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# **Cross-Regional Conference Development of Mechanisms on Torture Prevention in the Post-Soviet Countries**

**Penal Reform International  
25-26 June 2012**

**Sheraton Metechi Palace Hotel  
Tbilisi, Georgia**

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# Introduction

Penal Reform International (PRI) organised a cross-regional conference on torture prevention on 25-26 June 2012 at the Sheraton Metechi Palace Hotel in Tbilisi.

The conference aimed to provide opportunities for inter-country learning and exchanging experiences. It also sought to provide recommendations to the authorities in all participating countries for improving the ability of state agencies to prevent torture and ill-treatment in their respective institutions. The conference was conducted mostly in working groups where expert level discussion focused on the problematic issues of torture prevention in nine former Soviet countries. The event was attended by experts from the UN SPT, CAT, OHCHR, CoE, CPT, government officials, representatives of national human rights institutions, National Preventive Mechanisms, as well as civil society from Ukraine, Belarus, Russia, Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan and Tajikistan.

The working groups tackled systemic issues, as well as the main differences between preventive and reactive monitoring of places of detention and working with individual cases. They also covered issues of cooperation between the existing monitoring boards and National Preventive Mechanisms under OPCAT; the mandates of those mechanisms; state responsibility for torture prevention, including the national action plans on torture prevention; and the role of the civil society. Reports from all working groups were presented during the plenary sessions on both days.

PRI's [Synthesis Report on Mechanisms for the Prevention of Torture in Nine CIS States](#) was also presented during the event. This report provides valuable information and analysis on the background of these nine countries and the reforms undertaken so far both in the criminal executive and law enforcement systems in general.

# **DAY 1: PREVENTION OF TORTURE**

## **Experiences with OPCAT and monitoring mechanisms**

### **Welcome and Opening Session**

Welcoming speeches were delivered by the key stakeholders: representatives of Penal Reform International, the Georgian government and international organisations.

Tsira Chanturia, Regional Director of the PRI's South Caucasus office, welcomed the conference participants and noted that torture prevention is a key strategic area for PRI, which has for a number of years led campaigns, advocacy and capacity-building activities to establish and develop prison monitoring and torture prevention tools and mechanisms. She also thanked partners for their valuable work in this field and expressed hope that after the conference it would be possible through the joint efforts of the civil society and state authorities to make steps towards improving existing mechanisms of torture prevention and enhancing the protection of detainees.

Welcoming speeches were also delivered by Vladimir Shkolnikov, Senior Human Rights Adviser for the South Caucasus (OHCHR), Catherina Bolognese, Head of the Council of Europe Office in Georgia, and Tamar Tomashvili, the Head of International Public Law Department, Ministry of Justice of Georgia. They all underlined the importance of torture prevention in the post-Soviet area and described the activities of their institutions in this field.

### **SESSION 1**

#### **Chair of the Day: Anton van Kalmthout**

#### **Launch of PRI's synthesis report covering nine CIS countries followed by discussion**

##### **Presentation by Kirill Koroteev, PRI researcher**

This synthesis report was presented by PRI researcher Kirill Koroteev. The research provides analysis of relevant legislation, monitoring and supervisory bodies in nine countries under PRI's current Torture Prevention project (Ukraine, Russia, Belarus, Georgia, Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan and Tajikistan).

Issues discussed during the presentation were: the definition of torture in national legislation, issues relating to conditions of detention, official investigation mechanisms, National Human Rights institutions, monitoring mechanisms involving civil society and National Preventive Mechanisms (NPMs).

## Legislation

The main issues relating to legislation in most countries are: cases are prosecuted only against individuals and not state officials; prosecution is often conducted under the definition of 'exceeding official powers with aggravating circumstances'; lack of clear definition; and the absence of any list of aggravating circumstances.

## Main issues relating to torture

The research concluded that in all countries the practice of using torture to obtain testimony after arrest is widespread; evidence obtained under torture is also used in court; and cases of torture are not effectively investigated. Other issues include the overcrowding of pre-trial detention facilities and poor quality medical services; bad conditions for detainees in transportation (often with no sanitary facilities and toilets); unbearable conditions for administratively detained individuals and representatives of vulnerable groups.

## Investigations

Internal investigations of cases by penitentiary administrations are not effective, as investigations are carried out by the same individuals responsible for alleged violations. Unfortunately, Prosecutor's Offices are also in many cases reluctant to investigate allegations of torture. The reluctance can be correlated with their lack of full independence from the rest of the executive branch of power.

## Ombudsman and NPMs

Ombudsman's institutions have been established in eight out of nine countries researched. The mechanisms of appointments are different, but in most cases the individuals initially appointed were the President's favourite candidates, even when final selection is done by parliaments.

Ombudspersons have the right to consider individual complaints and also have access to all places of deprivation of liberty in the country. However, the right to conduct unannounced visits is not clearly defined, even when this right is successfully implemented in practice. In some countries Ombudsman's Offices do not cooperate with civil society.

## National Preventive Mechanisms

Six countries out of nine have ratified the Optional Protocol to the Convention against Torture (OPCAT). Three countries have established NPMs (Georgia, Armenia and Azerbaijan, where the mechanisms were created under the Ombudsman's umbrella).

There are several issues with NPMs already in operation: there is no clear definition of their mandate; unclear or vaguely defined criteria for the selection of its members; lack of financial guarantees; lack of clear definition of the right to unannounced visits in legislation; and limited participation of NGOs in NPM activities in Georgia and Armenia. It is also noteworthy that civil society monitoring boards operating in Georgia were abolished in 2008.

## **Mechanisms to discharge state obligations under the Convention against Torture (CAT)**

Andrea Huber, PRI Policy Director

This presentation covered obligations under the Convention against Torture which provided a good basis for the discussion on reactive and preventive work.

All nine countries covered within the scope of PRI's Torture Prevention project have ratified CAT and therefore have an obligation to do the following: investigate allegations of torture; establish facts of torture; identify perpetrators; prosecute them and ensure their accountability; prevent impunity; provide redress to victims; guarantee access to justice compensation and take measures to prevent reoccurrence of torture. The obligation to prevent torture is defined not only by the Optional Protocol but also by the Convention itself.

The procedures needed to carry out these functions are: criminal and disciplinary procedures; complaints; ombudspersons; national human rights commissions; judicial commissions; and in some cases, truth commissions. Only implementing these procedures together can ensure the prevention of torture.

Disciplinary procedures are based on contractual obligations and therefore neither offer redress to the victims nor ensure the accountability of criminals.

Criminal investigation can establish the nature and circumstances of the case, identify persons involved and bring perpetrators to justice. However, it cannot discharge all obligations under the Convention as it is unable to provide redress or rehabilitation.

Complaint procedures are launched by victims and serve to establish the facts, bringing justice to victims. They investigate and make decisions on the responsibility of the authority but not the official. Additionally they provide redress which other procedures are unable to do. However the complaint procedure does not serve accountability and prevention, and therefore preventive monitoring is also needed.

NPMs are created to carry out these functions, but NPMs cannot deliver on their own. All the aforementioned elements, effective and prompt investigation and punishment of perpetrators together with preventive work are needed to prevent torture.

## **SPT Guidelines for National Preventive Mechanisms**

Mari Amos, Sub-Committee on the Prevention of Torture (SPT)

According to the Article 2 of the Convention against Torture, each State Party shall take effective measures to prevent acts of torture in any territory under its jurisdiction and establish NPMs according to the Article 17 of the OPCAT. States should establish one or several independent NPMs for the prevention of torture at the domestic level. Exact forms or criteria are not determined by OPCAT and it is for each State Party to decide how such mechanisms should be created and operated.

According to the CAT, states should:

- ensure that education and information regarding the prohibition of torture are fully included in the training of all personnel, public officials and other persons who may be involved in the detention of persons;
- systematically review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of detainees.

According to the OPCAT, NPMs should:

- be functionally independent (and have the necessary resources);
- have the necessary capabilities and professional knowledge;
- have gender balance and adequate representation of ethnic and minority groups in the country;
- have power to examine the treatment of detainees, make recommendations to the relevant authorities and submit proposals and observations concerning existing or draft legislation;
- have free access to all places of detention, to the information they need regarding detainees and places of detention, the possibility to speak in private with all persons connected with any detention circumstances, including detainees, and the right to contact the SPT.

### The Paris principles

The Paris Principles list several requirements for and functions of national human rights institutions:

- a broad mandate, which shall be clearly set out in the constitution or relevant legislation;
- the right to submit and publicise opinions, recommendations, proposals and reports;
- promoting international human rights instruments domestically;
- assisting in the process of teaching and research of human rights in schools, universities and professional circles;
- possibility to use media in its work;
- pluralist representation of and close contact with the social forces (civil society) in the work of the NPM;
- appropriate infrastructure, including adequate funding and its own staff and premises independent of the government;
- regular meetings and the possibility to establish working groups;
- maintaining consultation with other bodies.

### SPT Guidelines on National Preventive Mechanisms

Some of the basic principles deriving from these guidelines include the following.

- NPMs should have strong legal mandate and they should be fully independent.
- Sufficient resources for the NPM should be guaranteed.
- NPMs should be effective and their effectiveness should be continually evaluated and further enhanced.
- NPMs should engage staff with diversity of background, and who have the capabilities and professional knowledge needed for proper functioning.
- NPMs should have the freedom to draw up their working plan and methods and be able to visit any place of detention without any limitations.
- Staff of the NPM should undergo regular training.
- NPMs should seek to establish and maintain contacts with the state authorities, other NPMs, civil society groups and the SPT.



## Analytical self-assessment tool for NPMs

The SPT has developed this practical instrument elaborating for example on topics like:

- developing working strategy;
- internal organisation;
- implementation of activities;
- cross-cutting issues.

## Experiences of the European Committee to Prevent Torture (CPT)

George Tugushi, European Committee for the Prevention of Torture

### Overview of the way the CPT functions

Visits to places of detention constitute the core activity under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. However, these visits represent only one element, albeit the most essential element, in the context of a wider process of dialogue between the Committee and state authorities. A visit is followed by an extensive report, which outlines findings, assessments, observations, and when necessary recommendations on measures designed to prevent the possible occurrence of treatment that is contrary to what could reasonably be considered as acceptable standards for dealing with persons deprived of their liberty. The report is then followed by the State's response, offering explanations of fact and policy, plans for the future, and commitments for the implementation of recommendations.

