



United Nations

Report of the Committee against Torture

**Seventy-seventh session
(10–28 July 2023)**

**Seventy-eighth session
(30 October–24 November 2023)**

**Seventy-ninth session
(15 April–10 May 2024)**

General Assembly

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Note

Symbol of United Nations documents are composed of letters combined with figures.
Mention of such a symbol indicates a reference to a United Nations document.

Summary

The present annual report covers the period from 13 May 2023 to 10 May 2024, during which the Committee held its seventy-seventh, seventy-eighth and seventy-ninth sessions.

As at 10 May 2024, there were 174 States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

During the period under review, the Committee considered, and adopted concluding observations on, 16 reports submitted under article 19 of the Convention (see chap. III). At its seventy-seventh session, it considered the reports of New Zealand, Romania, Spain and Switzerland. At its seventy-eighth session, it considered the reports of Burundi, Costa Rica, Denmark, Egypt, Kiribati and Slovenia. At its seventy-ninth session, it considered the reports of Austria, Azerbaijan, Finland, Honduras, Liechtenstein and North Macedonia.

The Committee deeply regrets the fact that some States parties do not comply with their reporting obligations under article 19 of the Convention. At the time of reporting, there were 28 States parties with overdue initial reports and 49 States parties with overdue periodic reports (see chap. II). The Committee's backlog in the consideration of States parties' initial and periodic reports has been further exacerbated by the coronavirus disease (COVID-19) pandemic and its consequences for the work of the Committee.

The Committee's procedure for following up on concluding observations continued to develop during the reporting period (see chap. IV). The Committee expresses its appreciation to those States parties that have provided timely and thorough information to the Rapporteur for follow-up to concluding observations.

The Committee's procedure under article 20 continued during the reporting period. The present report contains a summary account of the results of the proceedings of the inquiry on Belarus (see chap. V).

Under article 22 of the Convention, the Committee adopted 19 decisions on the merits, declared 8 communications inadmissible and discontinued the consideration of 37 communications (see chap. VI). A total of 1,211 complaints concerning 45 States parties have been registered since the entry into force of the Convention, including 34 since the writing of the previous report.

The Committee's workload under article 22 remains significant, with some cases remaining in the backlog of the Committee. As at 10 May 2024, 164 complaints were pending consideration (see chap. VI).

The Committee again notes that some States parties have failed to implement the decisions adopted on complaints. The Committee has continued to seek to ensure implementation of its decisions through its Rapporteur for follow-up on decisions adopted under article 22 (see chap. VI).

The Committee continued to pay particular attention to reprisals (see chap. I).

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I. Organizational and other matters

A. States parties to the Convention

1. As at 10 May 2024, the closing date of the seventy-ninth session of the Committee against Torture, there were 174 States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
2. Since the adoption of the Committee's previous annual report (A/78/44), Tuvalu acceded to the Convention, on 25 March 2024. The Committee calls upon all States that have not ratified the Convention to do so and calls upon those that are already parties to accept all the procedures of the Convention in order to enable the Committee to fulfil all aspects of its mandate.
3. All information on the status of the Convention, including declarations under articles 20, 21 and 22 and reservations and objections made by States parties with respect to the Convention, can be found at <http://treaties.un.org>.

B. Sessions and agendas of the Committee

4. The Committee has held three sessions since the adoption of its previous annual report. The seventy-seventh session (2011th to 2036th meetings) was held from 10 to 28 July 2023, the seventy-eighth session (2037th to 2071st meetings) from 30 October to 24 November 2023 and the seventy-ninth session (2072nd to 2108th meetings) from 15 April to 10 May 2024. Sessions were held at the United Nations Office at Geneva.
5. At its 2011th meeting, held on 10 July 2023, the Committee adopted the items listed in the provisional agenda submitted by the Secretary-General (CAT/C/77/1) as the agenda of its seventy-seventh session.
6. At its 2037th meeting, held on 30 October 2023, the Committee adopted the items listed in the provisional agenda submitted by the Secretary-General (CAT/C/78/1) as the agenda of its seventy-eighth session.
7. At its 2072nd meeting, held on 15 April 2024, the Committee adopted the items listed in the provisional agenda submitted by the Secretary-General (CAT/C/79/1) as the agenda of its seventy-ninth session.
8. An account of the deliberations and decisions of the Committee at those three sessions is contained in the relevant summary records (CAT/C/SR.2011–CAT/C/SR.2108).

