which can help to better address the legacy of torture in many countries in the region, as well as the challenges posed by repressive and volatile political environments. Participants highlighted that torture and other human rights violations are still widespread across the region, facilitated and perpetuated by a weak rule of law and an entrenched culture of recourse to violence and impunity. Challenges abound, ranging from inadequate laws, particularly lack of anti-torture legislation, including inadequate safeguards and remedies for victims; unaccountable security services and law enforcement personnel subject to special laws and tribunals; and limited access to protection and justice, particularly for members of marginalised and repressed groups or communities. The difficulty of documenting torture, particularly by means of forensic evidence, and the limited availability of regional and international remedies where national avenues fail are further challenges for human rights lawyers and civil society organisations who frequently face threats, harassment and repression when taking up the issue of torture and justice for survivors. Participants identified a number of steps to be taken individually and collectively to address these challenges.

This was the fifth such meeting that REDRESS has organised, following similar meetings in the Americas, Africa, Asia and Europe which form part of REDRESS's "Reparation for Torture: Global Sharing of Expertise" project, supported by the European Commission. The contributions made during the meetings will be reflected in regional and global reports on the law and practice on the prohibition of torture that will be published in English and Arabic in the coming months.³ A more detailed analysis of the outcomes of the MENA meeting will be included in the next issue of this bulletin.

For further information please contact
Jo-Anne Prud'homme, Legal Programme Officer,
REDRESS, at joanne@redress.org
And
Jihan Mirza, Development Officer, at mizan_live@umniahlive.net

³The reports will be available on the REDRESS website at www.redress.org.

National Conference for supporting ailing Detainees in the Israeli occupation jails

Calls the international community to accelerate the formation of an international committee to highlight the plight of ailing prisoners' conditions in Israeli jails

Helmi Al Araj

Executive Director

The Center for Defense of Liberties and Civil Rights "Hurriyat"

And

Suzan Boulos Zarour

Programs Manager



In an attempt to support ailing prisoners in Israeli jails, the Center for Defense of Liberties and Civil Rights "Hurriyat"; in cooperation with the Ministry of Detainees and Ex Detainees Affairs and the Palestinian Prisoners Society; a national conference was organized on the 17 December 2012 under the auspices and participation of the Palestinian Prime Minister Dr. Salam Fayyad.

The deteriorating health conditions of detainees require an urgent international intervention to save the lives of prisoners and offer them the necessary medical treatment. Accordingly, all speakers and participants shared the same recommendations in calling on the international community to take concrete actions to support ailing prisoners. It was recommended that a letter should be directed to the United Nations, submitted by the State of Palestine, holding the Israeli government responsible for the lives of ailing prisoners and the consequences of the current hunger strike of prisoners.

Dr. Fayyad praised the cooperation between the Palestinian officials and civil society, which can develop to obtain the support of Arab countries as well as the international community to this humanitarian issue, and highlighted the need to continue to bring the issue to the attention of the international community.

The WHO representative highlighted in the conference areas in which the Palestinian prisoners struggle can focus on to improve their conditions, including but not limited to the following:

- Having the right to conditions of detention that are consistent with human dignity.

- The right to enjoy health, both physical and mental, and to have the same standard of health that is provided to the wider community.
- The right to be treated as patients and not as prisoners by the prison health care staff.
- Health care staff must have the same professional independence as their professional colleagues who work in the community; ideally health staff should be employees of the Ministry of Health and not prison services.
- Prisoners who need medical treatment have the right to confidentiality, privacy, access to information about their condition and recommended tests and procedures. No treatment may be administered without the willing consent of the prisoner.
- Cleanliness, healthy food, contact with families, opportunities to gain basic life skills, respect of religion, are all basic rights of people in prison. Poor conditions of detention may exacerbate health decline, disease transmission, mental illness or death.

The Conference highlighted that Palestinian prisoners should not have to undertake hunger strikes to gain attention to their conditions of imprisonment.

The number of Palestinian sick prisoners in Israeli detention centres is increasing rapidly: today there are more than 700 sick prisoners out of 4,600 male and female prisoners in the occupation prisons. It should be noted that the number of sick prisoners was 800 prisoners according to The Center for Defense of Liberties and Civil Rights "Hurriyat" before the prisoners exchange deal that took place on 18 October 2011, where 1027 prisoners were released. The reason for this notable increase is the policy of medical negligence towards the prisoners and the open hunger strikes by groups of prisoners in addition to the individual prisoners' hunger strikes that have started since 18 September 2011. The number of difficult medical cases is over 50 cases, including sick prisoners who suffer permanent or partial paralysis. Other prisoners suffer from cancer, heart problems, and kidney failure. 15 prisoners suffer from various psychological problems are kept in solitary confinement cells to the point that some of them do not even recognize their families anymore or cannot take care of themselves. All of these prisoners did send urgent appeals to the international community and human rights organizations and to the Pope and the UN Secretary General urging them to intervene immediately in order to save their lives which are in real danger.