The CPT carries out two types of visits. Periodic visits are planned in the context of a rolling programme, ensuring that each State receives a regular periodic visit. The Committee announces its annual programme of visits at the beginning of each year; precise dates are then notified a few days before the visit starts. In addition, the CPT organises a number of ad-hoc visits. These are referred to as 'other visits as appear to (the Committee) to be required in the circumstances. There is no specific pattern for ad-hoc visits. The decision to carry out an ad-hoc visit is taken on the basis of a wide range of factors, including information or concerns reaching the Committee. The number of ad-hoc visits has increased over the years.

Essentially CPT visits are carried out in the spirit of cooperation with national authorities, as State parties to the Convention have committed themselves to eradicate torture, and inhuman and degrading treatment. In the light of this commitment, the Committee engages in a dialogue with national authorities, with due respect to the confidentiality. Ultimately, the Committee is aware that changes and improvements can best be achieved through the states' cooperation and willingness to implement the Committee's recommendations. Exceptionally, in the event of a state failing to comply with the CPT's recommendations, the Committee may issue a public statement.

Even though the Committee makes every effort to cooperate with national authorities, it is firm about its methodology during field visits. For example, it insists on (a) receiving lists of all places of detention within the jurisdiction of a State, (b) interviewing detainees in private and with due respect to confidentiality, (c) gaining access to all parts of a detention facility, and viewing all relevant

documents, and (d) on visiting any detention establishment, even if prior notification is not given in respect of a particular establishment.

The CPT first explores the prevailing factual situation in the countries it visits. In particular: (i) it examines the general conditions in establishments visited; (ii) it observes the attitude of law enforcement officials and other staff towards persons deprived of their liberty; (iii) it interviews persons deprived of their liberty in order to understand how they perceive the conditions of detention and (ii) and hear any specific grievances they may have; and (iv) it examines the legal and administrative framework on which the deprivation of liberty is based.

The CPT is not a judicial body and is not empowered to settle legal disputes concerning alleged violations of treaty obligations. It does not resolve conflicts on a legal level *ex post facto*. The CPT is first and foremost a mechanism designed to prevent ill-treatment from occurring, although it may also in special cases intervene after the event. Essentially its activities are aimed at conflict avoidance on the practical level.

The CPT's task is not to publicly criticise States, but rather to assist them in finding ways to strengthen the threshold which separates acceptable from unacceptable treatment or behaviour.

Initially CPT reports are confidential and are only published at the request and with the consent of the State party to the Convention. Of course, States are encouraged to publish visit reports and responses because the Committee's dialogue with a State contributes towards further strengthening appropriate safeguards against ill-treatment.

### Substantive standards

The CPT is guided by three general principles: (i) that the prohibition of ill-treatment of persons deprived of their liberty is absolute; (ii) that ill-treatment is repugnant to the principles of civilised conduct, even if used in milder forms; and (iii) that ill-treatment is not only harmful to the victim but also degrading for the official who inflicts or authorises it and ultimately prejudicial to national authorities in general.

In carrying out its functions, the CPT avails itself of legal standards contained in not only the European Convention on Human Rights but also in a number of other relevant human rights instruments (and the interpretation of them by the human rights bodies concerned). At the same time, it is not bound by the case law of bodies acting in the same field, but may use it as a point of departure or reference when assessing the treatment of persons deprived of their liberty in individual countries, precisely because the focus of the CPT lies in measures which prevent abuses of persons deprived of their liberty from occurring.

The CPT's substantive standards are accessible via its website ([www.cpt.coe.int](http://www.cpt.coe.int)), as are all published reports. The website database also displays standards adopted by the Committee in relation to substantive issues.

## Domestic Monitoring Mechanisms and the CPT

The CPT cooperates with domestic monitoring mechanisms, NGOs and other important interlocutors.

It is often thought that the NPM is a recent concept, originating from OPCAT. This is not the case. These mechanisms have been implemented in a number of jurisdictions for many years. For example, the UK had boards of prison visitors even at the end of the nineteenth century. Similar arrangements existed in British colonies and elsewhere. A similar mechanism is also found in the 1949 Geneva Convention on Prisoners of War.

International mechanisms developed progressively during the second half of the twentieth century, inter alia through the European Convention for the Prevention of Torture, and under OPCAT. The latter Protocol made it mandatory for States to implement national mechanisms, thereby ensuring that this safeguard was extended and consolidated on a solid, legal basis in all States which ratified that Protocol.

Although the European Convention for the Prevention of Torture does not specifically indicate that European States should have independent monitoring mechanisms carrying out regular unannounced visits to places of detention, a perusal of its early published visits reports reveals that this was a consistent recommendation wherever this safeguard was not already in place. One can therefore say that the CPT also contributed to the introduction of this mechanism through soft law. The concept was elaborated in published CPT reports, which also emphasise a number of related issues, such as the importance that these bodies are truly independent, that visits are carried out regularly and even unannounced, that they have access to all parts of the detention establishment, that they should carry out their interviews with detainees in private, etc.

Even before OPCAT was conceived, the CPT reiterated in its general and country reports that the Committee attached particular importance to regular visits to all establishments for the deprivation of liberty by an independent body (for example, a visiting committee or a judge with responsibility for carrying out inspections) with the authority to receive - and, if necessary, take action on - prisoners' complaints and to visit the premises. During such visits, the persons concerned should make themselves 'visible' to both the prison authorities and staff and the prisoners. They should not limit their activities to seeing prisoners who have expressly requested to meet them, but should take the initiative by visiting the establishment's detention areas and entering into contact with inmates. The CPT has recommended that the role and effectiveness of these bodies could be strengthened through the provision of adequate funding and the introduction of means (such as a secure letterbox system) allowing prisoners to have confidential access to that body.

The importance which the CPT gives to existing national or local visiting bodies is reinforced in practice, because during its visits under the Convention the CPT considers it/them among its important interlocutors.

The CPT offers its assistance to national mechanisms, through its published material, and by participating in conferences and other training sessions. The CPT considers it essential to support national monitoring mechanisms because they are constantly in the field.

It is not usual for the CPT to comment on the structure chosen for NPMs under OPCAT. The CPT observes that a number of countries have adopted different models. Many States have opted to mould

their NPM within monitoring bodies that existed prior to OPCAT entering into force, eg. Ombudsman offices, special monitoring groups, councils and commissions formed by the NGO representatives, public prosecutors etc, whereas others have opted to set up ad-hoc NPMs.

Nowadays, monitoring bodies and complaints bodies are being differentiated. These two roles can be complementary to one another, as long as one function does not overshadow the other. An analysis of complaints can assist a monitoring body to identify areas where preventative safeguards need to be strengthened.

However, in order to be effective, NPMs should satisfy certain fundamental principles. The independence of the monitoring body and of its members should be guaranteed through legislation, through appropriate selection procedures, and through some measure of guaranteed tenure of office. Members of the NPMs should possess adequate expertise and be committed to their job. NPMs should be afforded adequate human and financial resources which enable them to cover all places for the deprivation of liberty and carry out regular visits. They should be entitled, even by law, to unrestricted access to all places of deprivation of liberty, and to persons deprived of their liberty. The legal framework for the establishment of the NPM should guarantee the right to interview persons deprived of their liberty in private and the liberty to choose who they interview; and the monitoring body should be in a position to guarantee the confidentiality of their interviews. NPMs must also be entitled to access all information, including records, relating to persons deprived of their liberty.

## **Global lessons: Five years of OPCAT in force**

**Audrey Olivier, Association for the Prevention of Torture (APT)**

This presentation summarised the results of the global follow-up meeting on OPCAT organised in 2011 in Geneva. Nearly 300 participants from 90 countries were present to reflect on five years of implementing OPCAT. The main goal was to establish where and how the OPCAT was working and why implementation has been less successful in some countries than others.

There are 42 NPMs in the world (mostly in Europe and Asia) which is a significant achievement in only five years. The two most important factors determining the effectiveness of an NPM are its mandate and its independence. It is important that the monitoring body is independent and free from any intervention from the government. It was noted that the SPT has to develop certain criteria to better determine what effectiveness means. Mandate means necessary power to access places of detention, persons under detention, as well as access to information. Apart from mandate and independence there are also several other factors affecting the work of NPM.

One of them is the structure. It was stated during the follow-up meeting that there is no perfect structure. NPMs can be established under the ombudsman's office, established independently etc.

Another factor is the working methods. It is essential to develop a methodology of work and adapt it according to new developments and experiences made. NPMs should have a clear methodology and make amendments to it if necessary.

The credibility and legitimacy are both important factors for properly functioning NPM. Legitimacy means trust and respect in the society while credibility is based on professionalism of staff, their commitment, high quality of work and objective reporting.

Important aspect is the cooperation with the authorities. There is no need for NPM to be a watchdog. NPMs need daily dialogue with governments in order to build trust.

Sixth is raising awareness. NPMs need to raise awareness about their mandate within the country and be transparent by involving civil society in their activities.

It was stressed that NPMs as leaders in torture prevention should go way beyond mere monitoring and reporting. They should analyse, provide recommendations and engage in dialogue with the authorities. NPMs should also evaluate their effectiveness and it is therefore essential that they have assessment tools and criteria for this purpose.

The follow-up meeting in Geneva also discussed the implementation of NPM recommendations. It was stressed that issues hindering the implementation of recommendations are lack of political will and the lack of human, financial and social resources available to state authorities.

Successful implementation of recommendations depends on their quality and the ability of the NPM to follow up on them. This further stresses the importance of going beyond reporting and engaging in active dialogue with the authorities.

Prioritising recommendations is also a positive practice. It helps to identify the most urgent issues and draw focus to them. Recommendations of international institutions can also be referred to in order to reinforce an NPM's own recommendations and make them more acceptable to the government.

Europe and Asia are laboratories for OPCAT as there are 33 NPMs established in these regions under different models. There is a significant difference in success of these NPMs but their diversity can help us to understand which models work better, where and why.

## Working group A: Comprehensive mandate and adequate competences

Resource person: Mari Amos  
Rapporteur: Nino Gobronidze  
Moderator: Tsira Chanturia

The introductory speech focused on issues of mechanisms of public oversight. It was noted that the visits must be carried out on regular basis (six visits per year in 63 countries). Reports concerning the situation in each region must be published annually. It was also noted that the SPT's financing and the distribution of financial resources is carried out by the Supreme Council.