C. Membership, officers and mandates

9. Following the nineteenth meeting of States parties to the Convention against Torture, held on 19 October 2023, the membership of the Committee changed, as of 1 January 2024. On 15 April 2024, the Committee re-elected Claude Heller as Chair of the Committee for a period of two years. Erdogan Iscan, Maeda Naoko and Abderrazak Rouwane were elected as Vice-Chairs and Peter Vedel Kessing as Rapporteur, for a period of two years. On 16 April 2024, Todd Buchwald was appointed Rapporteur on new complaints and interim measures under article 22 of the Convention, and Mr. Rouwane was designated as the Committee's focal point for cooperation with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Since that date, the Working Group on communications has comprised the following Committee members: Mr. Buchwald, Jorge Contesse, Mr. Kessing, Liu Huawen and Bakhtiyar Tuzmukhamedov. The list of members, officers and mandates from 13 May 2023 to 10 May 2024 and the list of members from 1 January 2024 and officers and mandates from 15 April 2024 are contained in the annexes to the present document.

D. Oral report of the Chair to the General Assembly

10. In accordance with General Assembly resolution 77/209 of 15 December 2022, the Chair of the Committee presented the Committee's report (A/78/44) to the Assembly at its seventy-eighth session and engaged in an interactive dialogue with the Assembly.¹

E. Activities of the Committee in connection with the Optional Protocol to the Convention

11. As at 10 May 2024, there were 94 States parties to the Optional Protocol to the Convention.² As required by the Optional Protocol, on 9 November 2023, a joint meeting was held between the members of the Committee and the members of the Subcommittee on Prevention of Torture. That closed meeting on coordination and cooperation issues included a presentation by representatives of the newly established United Against Torture Consortium.

F. Joint statement on the occasion of the United Nations International Day in Support of Victims of Torture

12. The Committee adopted a joint statement with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Subcommittee on Prevention of Torture and the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture to mark the United Nations International Day in Support of Victims of Torture, which is commemorated on 26 June. In the joint statement, human rights experts from the four United Nations anti-torture mechanisms called upon States to uphold the absolute prohibition of torture in armed conflict and victims' right to redress and reminded all participants in conflict that the protections of international law did not cease to be applicable in situations of conflict.³

G. Participation of non-governmental organizations, national human rights institutions and national preventive mechanisms

13. The Committee has long recognized the work of non-governmental organizations (NGOs) and has an established practice consisting in meeting with them in private before the consideration of each State party report submitted under article 19 of the Convention. The Committee expresses its appreciation to those organizations for their participation in the meetings and is particularly appreciative of the attendance of national NGOs, which provide immediate and direct information both orally and in writing. The Committee conveys special thanks to the World Organisation against Torture for its outstanding role in coordinating, since the Committee's fifty-second session, the input submitted by NGOs relating to the work of the Committee. During the period under review, the Committee benefited from thematic briefings arranged by organizations and institutions, such as a briefing on the recently launched *Legal Guidebook on State Obligations for Conflict-Related Sexual Violence*,⁴ delivered by a representative of the Dr. Denis Mukwege Foundation on 25 July 2023, and a briefing on the potential implications of current and emerging neurotechnologies for the implementation of the Convention against Torture, delivered by representatives of the Neurights Foundation on 17 November 2023.

¹ See <https://webtv.un.org/en/asset/k1c/k1cwjqdr0u>.

² See <http://treaties.un.org>.

