



International Covenant on Civil and Political Rights

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Human Rights Committee

Follow-up progress report on individual communications, adopted by the Committee at its 112th session (7–31 October 2014)

Progress report covering submissions received and processed between March and July 2014

State party	Azerbaijan
Case	<i>Avadanov</i> , 1633/2007
Views adopted on	25 October 2011
Violation	Article 7, read with article 2 (3).
Remedy: Effective remedy, inter alia: impartial investigation of the author's claim under article 7, prosecution of those responsible and appropriate compensation.	
Previous follow-up information: A/69/40	
<i>Submission from:</i> Author	
<i>Date of submission:</i> 5 and 19 August 2013, 27 February 2014	
The author's case remains unanswered and he cannot return home. The author rejects the State party's description of the events (26 July 2013, see A/69/40), and confirms that he and his wife left the country to escape impunity and corruption.	
<i>Transmittal to State party:</i> 8, 9 October, 7 March 2014	
Committee's decision: Follow-up dialogue ongoing.	

State party	Bosnia and Herzegovina
Case	<i>Prutina et al.</i> , 1917/2009, 1918/2009, 1925/2009 and 1953/2010
Views adopted on	28 March 2013
Violation	Article 2 (3), read with articles 6, 7 and 9 with regard to all the authors and their disappeared relatives; article 24 (1), with regard to Alma Čardaković and Samir Čekić.

GE.14-24445 (E)



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Remedy: (a) Continue its efforts to establish the fate or whereabouts of their relatives, as required by the Law on Missing Persons 2004; (b) bring to justice those responsible for their disappearance by the end of 2015, as required by the National War Crimes Strategy; (c) abolish the requirement for family members to declare their missing relatives dead to benefit from social allowances/compensation; (d) ensure adequate compensation.

Previous follow-up information: A/69/40

Submission from: State party

Date of submission: 14 November 2013

Two criminal cases are ongoing against a suspect allegedly involved in the enforced disappearance of the authors' relatives. Case KTRZ 55/06 is pending before the Special Department for War Crimes of the Prosecutor's Office, still "at the stage of reporting a suspect". The former Assistant Minister of Justice and Public Administration of the Republika Srpska (1992–1994) is charged with murder, torture, illegal detention and enforced disappearance; the authors' disappeared relatives are cited as victims. That complex case, categorized as a priority war crime case, should be prosecuted within the next three years under the National War Crimes Strategy. However, because of its complexity and the slow gathering of evidence, testimonies and archive research, the length of proceedings cannot be predicted.

A second case, T200KTRZ000256305 (5 October 2012), is pending before the Prosecutor's Office. Branko Vlačo has been charged in his capacity as warden of the "Planjina Kuća camp" with handing over 27 prisoners, including the authors' disappeared relatives, to unknown soldiers around 16 and 18 June 1992. The trial is in progress; the prosecution is presenting its case and hearing prosecution witnesses.

The Committee's Views are treated very seriously, and are considered binding for the Missing Persons Institute. Each missing person referred to in the Views has been registered in the relevant government and International Committee of the Red Cross databases. The Institute has approached several investigative bodies, but there is no result as yet.

Efforts are being made to speed up the prosecution. The recruitment of 13 new prosecutors was approved by the Council of Ministers in July 2013.

In June 2013, a protocol on cooperation in the prosecution of perpetrators of war crimes, crimes against humanity and genocide was signed by the Bosnia and Herzegovina Prosecutor's and Attorney General's Offices and the War Crimes Prosecutor of the Republika Srpska.

Following a request by Ema Čekić that new bone samples be taken from all mortal remains exhumed in Sarajevo or from the bed of the Bosnia river, and that DNA analysis be conducted, an order was immediately issued.

Regarding the Committee's recommendation to abolish the requirement for family members to declare missing relatives dead in order to receive social allowances, legislative amendments proposed by counsel will be followed during the legislative procedure.

Compensation issues have been resolved by the establishment of a special fund for the support of families of missing persons, not yet operational.

The Municipality of Vogošća provides a wide range of social benefits and services to the families of missing persons, and assisted in the creation of the Association of Relatives of Missing Persons of Vogošća. A memorial to civilian victims of war and other missing persons has been built.

Submission from: State party

Date of submission: 14 January 2014

The Ministry of Labour, War Veterans and Disabled Persons' Protection of the Republika Srpska indicates that the applicable legislation does not require family members to declare their missing relatives dead in order to obtain social benefits.

Submission from: State party

Date of submission: 14 February 2014

The Ministry of Foreign Affairs indicates that the Views have been translated, published on the Ministry of Human Rights and Refugees website, and disseminated to the relevant government institutions.

The meeting of the Prosecutor with counsel (see A/69/40) was delayed because the Prosecutor was on sick leave, and will be held soon.

The authors will be informed regularly of the progress of the criminal proceedings in case T200KTRZ000256305.

Submission from: State party

Date of submission: 26 February 2014

Article 21 (4) was deleted in a draft law on amendments to the Law on the Rights of War Veterans and Members of their Families, removing the requirement for the families of disappeared persons to declare them dead in order to be eligible for social benefits.

Submission from: Authors

Date of submission: 18 March 2014

Ms. Čekić had to date received no formal notification that the Missing Persons Institute was taking new bone samples from mortal remains.

A meeting was scheduled with the Prosecutor's Office of Bosnia and Herzegovina on 10 February 2014. The authors learned that no details of concrete investigative steps or a time frame could be given for the cases; there was no chance that the process would end within five to seven years, because of scarce capacity; and that there was reason to doubt whether other suspects in addition to Branko Vlačo would be prosecuted for enforced disappearances committed in Vogošća against the authors' relatives. Clarifications were sought about proceedings against another suspect (Mr. Damjanović), who was never charged with the enforced disappearance of the authors' relatives, although his involvement was brought to the attention of the authorities.

With respect to case KTRZ 55/06, the authors are concerned that the case is still "at the stage of reporting a suspect", i.e. a pre-investigation stage. It is unlikely that the State party can meet the deadline set for the end of 2015 under its War Crimes Strategy.

Concerning legislative amendments, the authors were informed of amendments to the draft law on the rights of veterans and their families. The amendment of article 69 of the Law on Basics of Social Protection, Protection of Civilian Victims and Families with Children was also proposed. The amendments were forwarded to the Federal Government for consideration on 18 February 2014, with a proposal that they be submitted for urgent parliamentary procedure.

Concerning compensation, the authors were referred by the State party to the possibility of initiating regular civil proceedings, which they consider lengthy and ineffective. The authors envisaged a procedure similar to that used to enforce judgements adopted by the European Court of Human Rights, but that was discarded by the Ministry for Human Rights and Refugees. The authors reiterate that they have renounced their claim for compensation, although that is an international obligation of the State.

Submission from: State party

Date of submission: 20 May 2014

Reiterates its previous submission, and notes that the cases involving Mr. Damjanović and case KT-RZ 55/06, have been opened with other prosecutors. The State party refers to a case against Mr. Tintor, currently residing in Serbia, under the Protocol between Bosnia and Herzegovina and Serbia.

To expedite prosecution, the case of Mr. Tintor and case KT-RZ 55/06 were assigned to a new prosecutor in April 2014. In the case against Branko Vlačo, the evidence has been presented, and the closing arguments of the prosecution and the defence are scheduled.

The draft amended law on the rights of war veterans and their family members is scheduled for the first session of the House of Representatives, and thereafter for sessions of the House of Peoples of the Federation. The second draft law was submitted through regular parliamentary procedure.

The right to compensation is available through the existing legal system.