Moderator, Tsira Chanturia, emphasised several issues: what are the competences of an NPM? Can an NPM carry out verification visits? What mechanisms are used in different regions?

In Georgia, the NPM mechanism was institutionalised and started monitoring back in 2009. There is a register of experts which includes 25 individuals (including medical and other fields required for monitoring). There is also a positive trend towards training NPM staff and NGOs together.

A project being implemented by the Georgian NPM at the moment includes civil society organisations. One of the organisations involved is the Georgian Young Lawyers' Association which provides assistance under the funding support of the Open Society Foundation. The NPM has the capacity to carry out visits at least once a month. Visits to orphanages and psychiatric hospitals are carried out less often compared to visits to penitentiary establishments. NPM visits are never notified in advance. The Ombudsman's office presents its reports, including the section on the work of the NPM, to the Georgian parliament once a year.

The monitoring process is mostly funded by the state but also by external donors, including the EU and the Open Society Foundation in Georgia.

According to a representative from Georgian civil society, the NPM has improved and its reports are translated into several local languages. It was also added that the Georgian Young Lawyers Association (GYLA) actively cooperates with the NPM and that the GYLA's monitoring activities are funded by the Open Society Foundation.

In Azerbaijan, the NPM was incorporated into the Ombudsman's apparatus by Presidential Decree in 2009. Amendments to the Law on Ombudsman, which has been assigned NPM, guaranteed the inclusion of female staff members, psychologists, lawyers, and the possibility of expert involvement in activities. It was also emphasised that the NPM has the authority to draft protocols but does not have the right to investigate complaints. In penitentiary establishments hidden audio recording devices were removed from the rooms where lawyers meet with their defendants.

One of the most difficult issues in Azerbaijan relating to legislation is the lack of clear separation between torture and ill-treatment in the Criminal Code. Article 133 states that if an act of ill-treatment is committed by a state official it cannot be considered as torture.

On a separate topic, it was also mentioned that the famous journalist, Mr Fatullayev, who himself spent time in prison and has now been released, cooperates with the NPM and participates in penitentiary monitoring.

According to the session resource person, Mari Amos, in Slovenia NGOs interested in monitoring places of detention should be accredited, but this does not work well. The best method of managing civil society participation would be an open competition where the final decision would be made by the relevant Ombudsman.

## **Workshop B: Preventive monitoring versus reactive work and individual cases**

Discussion on the difference between preventive and reactive approaches, pitfalls in Ombudsperson's designation as NPM

Resource person: Audrey Olivier, Association for the Prevention of Torture (APT)

Rapporteur: Oleg Martynenko

Moderator: Saule Mektepbayeva

The introductory presentation focused on how monitoring should be structured in places of detention.

According to Ms Audrey Olivier, it is essential that monitors gather objective and impartial information directly from prisoners. At the end of the process all the information gathered should provide a picture of patterns and tendencies. If all individual cases are examined and reacted upon within monitors' competences, it will mean that individual cases can serve to affect the system as a whole.

Who should participate in monitoring and what problems can this process cause? It is essential to involve social workers, doctors, psychologists, representatives of the government and other stakeholders in monitoring activities.

In Kazakhstan, the process is based on the 'Ombudsman plus commissions' model. There are regional commissions which help the Ombudsman's office in monitoring. The lack of human resources is one of biggest problems as it is difficult to cover all regions. As one NPM on its own cannot cope with all issues, it is essential that all institutions responsible for human rights protection in prisons coordinate with each other and involve civil society.

An NPM is not yet established in Ukraine, but the country is taking steps to create the mechanism. Monitoring visits in the country are carried out by mobile groups which are granted access to prisons and are allowed to monitor prison staff activities. The four main principles defined for such groups are: humanity, professionalism, objectivity and impartiality.

Tajik monitoring boards encounter particular problems. For example, some active NGOs never receive answers to their letters from the prosecutor's office concerning individual cases. The system is closed and it is also international which means that local groups are not able to obtain any information. Visits must be coordinated with the prison administration in advance and this prevents the NGOs from examining the real situation.

In Russia, monitors in the regions lack motivation and the majority are only formally engaged in monitoring activities. Some reforms have been attempted and legislation was also amended but problems still remain. The number of people willing to work in the penitentiary system is still minimal. Financial resources are also not sufficient to organise the work of monitors in all regions. Complaints are not processed properly; the commission reviewing them is ineffective; injuries are not documented properly; and there is no single mechanism to *define who does what* so there is no effective coordination. There is also an unwritten prison law, which means that prisoners themselves are reluctant to speak or complain about ill-treatment and torture cases.

## **Workshop C: Role of civil society**

### **NGOs, their role in the establishment of NPMs and their supplementary role to existing NPMs and other monitoring bodies**

Resource person: Artur Sakunts

Rapporteur: Ulugbek Azimov

Moderator: Sergey Shimovolos

The session discussed the role of NGOs in the creation and operation of the National Preventive Mechanism (NPM).

The resource person, Artur Sakunts, spoke about the Armenian experience. In Armenia, there are separate groups which carry out monitoring of facilities under the Police Service and Ministry of Justice. Additionally another group of observers was created by the Ministry of Education two years ago to monitor special education facilities for children.

The NPM in Armenia is merged with the Ombudsman's office. The law directly states that NPM activities are carried out by the Ombudsman's office but there is no description of the mandate and its composition. Therefore decisions on these issues are taken directly by the Ombudsman. As a consequence, the arrival of the new ombudsman automatically leads to changes in the mandate. Currently the Human Rights Defender is making some efforts to involve civil society representatives but unfortunately this initiative is not being implemented effectively.

The Ministry of Justice does not investigate torture and ill-treatment cases in prisons adequately. There is no effective mechanism for processing complaints received from detainees and prisoners, and therefore victims mostly try to appeal through the courts.

Despite the fact that the prison system in Armenia is under the Ministry of Justice, the head of the penitentiary department is appointed by the president. Armenian civil society considers this problematic as both procedurally and in practice the head of the penitentiary is not subordinate to the Minister of Justice.

In Tajikistan, civil society has no access to pre-trial isolators. Until recently, lawyers did not have the right to meet with their clients unless they addressed the administration in writing. However, this requirement was appealed by NGOs in court and has since been abolished.



A law establishing an NPM was recently adopted in Kyrgyzstan and received positive feedback from international organisations and also Princeton University. The law is mostly in harmony with standards set by OPCAT. The final draft represented a compromise by the government which was initially resistant to some formulations in the text.

NPM capacities in large countries are relatively limited due to the long distances between the penitentiary establishments and NPMs therefore need the support of the civil society to carry out effective monitoring activities.

Russian civil society reports that NGOs have a significant role in monitoring places of detention in Russia. There are public monitoring commissions in all regions by law, but the mechanisms often encounter problems. In particular, there are issues with funding, and also with the lack of professionals in monitoring groups. The authorities often resist the appointment of good professionals in public monitoring commissions as they consider such groups a potential threat.

In Azerbaijan, detainees without lawyers are most likely to become victims of torture. Representatives of Azerbaijani civil society are concerned that the Ombudsman's office often refuses to work with independent organisations. NGOs have therefore created an alternative mobile group aimed at torture prevention. The group receives information from various sources, reacts promptly, and involves lawyers where necessary. The group also carries out strategic litigation and has submitted cases to the ECHR.

Some participants concluded that civil society and NPMs should cooperate closely. Civil society organisations should be involved in NPM activities and support their mandate by participating in monitoring, providing information on cases, and helping in specific areas (eg. psychiatry, statistics).

## **Workshop D: Cooperation and interaction between more than one monitoring body**

Discussion on overlap in the mandates of various monitoring bodies, including good practice of complementing work of public monitoring commissions and NPM

Resource person: George Tugushi, European Committee for the Prevention of Torture

Rapporteur: Tatevik Gharibyan

Moderator: Mushegh Yekmalyan

This session was opened by Giorgi Tugushi, the Public Defender (Ombudsman) of Georgia. At this conference he was acting in his other capacity as the Georgian CPT member. The introductory presentation focused on cooperation between local and international monitoring bodies; elaborated on NPM operation in Georgia and also on international examples; the importance of cross-country cooperation especially sharing best practice between post-Soviet countries.

In Armenia, some liberal reforms have been carried out by the Ministry of Justice and other state agencies. However an unhealthy rivalry has now emerged between the Prison and the Police monitoring boards. According to Armenian civil society representatives, the Ombudsman's office does not have enough influence in Armenia and lacks authority to carry out monitoring activities effectively. There are several other NGOs involved but according to civil society the work is not effective. The SPT, CPT, OPCAT and other international institutions are active and provide recommendations which have to be considered by the authorities, but the result of all this activity is yet to be seen.

In Ukraine, prisoners in Ukraine are reluctant to complain in writing. Also there is widespread mistrust among prisoners towards monitors and, in particular after a first visit did not result in any concrete changes monitors face reluctance of prisoners to talk to them a second time.

After the SPT visited Azerbaijan, some changes were made to the penitentiary system. However, according to Azerbaijani civil society, these changes did not address the lack of professionalism in the system, and there are concerns about the lack of adequate training.

In Belarus, the main problem is the lack of political will and according to civil society, no major changes are expected in the next few years either.

## **Workshop E: National Action Plans**

### **Practice and added value of National Action Plans on the prevention of torture**

Resource person: Salome Zurabishvili

Rapporteur: Lev Ponomarev

Moderator: Vika Sergeyeva

This group discussed national action plans on the prevention of ill-treatment and torture, their necessity, structure and duration.

In Georgia, the National Action Plan against Ill-treatment is in place and a special Anti-Torture Council was formed in 2008-09. The Council holds meetings once every three months and is composed of both government representatives and NGOs. The council has 24 experts and 2-3 NGO representatives. According to the Ministry of Justice, a new strategy was adopted recently which aims at resolving current issues and strengthening mechanisms to prevent torture.

According to the charter of the Anti-Torture Council, all NGOs have the right to become members of the Council if they wish. The main goal of the Council is to work on the Action Plan and provide recommendations. A number of individual cases were taken to court in 2011 and were resolved in favour of the victims.

