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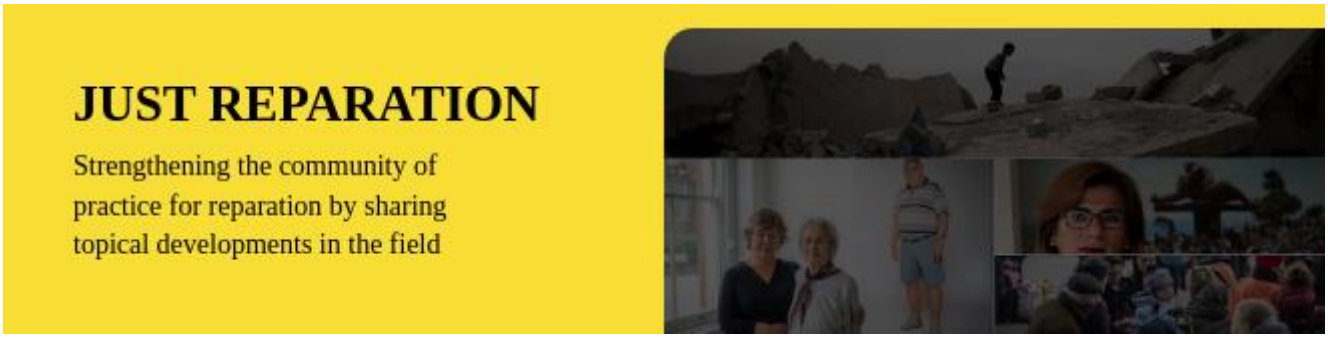
REDRESS

Ending torture, seeking justice for survivors

November 2024



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Just Reparation is a regular roundup of news on reparation curated by the REDRESS legal team.

This edition features two updates on the **International Criminal Court's reparation orders:** a new **decision on reparations in Mali** and the ongoing lack of effective measures to comply with the decision in the **Ongwen case in Uganda**. It also highlights survivors' perceptions following the **compensation awarded by a domestic court in the Central African Republic** for attacks on two villages in May 2019. Additionally, it examines the human rights consequences faced by a detained human rights defender in Türkiye due to the State's **failure to implement a judgment issued by the European Court of Human Rights.** Finally, the edition covers a campaign led by a group of litigants in Africa advocating for **greater transparency in litigation procedures before the African Commission on Human and Peoples' Rights**, including the implementation of decisions.

If you would like to contribute a short article for our Community Corner section, please share it with our Legal Officer, Alejandro, at alejandro@redress.org

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BIG STORIES

MALI

The International Criminal Court's Trust Fund for Victims delivers collective reparations in response to Ahmad Al Faqi Al Mahdi's crimes

In October 2024, the International Criminal Court (ICC)'s Trust Fund for Victims (TFV) and its partners delivered collective reparation measures during a visit to Timbuktu, Mali, together with representatives of the Malian government. The measures include the erection of a monument, the reconstruction of a mausoleum, an extension to the municipal museum and various heritage protection initiatives. The TFV worked on the reconstruction of the Sheik Mohamed Mahmoud Al Arawani mausoleum and also partnered with the United Nations Educational, Scientific and Cultural Organisation (UNESCO) to rebuild boundary walls and plant trees in several cemeteries. The measures are the result of extensive consultations with the city of Timbuktu conducted by the Centre de Formation, de Governance et de Recherche Action pour le Développement (CFOGRAD), a partner of the TFV.

Other reparation measures include socio-economic measures to mitigate the adverse economic impact of Mr. Al Faqi Al Mahdi's crimes on Timbuktu's population. The CIDEAL Foundation, a partner of the TFV, supports 42 projects,

for a total of €417,000 (USD 438,392), which aim to foster social cohesion, protect the environment and culture heritage, and to support productive sectors.

The reparations seek to redress the war crimes committed by Al Faqi Al Madhi in 2012, which included attacks against religious and historic buildings in Timbuktu. On 17 August 2017, the ICC Trial Chamber VIII rendered a Reparations Order mandating the restoration of the heritage that had been destroyed.
This initiative represents the final phase of the reparation process, which is set to conclude in December 2025.

Photo by: ICC Trust Fund for Victims

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UGANDA

Governments have failed to contribute towards reparations for the victims and survivors of Dominic Ongwen's crimes

To date, according to the ICC's TFV, not a single State has advanced funds towards reparations for the victims and survivors of Dominic Ongwen's crimes awarded in the reparation order of February 2024. The reparations mandated by the ICC comprise

symbolic payments of €750 (USD 789) to each of the 49,772 victims (the largest reparation order in the ICC's history) as well as measures towards the remembrance of the victims and a broad range of community rehabilitation programmes covering education, healthcare, and vocational training. Given that Ongwen himself does not have any assets, the ICC relies on the voluntary contribution of States, international organisations and private donors to provide reparation.