Transmittal to the authors: 26 May 2014

Committee's assessment:

- (a) Continue its efforts to establish the fate or whereabouts of the authors' relatives: B2
- (b) Continue its efforts to bring to justice those responsible by the end of 2015: B2
- (c) Abolish the requirement for family members to declare their missing relatives dead to benefit from social allowances: B1
- (d) Provide adequate compensation: C1
- (e) Publication of the Views: A
- (f) Non-repetition: B1

Committee's decision: Follow-up dialogue ongoing.

State party	Bosnia and Herzegovina
Case	<i>Al Gertani, 1955/2010</i>
Views adopted on	28 March 2013
Violation	Article 9(1–4); and 17 and 23, should the author be removed to Iraq.

Remedy: Effective remedy, including adequate compensation. The State party should either release the author in appropriate circumstances or provide him with an adequate opportunity to challenge all the grounds on which his detention is based. It should also undertake a full reconsideration of the reasons for removing the author to Iraq, and the effects thereof on his family life, prior to any attempt to return the author to his country of origin.

No previous follow-up information

Submission from: Counsel

Date of submission: 28 February 2014

On 26 February 2014, regarding the extension of the author's supervision, the Service for Foreigners' Affairs refused the author's release, on the ground that he continues to represent a threat to national security. The Government considers the legal effect of the interim measures demanded by the Committee before the adoption of its Views to have terminated. Measures to deport the author are being actively taken. The author was not granted a full reconsideration of the reasons for removing him to Iraq, on the ground that such reconsideration could only take place in asylum proceedings, which in this case ended several years ago.

The Court of Bosnia and Herzegovina, deciding in judicial review in the first instance, stressed that in the Views, "it has not been indicated (...) that the author should be released from the Immigration centre, nor have [the Views] prohibited his deportation".

An appeal against that decision was filed before the Appellate Panel of the Court and the Constitutional Court. However, such appeals lack suspensive effect.¹

Submission from: State party

Date of submission: 5 February 2014

The Views have been translated, disseminated among relevant State institutions, and published on the official website of the Ministry of Human Rights and Refugees.

Considerations of family reunification are not within the prerogatives of the Asylum department. A failed asylum-seeker may be granted residence under the Law on Movement and Stay of Aliens and Asylum.

On 29 October 2013, the Ministry of Security Service for Foreigners' Affairs ordered an exceptional extension of the surveillance measures in relation to the author between 16 December 2013 and his deportation, at the latest 14 March 2014.

On 5 December 2013, the author's appeal against that decision was rejected by the Ministry of Security. On 10 October 2013, the Administrative Division of the Court of Bosnia and Herzegovina rejected a further appeal. On 16 January 2014, the author's appeal before the Appellate Panel of the Administrative Division of the Court was granted, and the Panel remitted the case to the first instance Court. The Appellate Panel ordered the Service for Foreigners' Affairs to reinitiate proceedings, in light of the Views, to reach an equitable and lawful decision.

The Service for Foreigners' Affairs therefore reviewed the case, and requested a new security assessment. On 15 October 2013, the Intelligence and Security Agency submitted that the author still constituted a threat to national security. His continued detention was therefore authorized. Alternatives to detention were found to be insufficient. In accordance with the law on the protection of classified information, the content of the Intelligence and Security Agency letter was not transmitted to the author.

Concerning the right to private and family life, the restrictions applied are necessary and proportionate. The State party was unable to implement the Committee's recommendation, as to do so would violate domestic legislation.

An appeal was filed by the author before the Constitutional Court against the decision of the Court dated 29 July 2013, and remains pending.

Submission from: Counsel

Date of submission: 13 March 2014

The author remains in detention. On 4 March 2014, the Court of Bosnia and Herzegovina rejected the case (which had been remitted for retrial further to a decision in favour of the author adopted by the Appellate Panel on 28 February 2014), ruling that in cases of conflict, courts should give precedence to domestic law over the Covenant. The author intends to file a further appeal before the Appellate Panel.

There is currently no obstacle to the author's deportation to Iraq, as none of his appeals has suspensive effect.

Submission from: Counsel

¹ The Committee, acting through its Chairperson, addressed a letter to the State party on 4 March 2014, in which it reminded the State party of its obligation to provide an effective remedy to the author, and requested it to urgently provide the Committee with follow-up observations, in particular regarding allegations on the author's imminent removal, and on whether the State party had given due consideration to the effects of such removal on the author's family life, given the Committee's finding that such removal would constitute a violation of articles 17 and 23.

Date of submission: 28 February 2014

The Ministry of Security and the Service for Foreigners' Affairs are taking measures to deport the author to Iraq.

Submission from: State party

Date of submission: 14 April 2014

The author's detention, which is validated by administrative and judicial authorities, is aimed at creating the conditions for the author's deportation. In accordance with the interim measures requested by the Committee, the State party refrained from deporting the author from June 2010 until the adoption of the Views in March 2013.

A State party to the Optional Protocol has no direct obligation to comply with the Views, and there was no order to release the author, or a ban on his return to Iraq.

Available intelligence reveals that the author was in close contact with persons associated with international terrorism and organized crime in Bosnia and Herzegovina and abroad. His detention achieved a preventive goal. It was determined that he might become a leading figure involved in subversive activities.

Submission from: Counsel

Date of submission: 14 May 2014

The latest judgment of the Appellate panel of the Court of Bosnia and Herzegovina, dated 29 April 2014, quashed the Court's decision and that of the Service for Foreigners' Affairs and the Ministry of Security as unlawful. The author was released from detention on 8 May 2014, after over five years of detention.

Nonetheless, deportation proceedings are continuing and the author's removal to Iraq could take place at any moment. The author's application for reconsideration of the final decision of the Constitutional Court is still pending, and may take several years. Such proceedings do not have suspensive effect.

Transmittal to the State party: 19 May 2014

Committee's assessment:

- (a) Adequate compensation: No information
- (b) Release (or adequate opportunity to challenge all the grounds on which his detention is based): B1
- (c) Full reconsideration of the reasons for removal to Iraq, and the effects thereof on his family life, prior to any attempt to return the author to his country of origin: C1
- (d) Publication of the Views: A

Committee's decision: Follow-up dialogue ongoing

State party	Cameroon
Case	<i>Mukong, 458/1991</i>
Views adopted on	21 July 1994
Violation	Articles 7; 9 (1); and 19.

Remedy: Effective remedy, including appropriate compensation; investigation of allegations of ill-treatment; respect for the author's rights under article 19.

No previous follow-up information

Submission from: State party

Date of submission: 19 June 2014

Compensation of CFAF100,000,000 (around 152,450 euros) was offered to the author.

Committee's assessment:

- (a) Appropriate compensation: B2
- (b) Investigation: D1
- (c) Respect for the author's rights under article 19: No information
- (d) Publication of the Views: No information

Transmittal to the author: 14 October 2014

Committee's decision: Follow-up dialogue ongoing

State party	Cameroon
Case	<i>Gorji-Dinka, 1134/2002</i>
Views adopted on	17 March 2005
Violation	Articles 9 (1); 10 (1); 2 (a); 12 (1); and 25 (b).

Remedy: Effective remedy, including compensation and an assurance of the enjoyment of his civil and political rights.

Previous follow-up information: A/64/40 (no response)

Submission from: State party

Date of submission: 19 June 2014

An agreement with the author was reached, and measures are under way to offer him compensation of CFAF40,000,000 (around 60,980 euros).

Committee's assessment:

- (a) Compensation: B1
- (b) Assurance of the author's enjoyment of his civil and political rights: No information
- (c) Publication of Views: No information

Transmittal to the author: 14 October 2014

Committee's decision: Follow-up dialogue ongoing.

State party	Cameroon
Case	<i>Titiahonjo, 1186/2003</i>
Views adopted on	26 October 2007
Violation	Articles 6 (1); 7; 9; 6 and 7 read with 2 (3), with regard to Mr. Titiahonjo; and article 7 with regard to the author.

Remedy: Effective remedy, including compensation and institution of criminal proceedings against all those responsible.