The Israeli human rights organization, Physicians for

Human Rights, receive 400 complaints annually from Palestinian prisoners and their families about prison conditions.

Based on the documentation of the Center for Defense of Liberties and Civil Rights "Hurriyat", the policy of medical negligence and oppression has led to the death of 85 prisoners inside the occupation prisons since 1967. Dozens of prisoners died shortly after they were released due to sustaining health problems that they suffered while in prison. The latest case was of prisoner Zuheir Rashid Labbadeh who was under administrative detention without charge or trial for more than 5 months. He was suffering from kidney failure. While in the prison hospital, he used to undergo dialysis with his hands and legs cuffed. While he was staying at Ramleh Prison hospital clinic, his health condition deteriorated very critically and was about to die there, but the prison authorities released him while he was in a comma on 24 May 2012 in order to evade any responsibility. Then, he was transferred to the National Hospital in Nablus where it was found that he also suffered from Cirrhosis and serious lung infection and that he was not offered the appropriate treatment while in prison. Zuheir died on 31, May 2012, less than a week after his release.

For further information on the plight of ailing Palestinians held in Israeli detention centres, please view the following short film: <http://www.youtube.com/watch?v=Q4A1Lpxs4k>

Tunisian lawyers – the spearhead of judicial reform

Hélène Legeay

Middle East and North Africa programme manager
Action by Christians for the Abolition of Torture

Since 14 January 2011, the fight against impunity for crimes perpetrated by the former regime has been at the heart of political and public debate. Yet, more than two years after the overthrow of that regime, the results of efforts by successive governments to deliver justice are very mixed.



In July 2011, the Minister of Defence introduced two legislative decrees to amend the code of military justice in order to ensure that it offers the same rights and guarantees as the civil law system. Under the amendments, a military appeals court was created, civilian judiciary representation on military tribunals was reinforced, and the victims were allowed to initiate civil action proceedings. Nonetheless, the jurisdiction of the military justice system remains too wide. The military

justice system is required to be knowledgeable about all crimes and offences involving military personnel – both as victims and perpetrators. Even more problematic, according to a 1982 law regulating the status of the internal security forces, police officers accused of having committed the crime of torture – among other crimes and offences – as part of the repression of demonstrations or against persons suspected of threatening State security must be tried by a military court.

It appears from the results of the first torture case tried under the military justice system that the latter is far from giving satisfaction. This case involved crimes of torture committed in 1991 by the police and military against army personnel. But the crime of torture was not covered by the provisions of the penal code in force in 1991. The victims therefore filed complaints for assault and battery but the military judge only retained the more general offence of aggression. The accused were therefore sentenced to derisory 3 to 4 year prison terms. According to the victims' lawyers, the investigation and trial were marred by irregularities, notably by the refusal of the judges to conduct hearings of and prosecute certain Ministry of Interior and Ministry of Defence agents allegedly involved in the crimes.

The civil law system has similar inadequacies due largely to the lack of independence of the civilian judiciary, as well as its lack of past experience in dealing with crimes involving State employees. It also suffers from lack of cooperation from the criminal police, which has already hampered investigations and refused to arrest police officers suspected of being involved in acts of violence.

To overcome the many pitfalls of a Tunisian justice system in transition, ACAT-France and the Swiss organization TRIAL have developed an assistance programme for lawyers of torture victims. In November 2012, the two associations organized a first training workshop on the documentation of torture cases and on procedures of referral to international complaints mechanisms. Following the workshop, they entrusted the files of torture victims to participating lawyers to whom they provide financial as well as technical support, through monitoring, legal and factual advice on how to compile and consolidate torture files, as well as through political advocacy with the Tunisian authorities to remove the obstacles faced by Tunisian lawyers in following up victims' complaints.

The objective of this programme is to consolidate the investigative and operational capacities of these lawyers. This will gradually strengthen the position of the victims and their legal counsel in a judicial process in which they are currently confined to an overly passive role by an all-powerful judiciary.

Questions and Answers



Marcellene Hearn
Legal Advisor
APT

Did you know that the UN General Assembly adopts a resolution condemning torture and calling on States to take action every year?

Have you ever thought of using the resolution in your advocacy work? If you have not, you are not alone.

Each year the annual resolution on torture and other ill-treatment is adopted by consensus, or without a vote, which means that diplomats spend hours debating the text before it goes to the floor of the General Assembly. Everyone works very hard on the resolution and then . . . not much happens.