On 4 February 2021, the ICC found Dominic Ongwen, a former commander of the Lord's Resistance Army militia, guilty of 61 counts of war crimes and crimes against humanity, committed between 2002 and 2005, including murder, torture, enslavement, sexual violence and the conscription of child soldiers.

Survivors have waited over 20 years for justice while suffering the lasting consequences of Ongwen's crimes, often dealing with significant physical and mental injuries, poverty, and generational trauma. The TFV has previously stressed the urgent needs and vulnerability of the victims. Deborah Ruiz Verduzco, the TFV's Executive Director, reminded States that the ICC was created "with a notion of justice that includes the victims, and not being able to deliver on reparations puts the legitimacy of the court at risk." Renata Politi, REDRESS legal advisor stated that "the Ongwen case is the ultimate test of whether the ICC can turn the reparations into a tangible reality for survivors."

For more information, please see REDRESS's Briefing Paper on 'Survivor Centred ICC Reparations for Victims of Dominic Ongwen's Crimes' published in August 2024.

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CENTRAL AFRICAN REPUBLIC

Perceptions of survivors that have received compensation in the Central African Republic

On 15th October, JusticeInfo.org reported on the current situation and perceptions of survivors in the Central African Republic (CAR) who have received compensation. In a historic first for the CAR, reparations ordered by a court have been delivered directly to victims, marking a milestone in the country's justice efforts. On August 31, the Service d'aide aux victimes et à la défense (SAVD) distributed compensation in Paoua, fulfilling a Special Criminal Court (SCC) mandate. This reparation, funded by the United States through the United Nations mission in the CAR, amounted to around USD 31,000 and was disbursed among 41 victims or their heirs.

The reparations address attacks that took place on May 21, 2019, when armed members of the 3R movement targeted the villages of Koundjili and Lémouna, leaving 36 dead. The SCC sentenced several leaders involved in the attacks to between 20 and 30 years in prison. Each of the 32 families representing victims of the massacre received 350,000 CFA francs (USD 580). Survivors of sexual violence and attempted murder also received compensation, varying from USD 200 to USD 1,660 depending on the severity of their suffering.

Most of the victims have taken advantage of this financial compensation to restart their businesses, purchase fields, livestock, or vital necessities. The reparations, though significant in symbolic terms, have been criticised as insufficient given the victims' ongoing needs. Families caring for multiple orphans highlight that the

amount received will not even cover the costs involved in educating the children left behind. Survivors also suggested that the budget allocated for the construction of a memorial should instead be distributed among survivors, as they had previously rejected the idea of a memorial.

The survivors who suffered sexual violence are receiving psychosocial support from a local NGO, in addition to the other reparations.

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TÜRKIYE

Osman Kavala's continued detention in Türkiye despite ECtHR rulings

On 1 November 2024, Osman Kavala completed seven years in prison, despite the 2019 ruling by the European Court of Human Rights (ECtHR) in which the main reparation ordered was for Türkiye to release him immediately. For his alleged role in the 2013 Gezi Park protests and the attempted coup in 2016, Kavala was convicted (following an unfair trial) of attempting to overthrow the government and was handed a life sentence without parole. According to the International Commission of Jurists,

his continued detention “is a result of prosecutors and courts effectively operating under the political control of the government.”

In January 2024, Kavala filed another complaint before the ECtHR, arguing that since its first judgment in 2019 new violations have occurred as consequence of his continued detention. In September 2024, several international organisations, including the International Commission of Jurists and REDRESS filed third-party interventions before the ECtHR regarding the arbitrary and politically-motivated detention of Kavala.

REDRESS argued that Türkiye’s failure to comply with the ECtHR’s reparation order (necessitating Kavala's immediate release) and subjecting him to indefinite periods of arbitrary detention may constitute inhuman or degrading treatment under the European Convention of Human Rights, Article 3 (prohibition of torture). The intervention highlighted that indefinite detention under uncertain circumstances could have severe psychological impacts, comparable to irreducible life sentences or prolonged periods on death row. REDRESS asserted that by failing to implement the ECtHR judgement, Türkiye was failing to protect Kavala from ill-treatment, and also failing to provide reparation for violations of Article 3.