No previous follow-up information*Submission from:* State party*Date of submission:* 19 June 2014

Contact has been initiated with a view to offering compensation to the author.

Committee's assessment:

- (a) Compensation: B2
- (b) Institution of criminal proceedings: No information
- (c) Publication of the Views: No information

Transmittal to the author: 14 October 2014**Committee's decision:** Follow-up dialogue ongoing.

State party	Cameroon
Case	<i>Afuson, 1353/2005</i>
Views adopted on	19 March 2007
Violation	Articles 7; 9 (1), (2); and 19 (2); read with 2 (3).

Remedy: Effective remedy. (a) Prompt prosecution and conviction of those responsible; (b) Protection from threats and/or intimidation; (c) Effective reparation including full compensation.

Previous follow-up information: A/69/40*Submission from:* Counsel*Date of submission:* 12 February 2014

The offer of CFAF20,000,000 (approximately 30,500 euros) as compensation proposed by the State party is insufficient. The author's initial request of CFA500,000,000 (approximately 760,000 euros) is maintained.

Reasons of an economic or financial nature cannot be invoked by States to circumvent their obligations under the Covenant. The mistreatment inflicted upon the author has resulted in acute long-term health problems, including severe pain in his left ear and left jaw, acute hearing difficulties, memory lapses, post-traumatic stress disorder and insomnia. His health condition continues to deteriorate.

Submission from: State party*Date of submission:* 19 June 2014

Investigations have proven very difficult to conduct because of the lapse of time; the fact that archived documents could not be retrieved; and the lack of cooperation of the individual concerned.

There is no information to indicate that the author's security is threatened by members of the security forces.

Such violations are prevented under the Constitution of Cameroon; article 122 of the Code of Criminal Procedure of 2007, under which the suspect must be immediately informed of charges against him, and which prohibits the use of physical and mental coercion and torture; and Law No. 97/009 of 10 January 1997, prohibiting torture.

Regarding compensation, the proposal made to the author each year since 2010 of an award of CFAF20,000,000 has been rejected each time. The State party is unable to accede to the

author's original request, especially as the author's departure from Cameroon has made it impossible to obtain a second medical opinion as required.

The fact that the Committee did not indicate a quantum of compensation clearly suggests that the amount is left to the discretion of the State. Should the author decline its offer again, the case should be closed.

Committee's assessment:

- (a) Criminal prosecution: C1
- (b) Protection from threats and intimidation: N/A: the author has left the country
- (c) Effective reparation, including full compensation: B2
- (d) Publication of the Views: C1
- (e) Non-repetition: B2

Transmittal to the author: 14 October 2014

Committee's decision: Follow-up dialogue ongoing

State party	Cameroon
Case	<i>Engo, 1397/2005</i>
Views adopted on	22 July 2009
Violation	Articles 9(2), (3); 10 (1); 14 (2), (3) (a), (b), (c), (d).

Remedy: Effective remedy leading to the author's immediate release, and provision of adequate ophthalmological treatment.

Previous follow-up information: A/69/40

Submission from: State party

Date of submission: 19 June 2014

The author could not be released after serving his 10-year prison sentence on account of five other judicial procedures pending against him, and because he might abscond. The first part of the remedy cannot therefore be implemented. The author was provided access to an ophthalmologist, and to external medical visits. His overall health condition is deemed satisfactory. He receives regular visits, and is allowed to consult legal counsel.

Committee's assessment:

- (a) Author's immediate release: C1
- (b) Provision of adequate ophthalmological treatment: B1
- (c) Publication of the Views: C1
- (d) Non-repetition: B2

Transmittal to the author: 14 October 2014

Committee's decision: Follow-up dialogue ongoing.

State party	Cameroon
Case	<i>Akwanga, 1813/2008</i>
Views adopted on	22 March 2011
Violation	Articles 7; 10 (1), (2); 9 (2), (3), (4); 14.

Remedy: Effective remedy, which should include a review of his conviction with the guarantees enshrined in the Covenant, investigation and prosecution, as well as adequate reparation, including compensation.

Previous follow-up information: A/69/40

Submission from: State party

Date of submission: 19 June 2014

The State party is willing to implement the Committee's recommendation. New proceedings can be initiated as soon as the author appeals the judgement sentencing him to 20 years' imprisonment. If the author's leave to appeal is granted, a full re-examination of the case will be conducted.

An investigation will be undertaken once the author files a complaint for torture and ill-treatment. The procedure requires the physical presence of the author for cross-examination purposes.

The author has escaped from prison, and an arrest warrant has been issued for him. The above-mentioned procedures will only be initiated after the arrest warrant is executed. Compensation may also be awarded, on the basis of available resources and the results of the investigations.

Committee's assessment:

- (a) Review of conviction: C2
- (b) Investigation and prosecution: C2
- (c) Publication of Views: No information

Transmittal to the author: 14 October 2014

Committee's decision: Follow-up dialogue ongoing.

State party	Canada
Case	<i>Shakeel, 1881/2009</i>
Views adopted on	24 July 2013
Violation	Articles 6 and 7 (should the author be deported to Pakistan).

Remedy: Effective remedy, including a full reconsideration of his claim regarding the risk of treatment contrary to articles 6 (1), and 7, should he be returned to Pakistan.

No previous follow-up information

Submission from: State party

Date of submission: 3 March 2014

The Views are the latest in a disturbing trend in its views whereby the Committee has substituted its own evaluation of the facts and evidence for those of domestic organs. On 13 December 2013, the author's humanitarian and compassionate (H&C) application for permanent residence was approved in principle. The author is undergoing the requisite background checks before his application for permanent residence can be determined. His removal is stayed in the meantime. Provided that he is granted permanent resident status, the author will not be subject to removal from Canada, unless he violates any of the conditions of his status.

Committee's assessment:

- (a) Remedy: A
- (b) Publication of the Views: No information

Transmittal to the author: 7 March 2014

Committee's decision: Follow-up dialogue ongoing, pending receipt of the outcome of the H&C application.

State party	Canada
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Case	<i>Choudhary, 1898/2009</i>
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Views adopted on	28 October 2013
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Violation	Articles 6 and 7, read with article 2 (3) (should the author be deported to Pakistan).
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Remedy: Effective remedy, including a full reconsideration, taking into account the State party's obligations under the Covenant, of the author's claim regarding the risk he would face should he be returned to Pakistan.

No previous follow-up information

Submission from: State party

Date of submission: 15 May 2014

The author's latest H&C application is still under consideration; the Committee's views will be taken into account.

Committee's assessment:

- (a) Remedy: B1
- (b) Publication of the Views: No information

Transmittal to the author: 21 May 2014

Committee's decision: Follow-up dialogue ongoing.

State party	Canada
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Case	<i>Thuraisamy, 1912/2009</i>
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Views adopted on	31 October 2012
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Violation	Article 7 (should the author be returned to Sri Lanka).
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Remedy: Effective remedy, including a full reconsideration of the author's claim regarding the risk of treatment contrary to article 7, should he be returned to Sri Lanka.

Previous follow-up information: A/69/40

Submission from: Counsel

Date of submission: 21 March 2014

The State party had yet to grant the author permanent residence. If permanent residence is not granted, the author will be at risk of being removed to Sri Lanka.

Submission from: State party

Date of submission: 1 May 2014

The requisite background checks related to the author's H&C application are still under way, and no timeline for their completion can be provided. The Committee will be informed once a final decision is made.

Committee's assessment:

- (a) Remedy: A
- (b) Publication of the Views: No information

Transmittal to the author: 7 May 2014

Committee's decision: Follow-up dialogue ongoing, pending receipt of confirmation that the author's H&C application has been approved.

State party	Canada
Case	Warsame, 1959/2010
Views adopted on	21 July 2011
Violation	Articles 6 (1); 7; 12 (4); 17; and 23 (1) (should the author be returned to Somalia).