According to the Georgian Ministry of Justice, the Action Plan has been amended and developed considerably more than in previous years, and the number of torture cases has decreased. The

Ministry also supports capacity building activities for prison staff, which also helps to prevent torture and ill-treatment.

In Tajikistan, a coalition of 17 NGOs has been involved in drafting an action plan against torture and impunity. The goal was to initiate changes in legislation and incorporate separate articles concerning torture, which was achieved in 2012. The coalition also focuses on monitoring places of detention and creating institutions for the rehabilitation of victims of torture. They also work on obtaining compensation for victims from the government and are drafting guidelines for institutions responsible for the oversight of places of detention, especially for the Prosecutor's Office.

The coalition presented the action plan to the government of Tajikistan. The level of cooperation with the government has improved over the past few years and joint meetings are held where issues concerning torture prevention are discussed. However, the problem of monitoring closed facilities remains, as civil society is still unable to gain access. Discussions about this are currently underway and civil society representatives hope that the situation will improve. Importantly, the government now officially accepts that torture does take place in the country.

An action plan was also adopted in Kyrgyzstan after a Special Rapporteur visited the country in 2011 and made a list of recommendations. The action plan was drafted based mostly on these recommendations and necessary amendments were made to the legislation. The recommendations also covered the first few hours after arrest when torture is most likely to occur. The level of control and monitoring has also increased which has significantly improved the situation.

The situation in Belarus is less promising. The country still carries out the death penalty and does not recognise the right to complaint on torture. There is no action plan and there are no changes are on the horizon.

In Azerbaijan, the National Program of Action to Raise Effectiveness of the Protection of Human Rights and Freedoms considers particular activities, but some of the important aspects are missing. For example, there is no provision on the provision of independent medical examination and there are some vague legislative amendments. According to NGO representatives, the problem lies in the fact that the Action Plan is being implemented by the Ombudsman's office which denies that torture occurs in Azerbaijan, even though the ECHR has ruled against Azerbaijan many times in torture cases.

Russia does not have an action plan but some reforms are being carried out within the judiciary, police and other law enforcement agencies, and some positive developments can be seen. However, according to Russian civil society no significant progress regarding torture prevention is being made and torture cases are more frequent now than ever before.

## Workshop F: Accountability of the authorities in torture prevention

Discussion on issues of the mechanisms of accountability of the authorities with regard to combating/preventing torture

Resource person: Leanne McMillan

Rapporteur: Anara Ibrayeva

Moderator: Bakar Jikia

This session was opened with a presentation from Leanne McMillan who emphasised the importance of the following questions.

**What can be done to change the existing situation in places of detention?**

The main emphasis should be placed on condemnation of facts of ill-treatment and on access to detention facilities for monitoring purposes. Also essential is to guarantee the protection of detainees' rights, criminalise torture in legislation, carry out research and bring perpetrators to justice.

**How should we ensure effective implementation of torture prevention activities?**

The main goal for NPMs should be: independence of the institution, authority, publicity and reflection of international standards in relevant national legislation.

**Political will. How should the society act to influence it?**

In Ukraine, the criminal code was amended and torture was criminalised, and the requirement to conduct an additional investigation on whether the evidence was obtained using torture or not was removed. Therefore, under current regulations any evidence acquired during the investigation can be disregarded by the judge (without conducting an additional investigation), if he/she decides that it was obtained under torture.

In Russia, healthcare in prisons is an important target for reform. Russia has a very solid legal framework, but the state is not creating the necessary conditions to make it work. As a result, the institutions responsible for the investigation of such crimes are not interested in addressing them. There is also no clear cut social consensus against ill-treatment. According to polls in several Russian cities, many respondents do not see ill-treatment in places of detention as a significant problem.

It is also important to place emphasis not only on influencing political will but also on educating mid-level officials on how to treat detainees properly.

In conclusion, Ms McMillan stated that the political will is not only expressed by executive officials but also by judges and by citizens. Therefore you need to transform society first so that it will then go on to apply pressure on governments and political establishments.

## **DAY 2: PREVENTION OF TORTURE**

### **Measures and tools contributing to the prevention of torture**

#### **SESSION 2**

**Chair of the Day: Andrea Huber**

#### **Factors contributing to torture**

**Mr Avetik Ishkhanyan, Chairman of Helsinki Committee of Armenia**

The first presentation of the day was by Avetik Ishkhanyan, the Chairman of the Armenian Helsinki Committee, and focused on factors contributing to torture.

The list of torture victims in Armenia is unfortunately long and there are several factors contributing to widespread use of torture. In terms of legislation, the Armenian Criminal Code does not provide a clear definition of torture and the law does not explain what kind of practices should be considered as torture. On a practical level, victims themselves lack awareness about the remedies available to them. Other problems include lack of access to a lawyer, lack of impartiality in prosecution, lack of independence of doctors and courts.

The political system is not interested in tackling the torture because it would cause major dissatisfaction among law enforcement bodies and might undermine their loyalty to the executive government.

#### **The UN Sub-Committee for the Prevention of Torture's concept of torture prevention**

**Lowell Goddard, Sub-Committee on the Prevention of Torture**

Ms Goddard underlined several principles which should be taken into consideration when fighting torture and ill-treatment.

There should not be a prescriptive approach to tackling the problem of torture and ill-treatment and neither should there be an exhaustive list of acts which can be interpreted as torture. Compliance with formalities is not enough, and emphasis should be placed equally on both legislation and practice.

The SPT carries out its activities according to several key principles, including the following.

The particular circumstances of individual countries should be taken into consideration as a variable before the visit. These include social and political backgrounds, level of respect towards human rights, constitutional order, separation of powers and the independence of the judiciary.

Another important factor is the existence of procedural safeguards for people deprived of their liberty. Regularity of visits, the precise routine for inspecting places of detention and confidentiality of interviews also play a key role.

Finally, it is essential to clearly describe findings in reports and provide clear and precise recommendations.

Emphasis must be placed on the independence of NPMs from the authorities, and on their openness, guaranteed funding and their ability to invite specialists on ad-hoc bases. NGOs should support the activities of NPMs and complement them.

Ms Goddard concluded that there are three key actors in torture prevention on a national level: NPMs, NGOs and the independent judiciary, which should complement the work of NPMs and NGOs with fair judgments.

### Question from the floor

A representative of civil society from Azerbaijan asked a question on the ranking of national human rights institutions (with reference to the Paris Principles). Ms Goddard replied that the accreditation is based mainly on information provided and that downgrading of institutions rarely happens. In terms of the Paris Principles, a B ranking for instance means that the institution is not fully in compliance with the Principles or insufficient information has been provided to make a determination.

### Comments from the floor

Professor Anton van Kalmthout noted that prevention of reprisals is the most difficult task for both international and national organisations. From his experience on the CPT, it is the most challenging issue and has yet to be resolved.

Mr Ishkhanyan from the Helsinki Committee of Armenia noted that in his experience local sub-cultures in prisons are a big issue. Prisoners often refrain from interviews as they feel unable to disclose information either about life inside the prison or about instances of ill treatment. However, Mr Ishkhanyan added that in many cases prisoners are willing to speak about ill-treatment in police stations, but not in the penal establishments where they are currently being held.

## **APT's research on the effectiveness of torture prevention**

### Professor Richard Carver, Association for the Prevention of Torture (APT)

This research commissioned by the APT was carried out by Professor Richard Carver and focuses on whether the torture prevention really works and what the factors are that reduce torture.

The difficulties in undertaking this particular research are:

- How do you measure the risk of torture (risk of increase and decrease in occurrence)?

- Inaccuracy of statistics: in countries where torture prevention is in place, reports of torture are likely to increase. Statistics are not an accurate measure of torture. For example, in terms of statistics the UK's record looks worse than that of Belarus because of the openness of the UK system and provision of information.
- Another problem related to methodology is separating torture from political persecution, which can happen to political dissidents in less democratic countries.
- The issue of generalisation of findings: How can findings in one country or a group of countries be generalised across the world?

The research is looking into a hybrid model of torture and ill-treatment labelled as 'deliberate ill-treatment'. The concept includes torture itself, but excludes variables such as imprisonment conditions, so it will cover all torture cases and cases of ill-treatment whenever it is deliberately carried out by states or officials. According to the hypothesis, two groups of factors are needed for torture prevention: a) preconditions (political structure, independent judiciary, vibrant civil society, independent media, culture of professionalism within relevant institutions and incentives for governments to fight torture); and b) absence of risk factors (conflicts, threat of terrorism, strong organised crime, poverty).

At the end of the session, the representative of the Ukrainian delegation noted that it is essential to use common criteria and ensure the universality of findings when carrying out such research; only then research can be considered a success.

## **Workshop A: Factors within criminal investigations**

Resource person: Anton van Kalmthout  
 Rapporteur: Elvira Esinamanova  
 Moderator: Saule Mektepbaeva

The working group discussed the conditions in which torture is most likely to occur. The resource person Mr Anton van Kalmthout underlined four situations: a) when people are arrested in the street or at home; b) in police stations when the interrogation turns into torture; c) in the pre-trial cell; d) during the police investigation.

It was noted that sometimes force used during an arrest can be justified. However the most critical time is the first 48 hours after arrest, when the officers in many cases are just trying to obtain a confession from the arrested individual.

Concerning the first 48 hours, referred to earlier, it was noted that it is essential to record such injuries (inflicted during the arrest).

In Kazakhstan, in some cases those arrested are kept in different places (eg. police car) for the first few hours where they are tortured and only after that is the arrest officially registered.

Some successful reforms were carried out in Georgia and incidents of torture no longer occur in police stations. However psychological and physical pressure is applied before the arrested suspect is taken to the police station, or after he is taken to the cell. Representatives of Georgian

NGOs emphasised that at this stage it is important for the person arrested to know that he or she has a right to a lawyer who can protect him/her. NGOs reported cases when those arrested were told at the police station that they do not have a right to a lawyer until they have signed a confession.

In Azerbaijan, the most dangerous time is the period between the arrest and the court session as suspects are pressured in order to obtain testimonies suitable for the officials. The problem is aggravated by the fact that those arrested do not have a right to select their own lawyer. A state commissioned lawyer is automatically assigned to the case, who often gives poor advice (mainly persuades the accused to agree with the investigation and sign confessions) and does not record facts of ill-treatment or torture. Therefore it is essential that suspects have the right to have their own lawyers.