³ Available at <https://www.ohchr.org/en/statements/2023/06/un-experts-call-states-uphold-absolute-prohibition-torture-armed-conflict>.

⁴ Available at <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2023/07/Special-Edition-Guidebook-on-State-Obligations-for-Conflict-Related-Sexual-Violence-version-endnotes-1.pdf>.

14. Similarly, the Committee expresses its appreciation for the work of national human rights institutions and national preventive mechanisms established by States parties as provided for under the Optional Protocol. Since the fifty-fifth session, those institutions and mechanisms have had the possibility of meeting in closed plenary with the Committee. The Committee expresses its appreciation for the oral and written information that it receives from those bodies and looks forward to continuing to benefit from that information, which has enhanced its understanding of the issues before it. Specifically, at the seventy-seventh session, the Committee met with the institutions and mechanisms of New Zealand, Romania, Spain and Switzerland; at the seventy-eighth session, it met with the institutions and mechanisms of Burundi, Costa Rica, Denmark, Egypt and Slovenia; and, at the seventy-ninth session, it met with the institutions and mechanisms of Austria, Azerbaijan, Finland and North Macedonia.

15. It has been a long-standing practice of the Committee to allow remote participation during closed meetings with civil society organizations, national human rights institutions, national preventive mechanisms and other stakeholders, including United Nations entities. The sudden cessation of hybrid meetings from January 2024 had a negative impact on the work of the Committee and the ability of civil society, national human rights institutions, national preventive mechanisms, United Nations entities and others to participate in the work of the Committee. The Committee requests the maintenance of all multilingual hybrid meetings as a feature of a properly resourced session and calls upon States parties to support that request.

H. Rapporteur on reprisals

16. During the period covered by the present report, Ana Racu continued to serve as the rapporteur on reprisals under articles 19, 20 and 22.⁵ Information on action taken by the rapporteur during the reporting period is available from a dedicated web page.⁶ During the reporting period, the Committee continued to adopt the precautionary measures necessary to protect anyone cooperating with it, especially in the context of State party reviews undertaken under article 19, from reprisals or any other acts of intimidation, in accordance with its usual practice. The response of the Committee to allegations of that kind was the result of a diligent assessment of and deliberations on the specific circumstances of each case, in line with its guidelines on the receipt and handling of allegations of reprisals.

I. Treaty body strengthening process

17. During the period under review, the Committee continued to contribute to the ongoing efforts to strengthen the treaty body system. In this regard, the Committee commends the comprehensive [working paper](#)⁷ prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) with options and guiding questions for the development of an implementation plan for the conclusions reached by the Chairs of the human rights treaty bodies at their thirty-fourth annual meeting, held from 30 May to 3 June 2022 (A/77/228, paras. 55 and 56). The document is intended to be a guide for the creation of an efficient, fit-for-purpose, cost-effective, coherent and sustainable treaty body system. The Committee considers that the conclusions adopted at the thirty-fifth annual meeting of the Chairs of the human rights treaty bodies, held from 19 May to 2 June 2023 (A/78/354, paras. 62–92), have the potential to significantly improve its work and that of the treaty body system as a whole. Consequently, the Committee appeals to all States to actively engage in the treaty body strengthening process and to support the inclusion of provision for the budget necessary for the proposed strengthening measures in the General Assembly resolution on the human rights treaty body system that is expected to be adopted in December 2024.

⁵ See CAT/C/55/2.

⁶ See <https://www.ohchr.org/EN/HRBodies/CAT/Pages/ReprisalLetters.aspx>.

⁷ Available at <https://www.ohchr.org/en/events/meetings/2023/35th-meeting-chairpersons-human-rights-treaty-bodies>.