Remedy: Effective remedy, including by refraining from deporting him to Somalia.

No previous follow-up information

Submission from: State party

Date of submission: 7 February 2014

On the basis of the determination of the national authorities that the author's removal to Somalia would not result in irreparable harm, that he is inadmissible on the grounds of serious criminality and that he represents a danger to the public, the author was removed to Mogadishu on 19 February 2012, when he was on his way to northern Somalia. While in transit at Amsterdam Airport, he expressed the wish to apply for asylum in the Netherlands, whereupon the Netherlands border officials took him into custody.

The author's asylum application in the Netherlands was rejected, and the Netherlands authorities requested Canada to resume his removal arrangements.

In reaching the decision to remove the author, Canada carefully considered the Views of the Committee, including the dissenting opinions of seven members. The State party will provide more information regarding the author's removal once it has been finalized.

Committee's assessment:

- (a) Remedy: E
- (b) Publication of the Views: No information

Submission from: Counsel

Date of submission: 26 June 2014

By removing the author, the State party has ignored its obligations under the Optional Protocol, and has attempted to re-litigate the facts and the merits of the case.

After the author's asylum application was rejected by the Netherlands authorities, he filed a complaint against the Netherlands before the European Court of Human Rights. The Court has held that the author cannot be removed from the Netherlands while his complaint is

being adjudicated.

Committee's decision: Follow-up dialogue ongoing. The State party should ensure diplomatic follow-up and regularly report to the Committee on the author's whereabouts.

State party	Democratic Republic of the Congo
Case	<i>Mbenge, 16/1977</i>
Views adopted on	25 March 1983
Violation	Articles 6 (2); 14(3) (a), (b), (d), (e), with respect to Daniel Monguya Mbenge; article 9 with respect to Abraham Oyabi.

Remedy: Effective remedy, including compensation.

No previous follow-up information

Submission from: Author

Date of submission: 20 January and 7 June 2014

Despite all the legal procedures initiated, no decision was adopted with respect to the draft decree on restitution of the author's confiscated property. The Supreme Court, ruling on his case, determined that the Committee's decision lacked legal force.

Transmittal to the author: 14 October 2014

Committee's decision: Follow-up dialogue ongoing.

State party	Democratic Republic of the Congo
Case	<i>Gedumbe, 641/1995</i>
Views adopted on	9 July 2002
Violation	Article 25 (c) read with article 2.

Remedy: An appropriate remedy: (a) effective reinstatement in the public service and to his former post or to a similar post; (b) compensation in a sum equal to the arrears of salary and remuneration that the author would have received from the time at which he was to have been reinstated to his post, as of September 1989.

Previous follow-up information: A/68/40

Submission from: Author

Submission date: 6 January 2014

The State party still refuses to provide the author with an effective remedy. He is in a vulnerable situation and is homeless. The Committee should appeal to the President of the Democratic Republic of Congo on his behalf.

Transmittal to State party: 13 January 2014 (with a reminder to the State party with regard to follow-up observations).²

² No follow-up response received from the State party. Two reminders were sent, on 17 July 2013 and on 13 January 2014.

Committee's decision: Follow-up dialogue ongoing.

State party France

Case *J.O.*, 1620/2007

Views adopted on 23 March 2011

Violation Article 14 (2), (5), read with article 2.

Remedy: Effective remedy, including a review of the author's criminal conviction and appropriate compensation.

Previous follow-up information: A/69/40

Submission from: Author

Date of submission: 1 and 24 April 2014

Despite his various requests, the author was not granted a retrial, as there is currently no provision under French criminal law to allow such an appeal. France is revising its Code of Criminal Procedure to relax the rules governing retrial in cases of miscarriage of justice. The bill also contains a provision which would allow a retrial following a judgment of the European Court of Human Rights.³

The author has written to the Government and to Parliament to request that the bill extend the possibility of retrial to cases in which the Committee has found a violation of the Covenant. The author urges the Committee to support his initiative.

Submission from: State party

Date of submission: 26 May 2014

The bill reforming the review and re-examination procedures of a final criminal conviction was adopted by the National Assembly on 21 May 2014. The issue of the re-examination of final criminal convictions following a finding of a violation of the Covenant was not raised during the parliamentary debates, nor was it subject to any amendments. The purpose of the bill is to modify and clarify the procedures applicable to the re-examination of convictions under the Code of Criminal Procedure further to a decision of the Cour de révision and the European Court of Human Rights, both being jurisdictional bodies. The aim is not to create new avenues for review of final criminal convictions. The State party does not therefore intend to propose any further amendments.

Transmittal to the author: 3 June 2014

Committee's assessment:

- (a) Remedy: C1
- (b) Publication of the Views: C2⁴

Committee's decision: Follow-up dialogue ongoing.

³ Article 626-1, *Proposition de Loi No. 1700 relative à la réforme des procédures de révision et de réexamen d'une condamnation pénale définitive* (14 January 2014).

⁴ A/69/40 (France had submitted that "dissemination and publicity of the Committee's decisions are already guaranteed by the Committee, which publishes its Views on its own website".)

State party	France
Case	<i>Cochet, 1760/2008</i>
Views adopted on	21 October 2011
Violation	Article 15.
Remedy: Effective remedy, including appropriate compensation.	
Previous follow-up information: A/69/40	
<i>Submission from:</i> State party	
<i>Date of submission:</i> 17 December 2013	
Appeals proceedings initiated by the author are under way and will be decided independently. The State party will keep the Committee informed.	
Committee's assessment:	
(a)	Remedy: C1
(b)	Publication of the Views: C2
<i>Transmittal to author:</i> 13 January 2014	
Committee's decision: Follow-up dialogue ongoing.	

State party	France
Case	<i>Mann Singh, 1928/2010</i>
Views adopted on	19 July 2013
Violation	Article 18 (1).
Remedy: Effective remedy, including a reconsideration of the author's application for renewal of his passport and the revision of the relevant rules and their application in practice, in the light of the State party's obligations under the Covenant.	
No previous follow-up information	
<i>Submission from:</i> State party	
<i>Date of submission:</i> 3 March 2014	
The domestic administrative regime complies with international and European rules, which leave States a margin to define their own norms with respect to official identity photographs. France took note of the Views, but neither the Conseil d'Etat nor the European Court of Human Rights considered the relevant regulations contrary to the freedom of religion, or to the principle of non-discrimination. In view of the pressing needs of security and the fight against fraud, no amendments will be made to the provisions of the Decree of 30 December 2005 and the other relevant rules with the same requirement. The dialogue with representatives of the Sikh community is ongoing.	
<i>Transmittal to the author:</i> 7 March 2014	
Committee's assessment:	
(a)	Remedy: C1
(b)	Publication of the Views: C2
(c)	Non-repetition: C2

Submission from: Counsel

Date of submission: 7 April 2014

The author's counsel rejected the State party's justifications for the non-implementation of the Views. The State party's "dialogue" with representatives of the Sikh community and other religions led to no meaningful accommodation for Sikhs under French law, and has included no representatives of the Sikh community since January 2012.

Committee's decision: Follow-up dialogue ongoing.

State party	Greece
Case	<i>Kalamiotis, 1486/2006</i>
Views adopted on	24 July 2008
Violation	Article 2 (3), read together with article 7 ICCPR.

Remedy: Effective remedy and appropriate reparation.

Previous follow-up information: A/65/40

Submission from: Counsel

Date of submission: 22 August 2013

The police action which led to the violations found by the Committee occurred more than five years before the publication of the Views; thus the relevant misdemeanours became time-barred, and the perpetrators are immune from prosecution. The only remaining remedy offered to the author is compensation and prosecution of the law enforcement officials involved. However the State party has failed to offer any compensation.