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OTHER STORIES

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COMMUNITY CORNER

We love to include in Just Reparation the perspectives and insights of lawyers, activists, survivors, and others engaged in the field of reparation, along with updates on progress in specific cases. If you would like to feature here, we encourage you to submit your contributions for the next edition of Just Reparation by 30 November to alejandro@redress.org. Your experience and input are invaluable to enriching our collective understanding and fostering a meaningful dialogue within the reparation community of practice.

Breaking the Secrecy: Advancing Transparency in the Implementation of ACHPR Decisions

By Mai Aman

The Litigants Group, a collective of civil society organisations and legal practitioners, has been at the forefront of efforts to ensure the African Commission on Human and Peoples' Rights (ACHPR) fulfils its protective mandate. One of their central campaigns focuses on Article 59(1) of the African Charter on Human and Peoples' Rights, a provision that mandates confidentiality for all actions under Chapter III until authorised for disclosure by the Assembly of Heads of State and Government.

This confidentiality requirement, as currently interpreted by the ACHPR, extends to pleadings, submissions, and even party identities, creating significant barriers to information access and effective advocacy. The Litigants Group is working to challenge this restrictive interpretation, advocating for a more transparent and inclusive approach that aligns with international best practices.

The Group's campaign emphasises that transparency is critical for fostering accountability and implementation, enabling public participation, and driving compliance with ACHPR decisions. Without access to case information, civil society organisations and experts are excluded from contributing vital amicus briefs or advocating for human rights issues raised in communications. Moreover, the secrecy surrounding the implementation of decisions limits pressure on states to act, significantly undermining the ACHPR's protective mandate.

Research underscores that public visibility of human rights cases enhances the likelihood of implementation by ensuring state actions—or inactions—are subject to scrutiny. The Litigants Group's call for a calibrated interpretation of Article 59(1) is a vital step towards creating an enabling environment for human rights protection and holding states accountable for their obligations.

The Litigants Group remains committed to advancing this cause, reinforcing the ACHPR's role as a guardian of human rights across the continent. Learn more and join the campaign here.

WEEKEND READS

RECENT REDRESS PUBLICATIONS ON REPARATION:

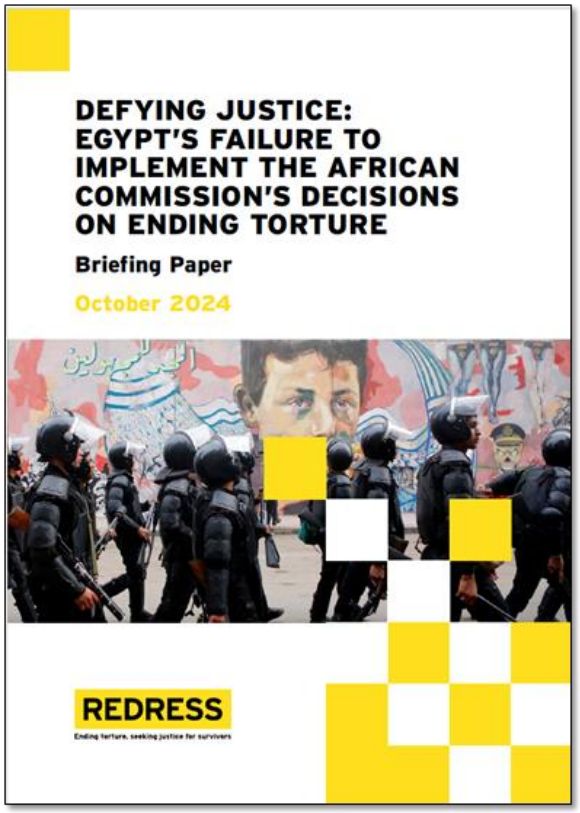
Practice Note: Compensation for Victims of Torture

This Practice Note aims to provide guidance on the practical aspects of building compensation claims on behalf of torture survivors. It is focused primarily on litigation before regional and international human rights bodies, although it may also be useful to claims brought before national courts and other bodies.

Read the practice note

Defying Justice: Egypt's failure to implement the African Commission's decisions on ending torture

Torture is a widespread and systematic practice in Egypt, arguably amounting to a crime against humanity under customary international law and Article 7 of the Rome Statute. At the regional level, the African Commission on Human and Peoples' Rights, has confirmed in four cases that torture occurs in Egypt. Focusing on the African Commission's recommendations in the case of Mohammed Abderrahim El Sharkawi v. Egypt, this briefing explores the steps that the Egyptian government should take at the domestic level for the implementation of the reparations issued.



Read the briefing

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