



- **PUBLIC STATEMENT**

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## Serious efforts needed to address reprisals after detention monitoring visits

**Geneva, 6 February 2014.** The global torture prevention system builds on independent monitoring visits to places of detention and on direct contacts between the monitors and those deprived of their liberty. It is therefore extremely worrisome that individual detainees, already in a situation of vulnerability, have been exposed to threats and ill-treatment as a result of their contacts with institutions created to prevent torture.

The Association for the Prevention of Torture (APT) strongly condemns all forms of reprisals related to visits to places of deprivation of liberty. They are not only a violation of human rights, but also a threat to the mission of monitoring bodies. Whatever form reprisals take, they should never be tolerated and perpetrators should be appropriately sanctioned. A more coordinated and robust response to the phenomenon of reprisals would strengthen the functioning of the prevention system globally. We now need reliable data and statistics and to give more visibility to this problem.

Reprisals are originally generated by an environment which allows them to happen. While State authorities have the duty to prohibit reprisals, monitoring bodies have a first-hand responsibility in mitigating the risks. The principle of “do no harm” to any persons they have contact with must guide the preparation and the conduct of their visits, as well as in the follow-up. A thorough preparation is essential, also as a way to ensure that minimal conditions are met before embarking upon visits to places of detention.

Monitoring bodies have already found creative and effective ways to tackle the issue of reprisals. Some are considering legislative amendments to criminalise reprisals as a way to fight against impunity and to send a strong deterrent message to possible perpetrators. During visits, monitoring bodies can resort to different techniques. Practices that have proved useful in reducing the risks of reprisals include:

- Guaranteeing a sufficient amount of time spent in each place visited.
- Ensuring that interviews are done in private.
- Holding interviews with as many persons as possible to make them less easily identifiable.

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To bring the issue of reprisals to the attention of State authorities, civil society organisations and the media, monitoring bodies need the support of their peers, whether at international, regional or national levels. In the same way, international and regional bodies need to cooperate with national monitoring bodies and take into account their insights and expertise. Rules of confidentiality, bounding some visiting bodies, should always be balanced with humanitarian principles and the need for protection.

*On 30 and 31 January, the APT hosted an expert meeting on how to mitigate the risk of reprisals. The meeting gathered experts from national institutions with a preventive mandate from Austria, Brazil, France, the Maldives, Serbia, Switzerland, Uganda, the United Kingdom, as well as representatives from the European Committee for the Prevention of Torture (CPT), the United Nations Subcommittee on the Prevention of Torture (SPT), the International Committee of the Red Cross (ICRC) and various branches from the Office of the High Commissioner for Human Rights (OHCHR).*

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