J. Participation of Committee members in other meetings

18. During the period under consideration, Committee members participated in several events, as follows:

(a) Ms. Racu participated remotely in a workshop on the Convention organized by the National Commission on Violence against Women of Indonesia with a focus on gender-based torture, held from 5 to 7 June 2023. During the event, Ms. Racu gave a presentation on the Committee's jurisprudence on gender-based violence and answered participants' questions;

(b) Mr. Iscan gave a keynote speech on behalf of the Committee while participating remotely in a meeting organized by the Subcommittee on Prevention of Torture on the Subcommittee's draft general comment on article 4 of the Optional Protocol, held on 8 June 2023;

(c) Ms. Maeda participated remotely in a workshop organized by the six institutions comprising Cooperation for the Prevention of Torture, a civil society group in Indonesia, held on 8 and 9 June 2023. Ms. Maeda gave a presentation on the history and scope of the Convention and its substantive provisions in relation to detainees' rights. At the same event, Mr. Liu gave online presentations on ill-treatment in relation to children's rights and in relation to intersectoral issues;

(d) Mr. Heller participated remotely in a meeting held in Fiji to promote the ratification of the Convention among Pacific Island States, organized by the Convention against Torture Initiative, the OHCHR Regional Office for the Pacific and the Human Rights and Social Development Division of the Pacific Community, held from 12 to 14 June 2023;

(e) Mr. Liu spoke on the subject of combating torture at a conference in Beijing, organized by the Ministry of Foreign Affairs of China and held on 14 June 2023, to celebrate the thirtieth anniversary of the adoption of the Vienna Declaration and Programme of Action;

(f) Mr. Rouwane delivered a presentation about the Committee and the Convention at a one-day event organized by the Bahrain Human Rights Society, on 22 June 2023;

(g) Mr. Heller participated in a meeting of the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, held on 22 June 2023;

(h) Mr. Rouwane represented the Committee at a regional conference for national mechanisms for the prevention of torture in Africa, organized by the National Human Rights Council of Morocco and the Human Rights Commission of South Africa, held on 23 and 24 June 2023 in Marrakech, Morocco;

(i) Mr. Heller attended an event in El Salvador to commemorate the United Nations International Day in Support of Victims of Torture, organized by the Office of the United Nations Resident Coordinator and the World Organisation against Torture, held on 25 June 2023;

(j) Ms. Racu gave a presentation on the Committee's work at an event in the Republic of Moldova to mark the United Nations International Day in Support of Victims of Torture, held on 26 June 2023;

(k) Mr. Tuzmukhamedov delivered a lecture on the relationship between international humanitarian law and international human rights law as part of the twenty-third Summer Course on International Humanitarian Law at the International Institute of Humanitarian Law, held on 7 July 2023 in Sanremo, Italy;

(l) Mr. Buchwald and Ms. Racu gave keynote addresses at an online briefing on the benefits of ratifying the Convention for representatives of civil society, the media, academia and government agencies from Barbados and Haiti, organized by the Convention against Torture Initiative and held on 4 August 2023;

(m) Ms. Racu participated in several online sessions organized by a group of non-governmental organizations in Kazakhstan with a view to informing members of civil

society about the implementation of the Committee's concluding observations, in particular the follow-up procedure, held in August and September 2023;

(n) Mr. Liu gave a keynote speech at a plenary meeting of the Asian Society of International Law, on 7 August 2023;

(o) Mr. Tuzmukhamedov spoke at several events in Uzbekistan, including a conference on the human rights of young people organized by the National Centre for Human Rights;

(p) Messrs. Heller and Kessing participated in the fourteenth International Conference of National Human Rights Institutions, held from 6 to 8 November 2023 in Copenhagen;

(q) Mr. Heller participated remotely in a conference on the Convention organized by José Simeón Cañas Central American University, El Salvador, held on 26 November 2023;

(r) Mr. Buchwald participated in an event organized by the World Organisation against Torture on how to strengthen advocacy for anti-torture legislation, held on 30 November 2023;

(s) Mr. Iscan gave an interview on 5 December 2023 to a Danish media outlet regarding the Committee's views on the intention of Denmark to lease a prison facility in Kosovo;⁸

(t) Mr. Liu gave an interview to the OHCHR Media and Public Positioning Section on the need to promote the prohibition of torture, as part of the Human Rights 75 initiative;