Submission from: State party

Date of submission: 22 October 2013

The State party's obligation under the Covenant to provide an effective remedy to victims does not guarantee a favourable outcome for the author. Any other interpretation would result in a substitution of the domestic judge, and run counter to the principle of the subsidiarity of the Views.

The author could file an application for compensation with the relevant administrative tribunal, under article 105 of the Introductory Law of the Civil Code.

Committee's assessment:

- (a) Remedy: C1
- (b) Publication of the Views: No information

Submission from: Counsel

Date of submission: 6 January 2014

Counsel notes with satisfaction that there is a pending criminal investigation by the Supreme Court Prosecutor for offences of abuse of authority and breach of duty.

The action for damages before administrative courts suggested by the State is not adequate. It is only necessary when the State liability has yet to be established, which is not the case. It is an excessively lengthy procedure, with final judgments not expected before the 2020's for lawsuits filed actions brought in the early 2010's.

A compensation agreement should be reached with the authors in the three cases for which provision of compensation is still pending, without asking requiring them to file civil suits actions before domestic courts.

Transmittal to the State party: 13 January 2014

Committee's decision: Follow-up dialogue ongoing.

State party	Greece
Case	<i>Georgopoulos et al.</i>, 1799/2008
Views adopted on	29 July 2010
Violation	Articles 17; 23; and 27, read alone and with article 2 (3).

Remedy: Effective remedy and compensation.

Previous follow-up information: A/68/40

Submission from: State party

Date of submission: 22 March 2013

The case was concluded with an acquittal judgment issued on 11 December 2012 by the Court of Patras. The situation has been adequately remedied with the ending of the criminal investigation.

Judgments of the European Court of Human Rights award just satisfaction (compensation) directly against the State, but no such process is provided for under the Covenant. Article 2 (3) requires an effective remedy, but does not determine liabilities under domestic law. The means and processes of reparation must be determined under domestic law. In the present case, the Legal Council of the State determined that it lacked jurisdiction to award compensation for the actions of the Municipality of Patras.

Even if the Mayor or other civil servants of the Municipality were found guilty and convicted by the Misdemeanour Court of Patras, they would not be found liable to pay compensation to the authors as the liability rests with the Municipality. The authors could still sue the Municipality in a civil action. Domestic courts are competent to decide the amount of compensation, taking the Views into account. It is misleading to conclude that the State party is unwilling to offer compensation to the authors.

Submission from: Counsel

Date of submission: 23 April 2013

The authors sought to have the case reopened, which resulted in the acquittal of the defendant Mayor and deputy mayors of Patras.

The Legal Council of the State reiterated that the central government had no obligation to pay compensation, which is the obligation of the Patras Municipality.

Submission from: State party

Date: 12 June 2013

Regarding the acquittal of the Mayor and Deputy Mayors of Patras by the Misdemeanours Court of Patras, the Views of the Committee could not determine the outcome of a penal case pending before domestic courts. The penal responsibility of an individual should be considered separately from the State's international obligations.

The authors were provided with an effective remedy, through the conduct of an independent criminal investigation of their allegations of forced eviction and destruction of their home.

Submission from: Counsel

Date: 22 August 2013

Even though the Court of Cassation ruled that the findings of the European Court of Human Rights and, by analogy, the Views, constitute *res judicata*, domestic courts determined that the demolition of the authors' home was lawful. Concerning the compensation, the Legal Council of the State determined that any actionable claim based on the Views should be addressed to the Municipality of Patras, as the perpetrator of the violation. The State party should not transfer responsibility to the Municipality.

Submission from: State party

Date: 22 October 2013

The prosecution of judicial officials for offences of abuse of authority and breach of duty is pending.

The State party reiterates that it had only an obligation of means and not of result, and that , by bringing the alleged perpetrators to justice, it had therefore fulfilled its obligation to offer an effective remedy to the author.

Submission from: Counsel

Date: 6 January 2014

The authors refute the State party's argument that it has only an obligation of means. In November 2013, they were informed that the Prosecutor of the Supreme Court had decided to close their complaint against the judicial officials who had failed to refer to trial the municipal officials responsible for their evictions. They were unable to obtain a copy of the decision.

Submission from: State party

Date: 12 February 2014

It is probable that the Prosecutor of the Supreme Court decided to close the complaint filed by the authors because, in the decision of the first instance Court of Patras , the defendants were acquitted. The Prosecutor does not have to explain a decision to close a complaint. Counsel was refused a copy of the decision because he was not the victim or the authorized representative.

The penal responsibility of municipality officials should be considered separately from the State party's international responsibility vis-à-vis the Committee. The State's obligation to provide an effective remedy does not necessarily require the punishment of judicial officials for the non-prosecution of perpetrators.

Through the first instance of Patras Court decision, the authors were provided with an effective remedy (investigation on the eviction and demolition of their sheds). However, the penal responsibility of the suspects was not established.

Adequate measures were taken in the case, and the authors were provided with an effective remedy.

Committee's assessment:

- (a) Remedy: C1
- (b) Publication of the Views: A⁵
- (c) Non-repetition: C1

Transmittal to the State party: 24 February 2014

⁵ A/68/40.

Committee's decision: Suspend the follow-up dialogue on the case, with a finding of unsatisfactory implementation of the Committee's recommendation.

State party	Greece
Case	<i>Katsaris, 1558/2007</i>
Views adopted on	29 July 2010
Violation	Articles 2 (1), (3); 7; 26.

Remedy: Effective remedy, including adequate compensation.

Previous follow-up information: A/68/40

Submission from: State party

Date of submission: 2 April 2013

A prosecutor is allowed to reopen a case when a third person is involved, on the condition that the offence under examination is not time barred and that there is no *res judicata*.

The crime of abuse of authority requires a specific intent in failing to press charges against an offender, not merely involvement in a preliminary investigation found to have shortcomings. The suggestion that charges be pressed under article 239 of the Penal Code against the prosecutors or members of the judiciary who handled the investigation is thus not appropriate.

A decision on adequate compensation can only be taken by a domestic tribunal, as established in previous decisions of administrative courts pursuant to the jurisprudence of the European Court of Human Rights .

Submission from: Counsel

Date: 22 August 2013

The relevant misdemeanours were time-barred, and the perpetrators are immune from prosecution. The only remaining remedy available is compensation, and prosecution of the law enforcement officials involved.

Submission from: State party

Date: 22 October 2013

The obligation to provide an effective remedy to victims does not guarantee a favourable outcome for the author.

The prosecution of law enforcement officials, leading to a criminal investigation by the Prosecutor of the Supreme Court for offences of abuse of authority and breach of duty is pending. By bringing the alleged perpetrators to justice, the State party's obligation to offer an effective remedy to the author has been fulfilled.

Submission from: Counsel

Date: 6 January 2014

The State party should offer adequate compensation without requesting the author to take legal action, and sanction the prosecutors involved in the case.

Submission from: State party

Date: 12 February 2014

An action for damages before the administrative courts, based on the Committee's findings, would be the most appropriate remedy for the author in the circumstances. The Committee has not requested the punishment of the law enforcement officials involved.

Committee's assessment:

- (a) Remedy: C1
- (b) Publication of the Views: A⁶
- (c) Non-repetition: C1

Transmittal to the author: 24 February 2014

Committee's decision: Follow-up dialogue ongoing.

State party	Kyrgyzstan
Case	<i>Moidunov and Zhumabaeva, 1756/2008</i>
Views adopted on	23 March 2011
Violation	Violations of the author's son's rights under articles 6 (1) and 7; and of the author's rights under article 2 (3), read with articles 6 (1) and 7 .

Remedy: Effective remedy, which should include an impartial, effective and thorough prosecution of those responsible, and full reparation, including appropriate compensation.