In Kyrgyzstan, citizens are often invited for interrogation as witnesses and because they do not have the status of a suspect therefore their rights are not recorded anywhere. As a rule they do not have a lawyer and the police claim that they are only conducting conversation, not an interrogation. Afterwards their status is easily changed and they become the suspect that has already 'confessed'.

In Ukraine, administrative detention (15 hours according to the law) is misused because the administratively detained do not have any kind of status. In the past, detainees were subjected to physical and psychological pressure and often forced to plead guilty. However, amendments to legislation have been adopted which state that testimony cannot be considered valid unless confirmed during the court session.

The situation in Russia is similar where arrests are also not registered anywhere. Interrogations are prolonged and those arrested are not even given the right to call their relatives.

## **Working Group B: Systemic problems (including corrupt practices)**

Resource person: Vladimir Shkolnikov

Rapporteur: Nina Tagankina

Moderator: Viktoria Sergeeva

According to civil society in Russia, the primary goal for prison officials is to ensure order in the facility, which means that the methods they use are of secondary importance resulting in the regular use of threats and suppression. NGOs claim that this is the simplest solution for prison officials and originates from their inability to use more sophisticated and less violent prison management methods. The second contributing factor is the lack of political will. Civil society's lack of influence on decision-making plays a significant role as well.

In Ukraine, corruption is a systemic problem and contributes to an environment where torture is widespread. It is often used by the officials to speed up the investigation process and obtain promotion, bonuses etc. However according to 2010-2011 statistics, over 70 per cent of torture cases do not get to the investigation stage. This is because of corrupt practices where the person



pleads guilty under torture, pays money in order to be released from arrest and officers destroy all evidence as part of the deal.

Unfortunately wider society in Ukraine is tolerant towards the use of torture in the country. Beatings and ill-treatment are considered as normal. The only solution people see is to avoid law-enforcement facilities at all costs.

In Belarus, torture is widely used against political opposition. Another contributing factor is the lack of professional staff. When a new manager is appointed at any law enforcement institution, the whole staff is replaced, which worsens the overall situation.

The Policy Director for PRI flagged the culture of loyalty towards colleagues which regularly prevents law enforcement officials to speak up, investigate or testify in cases of abuse.

In Kazakhstan, torture is often committed by order from above and used for suppression. It is also often used to silence the detainees. According to the civil society, there are even cases where prison officials enjoy demonstrating their authority and superiority using torture, which indicates a low level of education and lack of professionalism.

Participants stressed the importance of an active civil society to influence politics and practice and lead to positive changes in treatment. Politicians are not interested in changes, but civil society organisations are there to carry out awareness raising campaigns which can help improve the situation at least to some extent. A lack of legal information and qualifications among staff members pushes law enforcement officials to resort to easy and violent solutions like torture and ill treatment.

Unfortunately the victims of torture often do not believe that justice will prevail and everyone else is just hoping that it will not happen to them. It was also stressed that another factor contributing to torture is pressure on law enforcement officers to have high crime resolution rates and they use violence to live up to these expectations.

A common problem for all regions is the phenomenon of 'corporate character', which prevents issues within the system from being discussed publicly. Instead everything is blamed on prisoners, which is a very significant systemic error.

## **Workshop C: Staffing and training (Recruitment, staffing, remuneration, training)**

Resource person: Leanne McMillan

Rapporteur: Sergey Romanov

Moderator: Mushegh Yekmalyan

The discussion started with Leanne McMillan's outline of working group topics. The goal of the group was to identify means of assessing progress in torture prevention. These means are: transparency and competitiveness, risk management, medical insurance possibilities in prisons, unity of staff, humanity, and professionalism. Emphasis was also placed on qualities necessary for prison staff,

which include good behaviour, effectiveness and compliance with physical standards. Prison staff must also have adequate education and influence over the prisoners. It is essential to control the use of force against prisoners.

In Ukraine, young and inexperienced graduates who go to work in prisons often quit after encountering difficulties and low wages. At the same time, older staff members are not leaving the system as they do not want to retire. Ukrainian participants also noted that the situation has not changed since the introduction of the certification procedure and appointment of the certified personnel.

In Belarus, the most pressing issue for prison staff is the lack of social guarantees. It is difficult for them to work under a stressful regime where it is hard to control the situation. Even if an individual staff member decides to speak out about torture, he/she is not protected from reprisals.

In the concluding part of the session, participants agreed that it is important to recruit prison staff carefully, apply special universal selection criteria, introduce special training courses for new employees and ensure their social protection.

Coordination was also identified as a priority: both coordination between different government and non-government agencies and cooperation between prison officers within penitentiary establishments.

## **Workshop D: Prison conditions (Independence of prison doctors, documentation of injuries, overcrowding)**

Resource person: George Tugushi, European Committee for the Prevention of Torture

Rapporteur: Aleksandr Bukalov

Moderator: Vladimir Shkolnikov

In Ukraine, the conditions are very poor in most detention facilities. There are problems with heat (no proper ventilation), overcrowding, medical treatment etc. According to Ukrainian legislation, if a prisoner is injured in custody, he/she is entitled to compensation from government only after serving his term. This clause is heavily criticised by Ukrainian human rights NGOs and wider civil society. Participants also noted the limitations that prisoners face in solitary cells where they are deprived of the right to read, or sleep during the day.

In Kazakhstan, special emphasis should be placed on the rights of people sentenced to life. Life-sentenced prisoners do not have a right to receive medical assistance from outside using their own means, for example. There are also no special correctional institutions in the country to prepare prisoners for release and support their reintegration in the society. There are also restrictions on religious rights in prisons, and in particular intolerance towards Muslims.

A similar situation prevails in Belarus. However, here prisoners are not able to receive dental treatment or pay for a consultation with a doctor of their choice. They also have to pay medicines themselves.

In Russia, experts placed a particular emphasis on the rights of prisoners with disabilities as there is no infrastructure to support them. Consequently they cannot even get around independently. The lack of independence of doctors in penitentiary institutions was also mentioned. Doctors are reluctant to give the necessary diagnosis even when it is essential. Generally in the Russian Federation but especially in the Chechen Republic, medical issues are a major problem. Prisoners with tuberculosis, for example, are kept together with healthy prisoners and are not placed in special facilities. Many prisoners in need of surgery do not get it.

Concerns over prison conditions were raised by Armenian civil society representatives. According to local NGOs, the main problem in penitentiary establishments is the high level of overcrowding.

However, some positive developments were noted. In Georgia, for example, the budget for prisons has been increased, new prisons have been built and some older ones renovated. The Ministry of Corrections and Legal Assistance and the Ministry of Health are cooperating to improve healthcare in penitentiary institutions.

## **Workshop E: Preventive monitoring (Efficiency of monitoring: frequency of visits, unannounced visits, independence of monitoring body etc)**

Resource person: Lowell Goddard, Sub-Committee on the Prevention of Torture

Rapporteur: Eldar Zeynalov

Moderator: Tsira Chanturia

The session started with the discussion on the frequency of visits. Ms Goddard stressed that visits must be a) regular and b) without prior notice. Interviews should be comprehensive; the reception and the cell must be fully checked by the monitor; questions must be precise and on the topic. The monitor should also carefully select the place of interview (a prison cell, police isolator etc) to ensure full confidentiality as it strongly affects the confidence and honesty of the prisoner.

In Azerbaijan, unannounced visits by monitors are rare, although such visits are more likely to be allowed in facilities for female prisoners. Access for monitors is frequently restricted, or they are often held up for a long period of time.

In Belarus, there is often mistrust towards monitors among prisoners, who are threatened and fear reprisals if they meet with monitors. Civil society representatives stressed that more frequent visits are needed to combat this.

It was noted by several participants that impunity in all countries heavily undermines the effectiveness of monitoring bodies. It was also mentioned that in some countries the situation differs from cell to cell. Every cell may have its own internal unwritten code of conduct which can also affect attitudes towards monitors. It is also sometimes difficult to differentiate between self-inflicted injuries and ill-treatment signs (eg. lying on bed without a mattress causes scars on the back very much alike button scars).

In the concluding part of the session, participants emphasised that the efforts of international bodies such as the CPT or SPT are not sufficient to resolve the problem of ill-treatment and other violations, but local monitoring bodies also face difficulties trying to encourage reform as well.

## **Working group F: Preventing impunity (Investigation and prosecution of allegations, including implementation of Art. 1 CAT)**

Resource person – Anton van Kalmthout

Rapporteur: Tatevik Gharibyan

Moderator: Bakar Jikia

There were three main questions for discussion:

- What do we think about the role of doctors in torture prevention?
- If you were a doctor, would you report cases of torture to the prosecutor's office?
- How should complaints be processed?

For Georgia, the main difficulty in fighting impunity is the lack of effective investigation and the lack of transparency. According to Georgian civil society, in some cases prisoners are kept in solitary cells if they complain to ECHR or even to the administration. There have been cases where prisoners have been severely beaten for submitting complaints. Doctors want to help the investigation but they are unable to do so because of the political stance of the state.

In Russia, like in many other countries, there is a list of illnesses incompatible with prison sentences and which therefore represent grounds for early release, but this rule is rarely adhered to.

In Ukraine, a huge burden is placed on courts as they are responsible for evaluating the facts and documents relating to the case. Prisoners in Ukraine can participate as witnesses in other cases of torture as well, if they are willing to do so or have an interest in the particular case.

On a positive note, it was noted that in Kazakhstan the defendant can choose his own lawyer at the expense of the state under the Article 71 of Criminal Code.

The following points were emphasised:

- In most countries doctors are not independent; they are paid by the government and are often reluctant to record cases of torture. Ministries of Health are often not very interested in taking control of healthcare in penitentiary institutions and finding doctors who are willing to work there.
- Doctors must recognise their responsibilities. It is also possible that a failure by a doctor to take action in some cases may be caused by a lack of knowledge of national or international legislation.
- The importance of timely complaints should not be underrated. Sometimes lawyers are reluctant to uncover the facts.

- Professor van Kalmthout compared the current treatment of prisoners in Europe to the situation 20 or 40 years ago, and noted that the situation has significantly improved. He also expressed his belief that the same is likely to happen in developing countries as well.

## Closing session

The final plenary session of the conference started with presentations by rapporteurs from all six working groups of the second day, which summarised discussions and points raised by the participants.