(u) Mr. Liu gave a keynote speech on the Convention at an event commemorating the seventy-fifth anniversary of the adoption of the Universal Declaration of Human Rights, held on 10 December 2023 in Beijing;

(v) Mr. Rouwane was involved in the organization of a training programme on the provisions of the Convention, with a focus on the individual complaint procedure, delivered by the Public Prosecution Office and Interministerial Delegation for Human Rights of Morocco, with the support of OHCHR, for judges, prosecutors and law enforcement officers and held on 18 and 19 December 2023 in Rabat. Mr. Iscan participated in the programme as a keynote speaker and trainer. A similar activity organized by Mr. Rouwane was held on 12 and 13 February 2024 in Marrakesh. Mr. Tuzmukhamedov participated in the programme as a keynote speaker and trainer;

(w) Mr. Buchwald participated remotely in a meeting of the Decarceration Committee of the National Association of Criminal Defense Lawyers of the United States of America, held on 16 February 2024;

(x) Ms. Racu participated in a webinar organized by members of the SOS-Torture Network of the World Organisation against Torture on the protection of children from torture and ill-treatment, held on 21 February 2024;

(y) Ms. Racu gave a presentation on the Committee's complaint procedure at a training event organized by the World Organisation against Torture for Turkish NGO representatives and lawyers, held on 24 February 2024 in Istanbul;

(z) Mr. Heller participated in a webinar on cooperation between national human rights institutions and the United Nations human rights treaty bodies, organized by the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, held on 28 February 2024;

(aa) Ms. Racu participated, in her capacity as the Committee's rapporteur on reprisals, in the online induction course for new Committee members, organized by the Secretariat, held on 6 March 2024;

⁸ References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

(bb) Mr. Heller participated remotely, along with the Special Rapporteur on torture, the Chair of the Subcommittee on Prevention of Torture and the members of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, in the annual meeting of the United Nations anti-torture mechanisms, held on 21 March 2024;

(cc) Messrs. Buchwald and Contesse participated in a hybrid event with government officials of Suriname, organized by the Convention against Torture Initiative as part as its efforts to facilitate the submission of the State party's initial report to the Committee, held on 8 April 2024;

(dd) Mr. Heller participated in the first three meetings of the Platform of Independent Experts on Refugee Rights, held on 13 October 2023 and 1 February and 11 April 2024.⁹

II. Submission of reports by States parties under article 19 of the Convention

19. Between 13 May 2023 and 10 May 2024, 14 reports from States parties under article 19 of the Convention were submitted to the Secretary-General. Initial reports were submitted by Côte d'Ivoire and Kiribati. Second periodic reports were submitted by Gabon, Maldives and Viet Nam. A third periodic report was submitted by South Africa. A fourth periodic report was submitted by Benin. Sixth periodic reports were submitted by Cyprus and Uzbekistan. Seventh periodic reports were submitted by Czechia and the United Kingdom of Great Britain and Northern Ireland. Eighth periodic reports were submitted by Greece, Mexico and Poland.

20. As at 10 May 2024, the Committee had received a total of 525 reports and had issued 481 concluding observations; there were 28 States parties with overdue initial reports and 49 States parties with overdue periodic reports.

21. At its seventy-ninth session, the Committee adopted lists of issues in relation to the third periodic reports of Albania ([CAT/C/ALB/Q/3](#)), Namibia ([CAT/C/NAM/Q/3](#)) and Turkmenistan ([CAT/C/TKM/Q/3](#)).

22. At its seventy-ninth session, the Committee adopted a list of issues prior to reporting for the fifth periodic report of Belgium ([CAT/C/BEL/QPR/5](#)), which was subsequently transmitted to the State party.

23. Updated information relating to the simplified reporting procedure is available from a dedicated web page.¹⁰

III. Consideration of reports submitted by States parties under article 19 of the Convention

24. At its seventy-seventh, seventy-eighth and seventy-ninth sessions, the Committee considered reports submitted by 16 States parties under article 19 of the Convention.