Previous follow-up information: A/69/40

Submission from: State party

Date of submission: 28 January 2014

All appropriate measures have been taken to conduct a thorough and fully independent and impartial investigation into the circumstances of Mr. Moidunov's death. Criminal proceedings against the defendant were terminated further to the agreement reached between the defendant and the family of the victim. The author received compensation of 30,000 som (approximately US\$860) from the defendant, and the case was settled pursuant to article 66 of the Criminal Code.

In April 2013 a member of the victim's family filed a civil action for moral damages for 6,030.930 som (approximately US\$116), without proof of her victim status. The action was dismissed on 1 July 2013 and not appealed.

In 2012, the definition of torture in national law was modified to bring it into line with the Convention against Torture, and sanctions for the practice of torture were considerably toughened. The Code of Criminal Procedure was amended to prohibit the closure of criminal proceedings concerning acts of torture. In 2012, the State contributed to the creation of the National Centre for the Prevention of Torture and the Coordination Council for Human Rights. Pretrial facilities and places of detention are visited without prior notification.

Official representatives of the Ministry of Internal Affairs accused of torture are immediately discharged of their functions. Mandatory human rights law training and considerable educational training for civil servants is carried out. There is systematic control and monitoring of all places of detention. Prison conditions have improved, and mandatory medical examination of victims of physical violence is in place. Access to a lawyer is guaranteed, and all pretrial facilities are equipped with video surveillance.

⁶ A/68/40.

Committee's assessment:

- (a) Remedy: C1
- (b) Publication of the Views: No information
- (c) Non-repetition: B1

Submission from: Counsel

Date of submission: 7 April 2014

The reforms listed by the State party are to be welcomed, but must be implemented.

The State party refuses to conduct an independent and effective investigation into Mr. Moidunov's death, or to provide compensation to his family.

The mandate of the State's Human Rights Coordination Council requires clarification. It should include directing payment of compensation, and ensuring that compensation is paid, where required in the Views. The Government should create a budget line for that purpose.

Transmittal to the State party: 24 April 2014

Committee's decision: While taking note with satisfaction of positive general measures aimed at preventing future violations, suspend the follow-up dialogue, with a finding of unsatisfactory implementation of the Committee's recommendation.

State party	Libya
Case	<i>El Ghar, 1107/2002</i>
Views adopted on	29 March 2004
Violation	Article 12 (2).
Remedy: Effective remedy, including compensation; the State party should issue the author with a passport without further delay.	
Previous follow-up information: A/68/40	
<i>Submission from:</i> Author	
<i>Date of submission:</i> 21 May 2013, 28 June 2013 and 31 January 2014	
The author submits that she was unable to obtain a birth certificate from the Libyan Consulate in Morocco, required for the renewal of her residence permit.	
<i>Submission from:</i> State party	
<i>Date of submission:</i> 13 August 2013	
The author was a recognized Libyan citizen and a passport bearing her name was duly issued on 3 July 2005, as requested by the Committee.	
Committee's assessment:	
<ul style="list-style-type: none"> (a) Remedy: B1 (b) Publication of the Views: No information 	
<i>Transmittal to the Author:</i> 26 September 2013	
Committee's decision: Close the follow-up dialogue on the case, noting partially satisfactory implementation of the Committee's recommendation.	

- (a) Remedy: B1
- (b) Publication of the Views: No information

Transmittal to the Author: 26 September 2013

Committee's decision: Close the follow-up dialogue on the case, noting partially satisfactory implementation of the Committee's recommendation.

State party	Mauritius
Case	<i>Narrain et al.</i> , 1744/2007
Views adopted on	27 July 2012
Violation	Article 25 (b).

Remedy: Effective remedy, including compensation in the form of reimbursement of any legal expenses incurred in the litigation of the case; to update the 1972 census with regard to community affiliation; and to reconsider whether the community-based electoral system is still necessary.

Previous follow-up information: A/69/40

Submission from: State party

Date of submission: 15 April 2014

A consultation paper entitled “Renewing democracy: electoral reform – modernising the electoral system” was published, setting out the Government’s proposals for the reform of the electoral system in Mauritius, including the “best loser system”. It was posted on the website of the Prime Minister’s Office,⁷ inviting public views on the reforms proposed.

The agenda for electoral reform is aimed at ensuring that whatever system is ultimately agreed upon will reflect the aspirations of the people, unify the Mauritian nation, and provide for stable, responsible, responsive and fairly representative governments. The Government will proceed with the introduction of legislation to reform the electoral system on the basis of the outcome of the nationwide consultation.

Committee’s assessment:

- (a) Remedy: B2
- (b) Publication of the Views: No information
- (c) Non-repetition: B2

Submission from: Counsel

Date of submission: 27 April 2014

At a press conference held on 25 April 2014, the Prime Minister said that there would be no electoral reform before the next general election.

The implementation of the consultation paper remains hypothetical, and cannot be considered as a measure providing the authors with an effective remedy.

Transmittal to the State party: 29 April 2014

Committee’s decision: Follow-up dialogue ongoing.

State party	Nepal
Case	<i>Maharjan</i> , 1863/2009

⁷ <http://pmo.govmu.org/English/Documents/Consultation%20Paper%20on%20Electoral%20Reform.pdf>.

Views adopted on 19 July 2012

Violation Articles 7; 9 and 10 (1), read alone and with article 2 (3), as regards the author. Article 7, read with article 2 (3), with regard to the author's wife and his parents.

Remedy: Effective remedy: (a) ensuring a thorough and diligent investigation; (b) prosecution and punishment of those responsible; (c) adequate compensation; (d) amendment of its legislation to bring it into line with the Covenant. Ensuring protection from acts of reprisal or intimidation.

Previous follow-up information: A/69/40

Submission from: State party

Date of submission: 11 April 2014

On 3 April 2014, the following decisions were made: (1) immediate interim relief of 150,000 rupees (approximately 1,160 euros) to be provided to the author and his family by the Ministry of Peace and Reconstruction; (2) the protection of the author and his family from acts of reprisals or intimidation, and appropriate arrangements for the development of a mechanism to prevent such incidents in the future to be made by the Ministry of Home Affairs and the Ministry of Defence; (3) action to be taken against the perpetrators, and appropriate reparation and compensation to be provided to the victim on the basis of recommendations made by the Truth and Reconciliation Commission to be constituted pursuant to the Interim Constitution of Nepal (2007), following its investigation; (4) a process to make torture fully criminalized to be initiated by the Ministry of Home Affairs (amendment of the Compensation relating to Torture Act (1996) in accordance with the provisions of article 26 of the Interim Constitution and the Convention against Torture); and (5) publication in the Nepali language of the Views by the Ministry of Law, Justice Constituent Assembly and Parliamentary Affairs.

Committee's assessment:

- (a) Thorough and diligent investigation: B2
- (b) Prosecution and punishment of those responsible: B2
- (c) Adequate compensation: B2
- (d) Publication of the Views: B2
- (e) Amending legislation: B2
- (f) Protection from acts of reprisal or intimidation: B2
- (g) Non-repetition: B2

Transmittal to the author: 25 April 2014

Committee's decision: Follow-up dialogue ongoing.

State party Nepal

Case *Sedhai, 1865/2009*

Views adopted on 19 July 2012

Violation Articles 6 (1); 7; 9; 10 (1); and 2 (3), read with articles 6(1); 7; 9; 10 (1) with regard to Mr. Sedhai, and article 7, read alone and with article 2 (3) with respect to the author and their two children.

Remedy: Effective remedy, by (a) thorough and diligent investigation; (b) prosecution and punishment of those responsible; (c) adequate compensation; (d) amendment of its

legislation to bring it into line with the Covenant; and (e) protection from acts of reprisal or intimidation.