PRI Policy Director Ms Andrea Huber thanked all participants and expressed gratitude to the donors for their financial support and summarised the conference findings. She also thanked colleagues of PRI's South Caucasus office and the coordinator of PRI's Torture Prevention project for the organisation of the event.

Ms Huber summarised the elements raised during the conference in order to react to acts of abuse and to prevent torture and ill-treatment from recurring. She stressed that the first step in the fight against torture for governments and authorities is to acknowledge that torture and ill-treatment occurs and to be less defensive. Torture and ill-treatment can happen everywhere and authorities should be open about discussing the issue. The main difference between states is how they respond to cases of torture and whether they try to prevent it from happening in the future.

Secondly, investigations into allegations of torture need to be carried out independently, which implies that prison administration, can hardly investigate allegations against their own staff. Investigations must be carried out promptly because signs of injuries can disappear and evidence can be lost. They have to be thorough and look at all possible evidence, not just evidence which is easy to obtain. Perpetrators must be prosecuted as otherwise a culture of impunity will develop and cases of torture will increase.

The obligation to provide redress is also important. This implies material compensation, but also rehabilitation and the right of victims to the truth and to justice.

Measures to prevent torture from occurring and reoccurring should be implemented and adequate institutions need to be put in place. It is important to identify the risk factors for torture. Political, economic and social environments contribute significantly to the risk of torture, and there is no one recipe for success.

NPMs and other monitoring bodies should identify what their focus should be and what areas they should analyse in detail in order to make adequate recommendations. The main question that NPMs should be able to answer is: what changes are needed to prevent torture and ill-treatment from reoccurring?

Monitoring bodies need to be independent to carry out their functions well. Independence needs to be reflected in their budgeting, competencies and staffing.

Adequate resources and capacity for NPMs are also essential, especially in countries with large geographical spread of detention facilities, and given the requirement of a certain frequency of visits in order to fulfil a preventive function.

Monitoring groups should be multidisciplinary and have sufficient competences and powers. This means the ability to carry out unannounced visits, speak with detainees in private, have access to all places of detention and the opportunity comment on legislation. Finally, governments must be obliged to respond to recommendations made by NPMs.

With regard to national action plans discussions at the conference reiterated the need to include specific actions and measures, not only generic indicators. Plans should have a timeframe for the completion of activities and focus on achieving defined goals. They should also list the institutions responsible for actions, and indicators of success. Statistics cannot be relied upon as the sole indicator of the extent of torture and ill-treatment in a country.

Factors contributing to torture prevention must be identified and tackled. The list of factors consists, among others, of the right to a lawyer; the registration of arrest; the prohibition of evidence obtained under torture; adequate staffing; training; adequate salaries of staff; due process, not only upon arrest but also throughout detention; the criminalisation of torture; the prevention of impunity; the necessity to have the forensic capacities for effective investigation and therefore less reliance on confessions obtained through illegitimate means such as torture or ill-treatment.

Attitudes and culture are also important. Changes in attitudes of law enforcement and society are a long term goal. For example, law enforcement officials need to internalise that being a suspect does not necessarily mean being guilty, and that a prison sentence is in itself a sanction and prisoners should not be subjected to “additional punishment” in the form of ill-treatment and torture. It also means realising that the rehabilitation of offenders is more effective than a punitive approach, and that the aim of a criminal justice system is the security of the society, not revenge.

We need political will to make change happen, and countering torture and ill-treatment requires a long-term and sustained effort. We should regularly assess the efficiency of measures and policies, making necessary amendments along the way.

We also should understand that anybody can become a victim of torture and prevention mechanisms are a safeguard for all of us. At the end of the day, it is all about respect for human dignity, which is everyone’s right including those who have committed, or are alleged of having committed an offense.

The session and conference were concluded by the screening of a short documentary on torture produced by the Asian Human Rights Committee. The film is available at <http://penalreform.org/multimedia/torture-prevention-south-asia>

# ANNEX 1: CONFERENCE AGENDA

## Cross-Regional Conference: Development of Mechanisms on Torture Prevention in the Post-Soviet Countries June 25-26, Tbilisi, Georgia

**Day one** will be dedicated to the launch and presentation of the PRI Synthesis Report and the discussion of these findings, thereby focusing on NPMs and other monitoring bodies.

**Day two** will be dedicated to kick-starting the development of an evaluative tool for the prevention of torture.

### DAY 1 - PREVENTION OF TORTURE

#### Experiences with OPCAT and monitoring mechanisms

Chair: Anton van Kalmthout, PRI Board and member of CPT

9:30      **Registration of participants**

10:00      **Welcome and Opening session**

Tsira Chanturia, PRI Regional Director

Vladimir Shkolnikov, Senior Human Rights Adviser for the South Caucasus, OHCHR

Catherina Bolognese, Head of the Council of Europe Office in Georgia

Tamar Tomashvili, Head of International Public Law Department, Ministry of Justice of Georgia

10:30      **SESSION 1**

#### **Launch of the PRI Synthesis report of 9 country reports & Discussion**

Presentation by Kirill Koroteev, PRI researcher

Results of PRI research on preventive monitoring of places of detention in Eastern Europe, South Caucasus and Central Asia: Trends recurring; common gaps and challenges; positive examples and good practice; lessons learned.

#### **Mechanisms to discharge state obligations under CAT**

Andrea Huber, PRI Policy Director

#### **SPT Guidelines for National Preventive Mechanisms**

Mari Amos, Sub-Committee on the Prevention of Torture (SPT)

#### **Experiences of the European Committee to Prevent Torture (CPT)**

George Tugushi, European Committee for the Prevention of Torture

#### **Global lessons - Five years of OPCAT in force**

Audrey Olivier, Association to Prevent Torture (APT)

Summary of the OPCAT Forum in November 2011 after “five years of OPCAT in force” (regional workshop and selected thematic issues)

Q & A, Discussion

12.30 LUNCH

13.30 **WORKSHOPS I (in parallel)**

Workshops will elaborate on specific aspects, sharing good practice amongst the countries of the region and discuss lessons learned:

Workshop A) Comprehensive mandate and adequate competencies:

Discussion of the mandates of visiting mechanisms in the region to identify gaps, but also in terms of competencies pursuant to OPCAT (unannounced visits, frequency of visits, recommendations, assessments of laws and draft laws, capacity)

Resource person: Mari Amos, Sub-Committee on the Prevention of Torture (SPT)

Rapporteur: Nino Gobronidze

Moderator: Tsira Chanturia

Workshop B) Preventive monitoring versus reactive work and individual cases:

Discussion on the difference between preventive and reactive approach pitfalls in Ombudsperson's designation as NPM, etc.

Resource person: Audrey Olivier, Association for the Prevention of Torture (APT)

Rapporteur: Oleg Martynenko

Moderator: Saule Mektepbayeva

Workshop C) Role of civil society:

NGOs and their role in the establishment of NPMs as well as their supplementary role to existing NPMs and other monitoring bodies.

Resource person: Artur Sakunts

Rapporteur: Ulugbek Azimov

Moderator: Sergey Shimovolos

15.00 Coffee break

15.30 **WORKSHOPS II**

Workshop D) Cooperation and interaction between more than one monitoring body:

Discussion on overlap in the mandates of various monitoring bodies, including good practice of complementing work of public monitoring commissions and NPM.

Resource person: George Tugushi, European Committee for the Prevention of Torture

Rapporteur: Valeriy Bazunov

Moderator: Mushegh Yekmalyan

Workshop E) National Action Plans

Practice and added value of National Action Plans on the prevention of torture.

Resource person: Salome Zurabishvili

Rapporteur: Lev Ponomarev

Moderator: Vika Sergeeva

Workshop F) Accountability of the authorities in torture prevention



This group work will be dedicated to the issues of mechanisms of accountability of the authorities with regard to combating/preventing torture.

Resource person: Leanne McMillan

Rapporteur: Anara Ibrayeva

Moderator: Beka Jikia

17.00 **Presentation of Workshop results in Plenary**

18.00 End of day

## **DAY 2 - PREVENTION OF TORTURE**

### **Measures and tools contributing to the prevention of torture**

#### **9.30 SESSION 2**

Moderator: Andrea Huber

##### **Factors contributing to torture**

Mr. Avetik Ishkhanyan, Chairman of Helsinki Committee of Armenia

##### **The Concept on torture prevention of the UN Sub-Committee for the Prevention of Torture**

Lowell Goddard, Sub-Committee on the Prevention of Torture

##### **APT's research on the effectiveness of torture prevention**

Richard Carver, Association for the Prevention of Torture (APT)

11.00 Coffee break

#### **11.15 WORKSHOPS III (in parallel)**

Workshops will kick-start the development of an evaluative tool to track progress in the prevention of torture, mapping out “factors that contribute to an environment where torture and ill treatment take place” and factors relevant for the effectiveness of NPMs:

Workshop A) Factors within criminal investigations

Resource person: Anton van Kalmthout

Rapporteur: Elvira Esinamanova

Moderator: Saule Mektepbaeva

Workshop B) Systemic issues (including corrupt practices)

Resource person: Vladimir Shkolnikov, Senior Human Rights Adviser at the Office of the High Commissioner on Human Rights (OHCHR)

Rapporteur: Nina Tagankina

Moderator: Vika Sergeyeva

Workshop C) Staffing and training (Recruitment, staffing, remuneration, training)

Resource person: Leanne McMillan

Rapporteur: Sergey Romanov

Moderator: Erkin Alymbekov

13.00 LUNCH

14.00 **WORKSHOPS IV (in parallel)**

Workshop D) Prison conditions (Independence of prison doctors, documentation of injuries, overcrowding)

Resource person: George Tugushi, European Committee for the Prevention of Torture

Rapporteur: Aleksandr Bukalov

Moderator: Vladimir Shkolnikov

Workshop E) Preventive monitoring (Efficiency of monitoring: frequency of visits, unannounced visits, independence of monitoring body etc)

Resource person: Lowell Goddard, Sub-Committee on the Prevention of Torture

Rapporteur: Eldar Zeynalov

Moderator: Tsira Chanturia

Workshop F) Preventing impunity (Investigation and prosecution of allegations, including implementation of Art. 1 CAT)