25. The reports considered by the Committee at its seventy-seventh session and the concluding observations thereon are available from the Official Document System of the United Nations under the symbols indicated below:

| <i>Party</i> | <i>Country rapporteurs</i> | <i>Report</i> | <i>Concluding observations</i> |
|--------------|--|---|--------------------------------|
| New Zealand | Bakhtiyar Tuzmukhamedov Ilvija Pūce | Seventh periodic report (CAT/C/NZL/7) | CAT/C/NZL/CO/7 |

⁹ See OHCHR, "UN and regional human rights experts launch platform to coordinate advocacy on rights of refugees and asylum seekers", press release, 5 December 2023.

¹⁰ See <https://www.ohchr.org/en/treaty-bodies/cat/reporting-guidelines>.

| <i>Party</i> | <i>Country rapporteurs</i> | <i>Report</i> | <i>Concluding observations</i> |
|--------------|---------------------------------------|--|--------------------------------|
| Romania | Sébastien Touzé Abderrazak Rouwane | Third periodic report (CAT/C/ROU/3) | CAT/C/ROU/CO/3 |
| Spain | Ana Racu Erdogan Iscan | Seventh periodic report (CAT/C/ESP/7) | CAT/C/ESP/CO/7 |
| Switzerland | Todd Buchwald Liu Huawen | Eighth periodic report (CAT/C/CHE/8) | CAT/C/CHE/CO/8 |

26. The reports considered by the Committee at its seventy-eighth session and the concluding observations thereon are available from the Official Document System of the United Nations under the symbols indicated below:

| <i>Party</i> | <i>Country rapporteurs</i> | <i>Report</i> | <i>Concluding observations</i> |
|--------------|---|---|--------------------------------|
| Burundi | Sébastien Touzé Abderrazak Rouwane | Second periodic report (CAT/C/BDI/2) | CAT/C/BDI/CO/2 |
| Costa Rica | Claude Heller Maeda Naoko | Third periodic report (CAT/C/CRI/3) | CAT/C/CRI/CO/3 |
| Denmark | Ilvija Pūce Liu Huawen | Eighth periodic report (CAT/C/DNK/8) | CAT/C/DNK/CO/8 |
| Egypt | Bakhtiyar Tuzmukhamedov Erdogan Iscan | Fifth periodic report (CAT/C/EGY/5) | CAT/C/EGY/CO/5 |
| Kiribati | Ana Racu Todd Buchwald | Initial report (CAT/C/KIR/1) | CAT/C/KIR/CO/1 |
| Slovenia | Todd Buchwald Ilvija Pūce | Fourth periodic report (CAT/C/SVN/4) | CAT/C/SVN/CO/4 |

27. The reports considered by the Committee at its seventy-ninth session and the concluding observations thereon are available from the Official Document System of the United Nations under the symbols indicated below:

| <i>Party</i> | <i>Country rapporteurs</i> | <i>Report</i> | <i>Concluding observations</i> |
|-----------------|---|--|--------------------------------|
| Austria | Liu Huawen Erdogan Iscan | Seventh periodic report (CAT/C/AUT/7) | CAT/C/AUT/CO/7 |
| Azerbaijan | Todd Buchwald Ana Racu | Fifth periodic report (CAT/C/AZE/5) | CAT/C/AZE/CO/5 |
| Finland | Maeda Naoko Bakhtiyar Tuzmukhamedov | Eighth periodic report (CAT/C/FIN/8) | CAT/C/FIN/CO/8 |
| Honduras | Claude Heller Maeda Naoko | Third periodic report (CAT/C/HND/3) | CAT/C/HND/CO/3 |
| Liechtenstein | Erdogan Iscan Peter Vedel Kessing | Fifth periodic report (CAT/C/LIE/5) | CAT/C/LIE/CO/5 |
| North Macedonia | Ana Racu Abderrazak Rouwane | Fourth periodic report (CAT/C/MKD/4) | CAT/C/MKD/CO/4 |