No previous follow-up information

Submission from: State party

Date of submission: 23 April 2014

On 3 April 2014, the following decisions were made: (1) the alleged perpetrator(s) of the acts are to be brought to justice; the family members, including the children, are to be protected from reprisals or intimidation; the Ministry of Defence and the Ministry of Home Affairs must develop strong measures to prevent the recurrence of such incidents; (2) the commission on enforced disappearance (to be instituted under the interim constitution) will conduct a thorough investigation into the alleged enforced disappearance of Mr. Sedhai; (3) the Views will be translated, published and disseminated in Nepali by the Ministry of Law, Justice Constituent Assembly and Parliamentary Affairs; (4) the Ministry of Defence and the Ministry of Home Affairs will develop appropriate mechanisms and follow best practices to prevent similar incidents of enforced disappearance; (5) the Ministry of Peace and Reconstruction has already provided the sum of 325,000 rupees (approximately 2,515 euros) to Mr. Sedhai's wife as interim relief. The Government has tabled a bill to Parliament to establish a commission on truth and reconciliation, and a commission on enforced disappearances to provide justice to victims and create an environment of reconciliation in the country.

Committee's assessment:

- (a) Thorough investigation: B2
- (b) Prosecution and punishment of those responsible: B2
- (c) Adequate compensation: B2
- (d) Publication of the Views: B2
- (e) Amending legislation: B2
- (f) Protection from acts of reprisals or intimidation: B2
- (g) Non-repetition: B2

Submission from: Author

Date of submission: 26 May 2014

The transitional justice mechanisms referred to by the State party are flawed, and contribute to ongoing impunity for gross violations of the Covenant.

An act to establish an enforced disappearances commission and truth and reconciliation commission was passed by Parliament in April 2014. Among other flaws are the power of the Commission to grant amnesties for gross violations of human rights and serious violations of international humanitarian law, and the power to undertake "mediation" between victims and perpetrators without the victim's consent, foreclosing any subsequent prosecution, in direct contradiction of the Committee's recommendation.

Transmittal to the author: 27 May 2014

Committee's decision: Follow-up dialogue ongoing.

State party	Peru
Case	K.L., 1153/2003
Views adopted on	24 October 2005

Violation Articles 2; 7; 17; 24 .

Remedy: An effective remedy, including compensation.

Previous follow-up information: A/64/40

Submission from: Counsel

Date of submission: 30 May 2014

The State party has yet to approve national norms to regulate therapeutic abortion.

Only the National Maternal Perinatal Institute and 13 public hospitals out of 624 in Peru have a protocol for the performance of therapeutic abortions, leaving the majority of the population without adequate services.

In 2007, the author refused US\$10,000 compensation offered by the State party. The compensation should amount to US\$96,250 to cover material and moral damages.

The measures taken by the State party to publish the Committee's decision are not sufficient: it has published the decision only via the internet not in the official journal of Peru (*Diario Oficial El Peruano*) and has not made it a key component of public awareness campaigns by the Ministry of Health and Justice.

Transmittal to the State party: 3 June 2014

Committee's decision: Follow-up dialogue ongoing.

State party

Peru

Case

Poma Poma, 1457/2006

Views adopted on

27 March 2009

Violation

Articles 27 and 2 (3) (a), read with article 27.

Remedy: Effective remedy and reparation measures commensurate with the harm sustained.

Previous follow-up information: A/65/40⁸

Submission from: Author

Date of submission: 30 January 2014 and 20 March 2014

The State party has not complied with the recommendations of the Committee. The draft decree to implement law 29875 on prior consultation of indigenous peoples has several shortcomings. In particular, the decree and the law are silent on the need to obtain the consent of indigenous peoples before any decision is taken that may affect their land and resources, and about reparations for violations of the right to prior consultation.

Transmittal to the State party: 5 March 2014 and 23 April 2014 respectively

Committee's decision: Follow-up dialogue ongoing.

⁸ No follow-up response received from the State party.

State party	Russian Federation
Case	<i>Pavlyuchenkov, 1628/2007</i>
Views adopted on	20 July 2012
Violation	Article 10 (1).
Remedy: Effective remedy, including appropriate compensation to the author for the violations suffered. Appropriate and sufficient measures to prevent similar violations in the future by bringing its prison conditions into compliance with its obligations under the Covenant, taking into account the United Nations Standard Minimum Rules for the Treatment of Prisoners and other relevant international norms.	
Previous follow-up information: A/69/40	
<i>Submission from:</i> State party	
<i>Date of submission:</i> 5 December 2013	
The Supreme Court of the Russian Federation publishes all decisions adopted by the Committee in the journal <i>Russian Justice</i> , which is shared with the courts of all instances and other jurisdictions.	
Committee's assessment:	
(a)	Remedy: C2
(b)	Prevent similar violations: C2
(c)	Publication of the Views: B2
<i>Transmittal to the author:</i> 23 December 2013	
Committee's decision: Follow-up dialogue ongoing.	

State party	Russian Federation
Case	<i>Zhirnov, 1795/2008</i>
Views adopted on	28 October 2013
Violation	Article 14 (3) (b).
Remedy: Effective remedy, including adequate and appropriate compensation.	
No previous follow-up information	
<i>Submission from:</i> State party	
<i>Date of submission:</i> 5 December 2013	
Identical to 1628/2007 above	
Committee's assessment:	
(a)	Remedy: C2
(b)	Publication of the Views: B2
<i>Transmittal to the author:</i> 23 December 2013	
Committee's decision: Follow-up dialogue ongoing.	

State party	Russian Federation
Case	<i>Sevostyanov, 1856/2008</i>
Views adopted on	1 October 2013
Violation	Article 9 (1).
Remedy: Effective remedy, including adequate and appropriate compensation.	
No previous follow-up information	
<i>Submission from:</i> State party	
<i>Date of submission:</i> 5 December 2013	
Identical to 1628/2007 above	
Committee's assessment:	
(a)	Remedy: C2
(b)	Publication of the Views: B2
<i>Transmittal to the author:</i> 23 December 2013	
Committee's decision: Follow-up dialogue ongoing.	

State party	Russian Federation
Case	<i>Alekseev, 1873/2008</i>
Views adopted on	25 October 2013
Violation	Article 21.
Remedy: Effective remedy, including adequate compensation and reimbursement of any legal costs paid by Mr. Alekseev.	
No previous follow-up information	
<i>Submission from:</i> State party	
<i>Date of submission:</i> 5 December 2013	
Identical to 1628/2007 above	
Committee's assessment:	
(a)	Remedy: C2
(b)	Publication of the Views: B2
<i>Transmittal to the author:</i> 23 December 2013	
Committee's decision: Follow-up dialogue ongoing.	

State party	South Africa
Case	<i>McCallum, 1818/2010</i>
Views adopted on	25 October 2010
Violation	Article 7, read alone and with articles 2 (3) and 10 (1).

Remedy: Effective remedy, including a thorough and effective investigation, prosecution and full reparation, including adequate compensation. While the author is in prison, he should be treated with humanity and with respect for the inherent dignity of the human person and should enjoy appropriate health care.

No previous follow-up information

Submission from: Counsel

Date of submission: 27 May 2014

In a letter to the Minister of Justice and other officials of the Correctional Services, counsel expressed dismay at the decision of the Department of Correctional Services to unilaterally withdraw disciplinary proceedings against warders involved in acts of torture against the author and others. The withdrawal of disciplinary proceedings was communicated to the relevant warders in September 2013, two months before the claim for civil damages was to be heard before the High Court. The Port Elizabeth High Court is currently hearing the civil damages claims of Mr. McCallum and some of the other 230 victims.

Transmittal to the State party: 3 June 2014

Committee's decision: Follow-up dialogue ongoing.

State party	Sweden
Case	<i>M.I., 2149/2012</i>
Views adopted on	25 July 2013
Violation	Article 7.

Remedy: Effective remedy, including full reconsideration of the author's claim regarding the risk of treatment contrary to article 7 if she is returned to Bangladesh.