Resource person: Anton Van Kalmthout

Rapporteur: Tatevik Gharibyan

Moderator: Bakar Jikia

15.15 Coffee break

15.30 **Presentation of Workshop results in Plenary**

16.30 **Closing of conference - Summary by Chair**

17.00 **End of conference**

## ANNEX 2: THE LIST OF CONFERENCE PARTICIPANTS

### GEORGIA

#### State officials

Name	Agency	Position
Salome Zurabishvili	Ministry of Justice	Adviser at the International Public Law Department
Natia Odisharia	Ministry of Justice	Coordinator of the Interagency Council on Criminal Justice Reform
Maia Gigineishvili	Ombudsman's Office	Chief Specialist at the Prevention and Monitoring Department
Maia Kvirikashvili	Chief Prosecutor's Office	Head of the Human Rights Department
David Nozadze	International cultural Educational Association	MD

#### Civil society

Name	Organisation	Position
Nino Gobronidze	Georgian Young Lawyers Association (GYLA)	Member of the monitoring group involved with NPM
Mariam Jishkariani	RCT EMPATHY	President
Nino Andriashvili	Human Rights Centre (HRIDC)	Head of Legal Service, lawyer
Elena Fileyeva	NGO Article 42 of Georgian Constitution	Lawyer
Nika Kvaratskhelia	Youth for Justice	Board Member
Nana Kakabadze	Former Political Prisoners for Human Rights	Chairman
Kakhaber Gogashvili	Georgian Committee Against Torture	Chairman
Grigol Gagnidze	NGO Ger. Law. Bar.Obs.	Chairman
Nino Tarkhnishvili	Radio Free Europe Radio Liberty	Journalist

## ARMENIA

### State officials

Name	Agency	Position
Gayane Shahnazaryan	Office of the Human Rights Defender of Armenia	Member of the Expert Council of NPM Armenia
Zakar Stepanyan	Prosecutor's Office	Department Prosecutor
Margarit Hakobyan	Ministry of Justice	Chief of the Section for Development and European Integration at the Department of International Legal Affairs
Samvel Petrosyan	Criminal Executive Department representative	Head of division on working with staff

### Civil Society

Name	Organisation	Position
Artur Sakunts	Helsinki Citizens' Assembly-Vanadzor; Prison monitoring group	Chairperson
Avetik Ishkanyan	Helsinki Committee of Armenia	Chairperson
Tatevik Gharibyan	Civil Society Institute	Lawyer
Nelly Arutunyan	Public Monitoring Group for Police Detention Facilities	Police monitoring team member
Kristina Gevorkyan	Foundation Against Violation	Attorney

## AZERBAIJAN

### State officials

Name	Agency	Position
Samig Seydov	Penitentiary service at the Ministry of Justice	Senior inspector at the operative department
Vugar Maharramov	NPM	Head of NPM Head of the Apparatus

### Civil Society

Name	Organisation	Position
Eldar Zeynalov	Human Rights Center of Azerbaijan	Chairman
Asabali Mustafayev	Democracy and Human Rights Resource Centre	President, lawyer
Elchin Behbudov	Azerbaijani Committee	Chairman

	Against Tortures	
Zaliha Tahirova	Human Rights Center of Azerbaijan	Board member

## RUSSIA

### Civil society

Name	Organisation	Position
Ernest Mezak	Public Observer Commission	Board Member
Helen Gordeeva	Moscow Center for Prison reform	Program Coordinator
Olga Sadovskaya	NGO "Committee Against Torture"	Deputy Chairman
Zargan Makhadgieva	NIISO	Chairman
Nina Tagankina	Moscow Helsinki Group	Executive Director

## UKRAINE

### State officials

Name	Agency	Position
Natalia Marchuk	Supreme Specialized Court of Ukraine	Judge at the appellate court on criminal cases

### Civil society

Name	Organisation	Position
Vadim Chovgan	HRPG (rekom. Zacharov)	Expert
Oleg Martynenko	Vizit prisons Association	Head of the Board
Vadim Pivovarov	Visit Prisons Associations	Executive Director
Viktor Rolik	Vinnickaya Human Rights group	Deputy coordinator. PRI project Coordinator
Aleksandr Bukalov		

## BELARUS

### State officials

Name	Agency	Position
Alexey Pechkurov	Ministry of Justice	Independent public observant commissions

### Civil society

Name	Organisation	Position
Valery Filippov	Ind. Expert	Board member

Andrey Bondarenko	Regional NGO	Director
Pavel Levinov	NGO "Solidarnost", Belarus Helsinki Committee	Board member

## KAZAKHSTAN

### State officials

Name	Agency	Position
Rishat Rahimov	Ombudsman's Office	Head of the citizen's appeals department
Suyunova Sandugash	Committee on Legislation and Judicial Reform	Main adviser
Aigul Solovyeva	Parliament of Kazakhstan	MP of Majilis of the Parliament
Adil Tursunov	Embassy of Kazakhstan in Georgia	Ambassador of Kazakhstan in Georgia

### Civil society

Name	Organisation	Position
Evgeniy Golendukhin	Public Association "Regional Center of New Information Technologies"	Chairman
Anara Ibraeva	The branch of the Kazakhstan International Bureau for Human Rights and Rule of Law in Astana	Chairman Branch Director
Ardak Zhanabilova	Coordination council at the public observant commission	Chairman

## TAJKISTAN

### State officials

Name	Agency	Position
Muzafar Ashurov	Department of the constitutional guarantees of citizens' rights, Office of the President	Head of the department on constitutional guarantees of rights of citizens
Husniddin Nidoev	Ombudsman's Office	Deputy of department of the state protection of the political and civil rights

## Civil society

Name	Organisation	Position
Sergey Romanov	Independent Center for Protection of Human Rights	Director
Faziya Nazarova	Public Fund "Notabene"	Deputy director

## KYRGYZSTAN

### State officials

Name	Agency	Position
Ulugbek Azimov	Independent human rights group	Expert on NPM
Malik Bekturganov	Prosecutor General's Office	Head of Department

### Civil society

Name	Organisation	Position
Elmira Esenamanova	Public Fund "Voice of freedom", project on monitoring of the closed facilities	project coordinator
Assel Koilubayeva	Public Fund "Voice of freedom"	Attorney, coordinator of legal programs
Aida Mambetova	sector of committee on human rights, constitutional legislation and state system of the Secretariat of Zhogorgu Kenesh	Head of sector of committee

## INTERNATIONAL ORGANISATIONS

Name	Organisation	Position
Leslie Pierrard	European Commission, Directorate General for Development and Cooperation	
Catherina Bolognese	Council of Europe	Head of Mission
Tinatin Uplisashvili	Council of Europe	
Vladimir Shkolnikov	OHCHR South Caucasus	Senior Human Rights Adviser for the South Caucasus
Sharof Azizov	OHCHR South Caucasus	Human Rights Officer

George Tugushi	Committee for the Prevention of Torture (CPT)	Member
Lowell Goddard	UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)	
Mari Amos	UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)	head of the European NPM working group and focal point for Europe
Richard Carver	Association for the Prevention of Torture (APT)	
Audrey Olivier	Association for Prevention of Torture	OPCAT Programme Officer
Prof. Anton van Kalmthout	Tilburg University Law School	
Leanne McMillan	International Rehabilitation Council for Torture Victims (IRCT)	
David Vig	OSI Budapest	
Fjortoft Cif	NORLAG	Penitentiary and probation expert
Nikhil Roy	PRI	Program Director
Andrea Huber	PRI	Policy Director
Kiril Koroteev	Bristol University	
Mushegh Yekmalyan	PRI	Torture Prevention Project Manager
Vika Sergeeva	PRI Eastern Europe	Regional Director
Sergey Shimovolos	PRI Eastern Europe	Torture Prevention Project Coordinator
Saule Mektebayeva	PRI Central Asia	Regional Director
Zhanna Malaeyva	PRI Central Asia	Project Coordinator
Tsira Chanturia	PRI South Caucasus	Regional Director
Bakar Jikia	PRI South Caucasus	Torture Prevention Project Coordinator



## **ANNEX 3: Resumé of Speakers**

### **Mari Amos, Sub-Committee on the Prevention of Torture (SPT)**

Mari Amos is lawyer by background. She has joint Master's degree in European Affairs and Public Health. She has previously worked for the Estonian Chancellor of Justice, which is also the designated National Preventive Mechanism in Estonia. She is currently the National Coordinator for the implementation of the European Union Cross-border Health Care Directive.

Mari is a member of the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT). Within the SPT, she is head of the European NPM working group and focal point for Europe.

### **Lowell Goddard, Sub-Committee on the Prevention of Torture (SPT), New Zealand**

Lowell Goddard is a Queen's Counsel and a Judge of the High Court of New Zealand. She has had a lengthy professional career in criminal justice, spanning all aspects of criminal law practice. For many years early on in her career she was a criminal defence lawyer. In 1989 she was appointed as New Zealand's senior prosecutor, a role she undertook until 1995 when she was appointed to the High Court of New Zealand. As a judge she has presided over numerous criminal jury trials and has judged many criminal appeals. She has also taught litigation skills to many lawyers in New Zealand and the Pacific Islands.

For the last five years Justice Goddard has been seconded to lead the civilian oversight body that investigates complaints against the police and all incidents of death and serious injury involving the police. In that capacity, she has also been head of the NPM responsible for monitoring and advising on conditions of police detention in New Zealand. In 2010, she was elected as an expert member of the SPT and has served as a delegate on missions to the Ukraine and Argentina, and has participated in workshops conducted in Albania, Cambodia and Australia.

### **Audrey Olivier, Association to Prevent Torture (APT) – Geneva**

Audrey Olivier is responsible for coordinating APT's work on the Optional Protocol to the Convention Against Torture (OPCAT), both within the organisation and with all its partners worldwide, and is responsible for maintaining APT's online information on the OPCAT, in particular a unique service reporting developments on NPMs. She has been working at the APT since 2006 and has been involved in torture prevention operations in Africa, Asia, Latin America and Europe. She completed a Master's degree in International and European Law as 'field legal officer' from Aix-en-Provence School of Law and holds a diploma in Politics and Public Law. She speaks French, English and Spanish.