In part, this is because outside of the narrow circle of organizations like APT who follow the UN in New York or Geneva very few people have heard of the resolution. I decided to write about the resolution to encourage torture prevention actors to use the UN torture resolution as another tool in their advocacy work. If you try it, APT would like to hear how it went.

The Torture Resolution: What is it and how to use it?

The latest resolution, A/RES/67/161, was adopted on 20 December 2012.

Is it binding? The resolution is not legally binding like a treaty. However, you can legitimately say that the resolution reflects the consensus of all 193 members of the UN General Assembly on the aspects of the fight against torture that are covered in the resolution. Further, there were over 75 co-sponsors this year, so if you are working in one of those countries it could add extra punch to your arguments that the country co-sponsored the resolution. (There were no co-sponsors from the Arab League in 2012 so advocates in the MENA region may also want to encourage their governments to participate in the resolution by co-sponsoring).

What is in it? The resolution repeats many of the obligations concerning torture and other ill-treatment that appear in the core human rights treaties like the UN Convention Against Torture or in customary international law. It also provides more detail than the treaties on some topics. International law is not static and there have been

developments in the law on torture in the 25 years since the Convention Against Torture entered into force. The General Assembly can and does make statements in the resolution that reflect developments in the international consensus on torture.

How can I use it? If you are working in a country that has not yet ratified the Convention Against Torture, you could use the resolution to urge your government to meet treaty standards that are repeated in the resolution. If you are working in a country that has ratified all the core treaties, you could point to the resolution where it provides more detail or reflects developments.

Example 1: you are advocating for the criminalization of torture even though your country has not yet ratified the Convention Against Torture. Paragraph two of the resolution says that “all acts of torture must be made offences under domestic criminal law punishable by appropriate penalties that take into account their grave nature”. This language is nearly identical to article 4 of the Convention Against Torture. The paragraph is not binding as such, but you could fairly say that there is an international consensus that torture must be a crime and that your country did not object to this portion of the resolution. Further, if your country co-sponsored the resolution, you could highlight that fact as well.

Example 2: you are engaging in a campaign to end secret detention in your country. The resolution “reminds” States that “prolonged incommunicado detention or detention in secret places” “can in itself constitute a form” of torture or ill-treatment and “urges” States to “ensure that secret places of detention and interrogation are abolished.” You could remind your government that it agreed to a resolution urging the abolishment of secret detention.

These are just two examples. The resolution addresses many different aspects of the fight against torture such as:

- prevention
- ratification of OPCAT

- investigation
- prosecution
- redress (remedy and reparation)
- follow-up on recommendations made by human rights bodies, etc.

I encourage you to read it to see if could be useful in your work.

Were there any other resolutions related to torture?

There were two other UN General Assembly resolutions adopted in December 2012 that may be of interest in your work on torture prevention.

For the first time, resolution 67/166 on human rights in the administration of justice “recalls the absolute prohibition on torture . . . and calls upon States to address and prevent the detention conditions, treatment and punishment of persons deprived of their liberty that amount to cruel, inhuman or degrading treatment or punishment.” The resolution also urges States to try to reduce pre-trial detention and encourages States to address overcrowding and to look to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules).

Resolution 67/232 increased the UN Committee Against Torture’s bi-annual sessions from three to four weeks (again). The Committee needs the extra time to work on the backlog of State reports and individual complaints made pursuant to the UNCAT.

How do I find the texts of these resolutions?

The texts of the resolutions will eventually be posted on the United Nations website. In the meantime, you can view the texts of the resolutions as adopted by the Third Committee of the General Assembly. To do this, consult the chart on the page above. In the column labelled “draft” is the UN document number of the Third Committee report containing the draft resolution text. You can copy the UN document number into any search engine or use the UN’s document finder. The draft resolutions as well as the list of co-sponsors are inside the reports.

The Middle East and North Africa: A Torture-Free Zone.

A periodic electronic bulletin published by the Association for the Prevention of Torture (APT). For further information about the work of APT, see www.aptc.org

Editor:
Mervat Rishmawi

Advisory Panel:
Eva Abou Halawa (Mizan),
Gabrielle Reiter (OMCT),
Magda Boutros (EIPR),
Hammoud Nebagha (SOS
Immigration),
Esther Schaufelberger (APT)

Disclaimer:

The articles published in this Electronic Bulletin reflect the views of the contributors alone and not necessarily those of the APT, the editor and the members of the advisory panel.

© Copyright of each article lies with its respective author. The full articles or extracts of them may be reproduced by any method without fee for advocacy, campaigning and teaching purposes, but not for sale. When using the texts, please attribute the relevant person or organisation as the author.