No previous follow-up information

Submission from: State party

Date of submission: 3 February 2014

On 1 November 2013, the Swedish Migration Board decided to grant the author permanent residence in Sweden.

Several projects and activities of the Migration Board are set to enhance the Board's competence in lesbian, gay, bisexual and transgender (LGBT) issues. The Government has instructed the Board to give special attention to such considerations. The Board has reported on the way it maintains and develops its competence in that area. In its 2014 directions, the Board was asked to report on progress related to legal quality and to consistency in asylum decisions in which sexual orientation and gender are involved.

The Views were published in September 2013 on the Lifos database, which lists legal and country of origin information, and is easily accessible to all. The Views come with a summary in Swedish and will be published on the Government's human rights website.

Committee's assessment:

- (a) Remedy: A
- (b) Publication of the Views: A
- (c) Non-repetition: A

Transmittal to the counsel: 7 March 2014

A reminder was sent on 14 October 2014

Committee's decision: Follow-up dialogue ongoing, pending receipt of the author's comments.

State party	Ukraine
Case	<i>Bulgakov, 1803/2008</i>
Views adopted on	29 October 2012
Violation	Article 17.

Remedy: Effective remedy, including restoration of the original phonetic form of his name in his identity documents.

Previous follow-up information: A/69/40

Submission from: State party

Date of submission: 5 September 2013

The author's right to the integrity of his name is guaranteed under recent amendments to relevant domestic legal provisions. Under paragraph 1.4 of the 2012 Rules of Typography and Issuance of Passports to Ukrainian Citizens, all citizens have the right to renew their names in accordance with their national background and tradition. Everyone can submit such a request to the Civil Registry Office.

There is no possibility of changing the author's name on his passport unless he makes a formal request.

Committee's assessment:

- (a) Remedy: B1
- (b) Publication of the Views: No information
- (c) Non-repetition: A

Transmittal to the author: 10 October 2013

Committee's decision: Follow-up dialogue ongoing.

State party	Ukraine
Case	<i>Shchetka, 1535/2006</i>
Views adopted on	19 July 2011
Violation	Articles 7; 14 (3) (g); 14 (1), (3) (e).

Remedy: Effective remedy, including impartial, effective and thorough investigation; initiating criminal proceedings against those responsible; considering the author's retrial in accordance with all guarantees enshrined in the Covenant, or his release; and providing the victim with full reparation, including appropriate compensation.

Previous follow-up information: A/69/40

Submission from: Author

Date of submission: 7 April 2014

No measures have been taken by the State party to implement or to publish the Views on

her son's case, despite her requests.

Transmittal to the State party: 25 April 2014

Committee's decision: Follow-up dialogue ongoing.

State party **Uruguay**

Case ***Peirano Basso, 1887/2009***

Views adopted on 19 October 2010

Violation Article 14(3) (c).

Remedy: Effective remedy; the State party should also take steps to speed up the author's trial.

Previous follow-up information: A/69/40

Submission from: Counsel

Date of submission: 25 November 2013 and 23 May 2014

The State party has yet to comply with the recommendation to speed up the author's trial.

Submission from: State party

Date: 4 April 2014

The delays in the proceedings are due to the complexity of the case, the necessary collection of evidence from economic, financial and banking documents from various countries, and the testimonies requested by the defence. The author's requests for release and pardon have also delayed proceedings.

Transmittal to Author: 23 April 2014

Committee's assessment:

- (a) Remedy: C1
- (b) Publication of the Views: No information

Committee's decision: Follow-up dialogue ongoing.

State party **Uzbekistan**

Case ***Ismailov, 1769/2008***

Views adopted on 25 March 2011

Violation Articles 9 (2) (3); 14 (3) (b), (d), (e), (g).

Remedy: Effective remedy. Consider a retrial in compliance with all guarantees enshrined in the Covenant, or release, and appropriate reparation, including compensation.

Previous follow-up information: A/69/40

Submission from: Author

Date of submission: 2 October 2013, 22 November 2013, 3 February 2014 and 23 April 2014

No measures have been undertaken to offer the victim an effective remedy. The State party is preventing her husband from exercising his right to seek pardon.

There is no further need to comment on the State party's observations, which contradict most of her substantiated arguments. Her comments may have negative consequences for her husband.

Regarding the State party's argument about the absence of a supervisory complaint to the Supreme Court of Uzbekistan, a new supervisory complaint about the negative decisions of the Court will be submitted. On 15 April 2014, the Supreme Court again dismissed her complaint.

Submission from: State party

Date: 30 December 2013 and 2 April 2014

The author's husband was found guilty of several crimes by the Military Court. The Supreme Court did not find any grounds to review the case.

Transmittal to the author: 15 May 2014

Committee's assessment:

- (a) Retrial or release: C1
- (b) Appropriate reparation: C1
- (c) Publication of the Views: No information

Committee's decision: Follow-up dialogue ongoing.

State party	Uzbekistan
Case	<i>Musaev, 1914-1915-1916/2009</i>
Views adopted on	21 March 2012
Violation	Articles 7; 9; 14 (3) (b), (g); and 5 .

Remedy: Effective remedy, including impartial, effective and thorough investigation and the institution of criminal proceedings against those responsible; his retrial in conformity with all guarantees enshrined in the Covenant or his release; full reparation, including appropriate compensation.

Previous follow-up information: A/69/40

Submission from: Author

Date of submission: 4 November 2013, 2 March 2014 and 23 May 2014

The State party has not implemented the Views. Her son continues to be subjected to disciplinary punishments, preventing him from being granted pardon.

Submission from: State party

Date of submission: 19 August 2013, 16 December 2013 and 16 April 2014

The author's son has always been provided with adequate medical assistance during detention. His health condition is currently satisfactory, and he has never been subjected to any ill-treatment while detained.

Transmittal to the author: 3 October 2013, 31 January 2014 and 25 April 2014 respectively

Committee's assessment:

- (a) Investigation: C1
- (b) Retrial or release; and full reparation: C2

(c) Publication of the Views: No information

Committee's decision: Follow-up dialogue ongoing.

State party	Zambia
Case	Chongwe, 821/1998
Views adopted on	25 October 2000
Violation	Articles 6 (1); 9 (1).

Remedy: Adequate measures to protect the author's personal security and life from threats. Carry out independent investigations, and expedite criminal proceedings. Damages (depending on the outcome of the criminal proceedings)

Previous follow-up information: A/69/40

Submission from: Author

Date of submission: 24 July 2013 and 28 January 2014

The agreement reached between the author and the State party in October 2009 has yet to be implemented. A letter from the Government informed the author that he must "exhaust domestic legal processes". The State party thereby suggests that the author should initiate legal proceedings de novo and refuses to comply with the Views.

Transmittal to State party: 10 October 2013 and 19 February 2014 respectively.

Committee's decision: Follow-up dialogue ongoing.

Meetings on follow-up on Views with States parties' representatives

During the 112th session, the Special Rapporteur for follow-up to Views met with representatives of the Democratic Republic of Congo and Greece. The Rapporteur has also been seeking to rearrange a meeting with a representative of Bosnia and Herzegovina, which had been postponed.

Annex

Follow-up criteria of the Human Rights Committee

Assessment criteria

Reply/action satisfactory

A Reply largely satisfactory

Reply/action partially satisfactory

B1 Substantive action taken, but additional information required

B2 Initial action taken, but additional information required

Reply/action not satisfactory

C1 Reply received but action taken does not implement the recommendation

C2 Reply received but not relevant to the recommendation

No cooperation with the Committee

D1 No reply received within the deadline, or no reply to any specific question in the report

D2 No reply received after reminder(s)

The measures taken are contrary to the recommendations of the Committee

E The reply indicates that the measures taken go against the recommendations of the Committee