### **Anton van Kalmthout**

Professor van Kalmthout is a Master and Doctor of Law from Tilburg University in the Netherlands. He has 25 years' professional experience working in close cooperation with penal and penitentiary administrations. He has huge experience working on alternative sanctions, prison topics, drugs problems and comparative criminal law. He has expertise in criminal justice reform throughout Europe and has drafted legislation, published research and comparative legal studies. He has

practical experience of managing penal reform projects in Europe, as well as research projects. He is fluent in English, German and French as well as Dutch.

Professor van Kalmthout is a member of a number of professional bodies, including the Committee for the Prevention of Torture. He is Vice-President of the Board of the Dutch national probation service; Chairman of the Supervisory Committee of Tilburg prison; and an expert in Penological Affairs for the Council of Europe. He is currently Professor in Criminal and Migration law; Hon. Professor at Krasnoyarsk State University (Russian Federation); and an Honorary Lector at the Law Faculty of the University of Applied Sciences, Tilburg.

His research projects include pre-trial detention in the states of the European Union, minimum standards and safeguards in EU states with regard to pre-trial and remand detention; research on foreign prisoners in the EU and irregular migrants. As an expert for the Council of Europe, the Netherlands Helsinki Committee, the Open Society Institute and the EU, he has been a member of delegations to over thirteen countries in Eastern Europe.

### **Kirill Koroteev**

Kirill Koroteev graduated from the Law Department of the State University – Higher School of Economics (Moscow) and has a Master's degree in European Comparative Public Law from the University of Paris Panthéon-Sorbonne. As a lawyer for the European Human Rights Advocacy Centre (London) and Human Rights Centre 'Memorial' (Moscow) he has represented many individual applicants in leading cases brought against Russia before the European Court of Human Rights.

He has also taken part in a number of human rights fact-finding missions to the former USSR and held research and teaching positions at the Universities of Paris Panthéon-Sorbonne, Strasbourg and Paris X Nanterre. He is currently a consultant for Penal Reform International, a researcher at the Institute for Law and Public Policy (Moscow), and is teaching at the European Humanities University in Vilnius.

### **George Tugushi**

George Tugushi was appointed as a Public Defender of Georgia by the Georgian Parliament in July 2009 for a five-year term. He is a specialist in human rights law. In September 2012, he was appointed the Georgian Minister of Probation and Legal Aid.

Starting in 1996, George Tugushi first worked in the Legal Department of Tbilisi City Hall, and then as the Assistant to the First Vice-Premier of the Tbilisi Government. From 1999, he worked as the Head of the Staff of the Chairman in the Tbilisi City Council.

He has worked in a number of international governance and human rights projects at the Georgian Parliament and the OSCE Mission to Georgia. Prior to being elected as a Public Defender, he worked as the Coordinator of the project "Support to the Public Defender's Office" funded by EU.

Since December 2005, George Tugushi has been a member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and as recently as October of this year, he was elected as one of five new members of the UN Committee against Torture.

## **Richard Carver**

Richard Carver is Senior Lecturer in Human Rights and Governance in the Centre for Development and Emergency Practice at Oxford Brookes University in the UK. Before taking up this position, he worked for many years as a researcher and research director for Amnesty International, Human Rights Watch and ARTICLE 19. His current academic research focuses on the role of national human rights institutions in international law, and he is a regular advisor to NHRIs, especially in Central and Eastern Europe and Central Asia.

Richard has been commissioned by the Association for the Prevention of Torture (APT) to conduct an independent three-year study into the effectiveness of torture prevention measures globally. The study will focus on some 18 countries in all regions of the world.

## **Leanne McMillan, Head of Membership, IRCT**

After being on the International Rehabilitation Council for Torture Victims (IRCT) as an elected member of their global council for a couple of years, Leanne joined their Secretariat to lead policy and development work needed to secure the income to grow the organisation and support its work as a global torture rehabilitation movement. She recently took up responsibility for the development of the IRCT global membership and leads major project work such as the building of a rehabilitation response in Libya.

Leanne has been working solely on the issue of torture and rehabilitation for several years and for five years was a member of the senior management team as the Director of Policy and External Affairs at the Freedom from Torture – one of the world's largest torture treatment centres. She established and managed several non-clinical functions comprising an interdisciplinary team of research, policy, external relations, case work and strategic litigation and built a global capacity building function. She created the first network of torture survivors in the UK to build their capacity to directly engage in research, policy and advocacy. She also advises on a volunteer basis an association of rehabilitation centres working with acid and burns attack survivors.

For several years her work has focused on helping to build the global torture rehabilitation movement to engage in both clinical and human rights work. She has led capacity building programs in several countries and regularly lectured on the right to health, the prevention of torture, human rights evidence gathering and documentation in clinical contexts.

For over a decade she worked with the International Secretariat of Amnesty International in a number of capacities including as their Representative to the UN in New York; manager of their global refugee program and as a member of the Senior Management Team with responsibility for international law and policy. She has been an activist in the human rights sector for over two decades and has conducted research in over 20 countries.

She practised as a refugee lawyer in Canada where she studied law and was called to the bar as a Barrister and Solicitor.

## **Artur Sakunts**

Artur Sakunts has been the head of the Helsinki Citizen's Assembly Vanadzor office since its registration in 2001. He also serves as the head of the civil society Prison Monitoring Board.

Helsinki Citizen's Assembly Vanadzor office is a non-profit non-religious and non-commercial organisation which unites people dedicated to principles of democracy, pluralism and the respect of human rights. Throughout his career, Artur has been the target of threats and attacks. The last attack on his organisation took place in April 2012.

He was granted the 'Freedom Protector' award by the US Embassy in Armenia in cooperation with the Counterpart International, the British Embassy, as well as OSCE and EC offices in Armenia.

## **Avetik Ishkhanyan, President of the Helsinki Committee of Armenia**

Under Avetik Ishkhanyan's leadership, the Helsinki Committee of Armenia, an organisation dedicated to the protection of human rights, monitors Armenia's adherence to its international commitments and the human rights situation in Armenia more broadly.

Until 2010, Avetik was a member of the Group of Independent Observers of the Penitentiary Institutions of the Ministry of Justice of the Republic of Armenia. Since 2010 he has been to the group. He also heads the Human Rights Task Force of the 'Partnership for Open Society' initiative of NGOs and is a board member of the Open Society Foundations, Armenia.

He has been an advisor on a number of political and military issues, and is the author of numerous publications on human rights and human development, conflict resolution in the South Caucasus, as well as reports on the observation of parliamentary and presidential elections in Armenia, and the influence of policing and the police system.

Avetik has a law degree, member of bar and a PhD degree in geology.

## **Tsira Chanturia**

Tsira Chanturia is a lawyer by profession and serves as the Regional Director of Penal Reform International's South Caucasus office.

Tsira has worked at PRI for almost ten years working towards criminal justice reforms in Georgia, Armenia and Azerbaijan, covering the development of independent public oversight monitoring mechanisms in prisons, torture prevention, as well as the provision of rehabilitation and re-socialisation schemes for prisoners and probationers, the promotion of alternatives to imprisonment, and the development of rehabilitation and diversion schemes for juvenile offenders.

She engages with civil society throughout the South Caucasus region, taking part in policy discussions with the authorities and providing expertise.

## **Andrea Huber**

Andrea Huber is Policy Director at Penal Reform International in London, responsible for the development of policy and for advocacy at a regional and international level.

A lawyer by training, research of human rights issues and advocacy for the implementation and advancement of international human rights law have been at the core of her work. Starting as a legal counsellor for asylum seekers in 1997, subsequently she headed the department for refugees and migration of Caritas Austria with a focus on advocacy and policy development.

After a one-year engagement in the judiciary as a legal assistant to judges of the Regional Higher Court Vienna she joined Amnesty International, tasked with research and advocacy in different functions in the Vienna office, the EU office in Brussels and as Deputy Director for Europe and Central Asia at Amnesty International's headquarters in London.

Andrea Huber published two books and contributed to several evaluation reports and comparative analyses in the European context. She participated in field missions to DR Congo, Ukraine, Syria and Georgia and has got varied experience in trainings.

## **ANNEX 4: Press Release**

### ***Cross-Regional Conference on Torture Prevention in the Post-Soviet Countries***

#### ***Penal Reform International***

**June 25-26**

**Sheraton Metechi Palace Hotel**

**Tbilisi, Georgia**

### Press release

Penal Reform International (PRI) is organizing a cross-regional conference on torture prevention on 25-26 June at the Sheraton Metechi Palace Hotel in Tbilisi.

The cross-regional conference aims to provide opportunities for inter-country learning and exchanges of experience. It will also seek to provide recommendations for the authorities in all participating countries aimed at improvements of the ability of state agencies to prevent torture and ill-treatment in their respective institutions. The conference will be conducted mostly in working groups where expert level discussion will focus on the problematic issues of torture prevention in 9 former Soviet countries. The event will be attended by experts representing UN SPT, CAT, OHCHR, CoE, CPT, government officials, representatives of national human rights institutions, National Preventive Mechanisms, as well as civil society from Ukraine, Belarus, Russia, Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan and Tajikistan.

The working groups will tackle also the systemic issues as well as the main differences between the preventive monitoring of the places of detention over the reactive monitoring and work with individual cases. The working groups will also cover the issues of cooperation between the existing monitoring boards and National Preventive Mechanisms under OPCAT as well as the mandates of those mechanisms. The working groups will also concentrate on the state responsibilities on addressing the torture prevention issues, including the national action plans on torture prevention as well as the role of the civil society. Reports from all working groups will be presented during the plenary sessions on both days.

The PRI synthesis report on Mechanisms for the Prevention of Torture in 9 CIS States will also be launched during the event. The report provides a valuable information and analysis on the background of the mentioned countries and the reforms undertaken so far in the criminal executive and law enforcement systems in general. The report provides main issues in the torture prevention and also provides valuable recommendations for reforming the existing systems. The Synthesis report is a unique document that covers torture prevention issues with deep systemic analyses and provides meaningful recommendations to tackle the situation in accordance with international standards and best practices. Copies of Synthesis report will be available during the conference, as well as on PRI's Together Against Torture website: <http://tortureprevention.penalreform.org/>

The conference is also going to be webcasted on the following link:

<http://www.ustream.tv/channel/penal-reform-international>

The regional forum is organized in the framework of PRI's project on strengthening institutions and building civil society capacity to combat torture in 9 post-Soviet countries. The project is funded by the European Union.

The regional Conference is also supported by the South Caucasus Office of the United Nations High Commissioner on Human Rights.

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