IV. Follow-up to concluding observations on States parties' reports

28. During the period covered by the present report, Mr. Tuzmukhamedov continued to serve as the Rapporteur for follow-up to concluding observations.¹¹ From May 2003 to the end of the period under review, the Committee reviewed 328 reports from States parties for which it had identified follow-up recommendations. As at 10 May 2024, 215 follow-up reports had been received by the Committee, for an overall response rate of 65.5 per cent. The status of the follow-up is compiled in a chart maintained on the web page of the Committee.¹² Additional information, including submissions from States parties, communications sent by the Rapporteur for follow-up to concluding observations, State party responses and reports from national human rights institutions, NGOs and other civil society actors, is posted on that web page.

29. As at 10 May 2024, the following States had not yet supplied follow-up information that had fallen due:¹³ Antigua and Barbuda (sixty-first), Australia (seventy-fifth),¹⁴ Bangladesh (sixty-seventh), Cabo Verde (fifty-ninth), Cambodia (forty-fifth), Chad (seventy-fifth), Congo (fifty-fourth), Djibouti (forty-seventh), Ghana (forty-sixth), Guinea (fifty-second), Holy See (fifty-second), Indonesia (fortieth), Madagascar (forty-seventh), Malawi (seventy-fifth), Mozambique (fifty-first), Nicaragua (seventy-fourth), Rwanda (sixty-second), Seychelles (sixty-fourth), Sierra Leone (fifty-second), Somalia (seventy-fifth), Sri Lanka (fifty-ninth), Syrian Arab Republic (forty-eighth), Togo (sixty-seventh), Uganda (seventy-fifth), United Arab Emirates (seventy-fourth), Yemen (forty-fourth) and Zambia (fortieth).

30. Under the procedure, the Rapporteur for follow-up to concluding observations sends reminders, requesting the outstanding information, to each State party for which follow-up information was due but had not yet been submitted.¹⁵ During the period under review, such reminders were sent in letters dated 16 April 2024 to Australia, Chad, Nicaragua and the United Arab Emirates and in letters dated 18 April 2024 to Malawi, Somalia and Uganda.

31. Between 13 May 2023 and 10 May 2024, follow-up reports were received from the following States parties, in order of receipt: Uruguay (CAT/C/URY/FCO/4, 15 May 2023), Iceland (CAT/C/ISL/FCO/4, 31 May 2023), Kenya (CAT/C/KEN/FCO/3, 13 June 2023), Botswana (CAT/C/BWA/FCO/1, 28 July 2023), El Salvador (CAT/C/SLV/FCO/3, 25 November 2023) and the State of Palestine (CAT/C/PSE/FCO/1, 6 February 2024).

32. The Rapporteur for follow-up to concluding observations expressed appreciation for the information provided by those States parties regarding measures taken to implement their obligations under the Convention. He assessed the responses received as to whether all the issues identified by the Committee for follow-up had been addressed by the State party and whether the information provided responded to the Committee's concerns and recommendations. The Rapporteur communicated with States parties under the follow-up procedure once their report had been received and assessed. Such communications reflected the analysis carried out by the Rapporteur and specified the pending issues. During the period under review, such communications were sent in letters to Lithuania (26 June 2023), Serbia (26 June 2023), Iceland (15 September 2023), Cuba (26 October 2023), Kyrgyzstan

¹¹ See the guidelines for follow-up to concluding observations, adopted by the Committee at its fifty-fifth session (CAT/C/55/3).

¹² Available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/FollowUp.aspx?Treaty=CAT&Lang=en. An overview of the follow-up procedure since 2003 can be found on the same web page.

¹³ States parties that did not supply follow-up information prior to the submission of their next periodic report are not included in the list.

¹⁴ Submitted on 13 May 2024.

¹⁵ Communications sent by the Rapporteur for follow-up to concluding observations are available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/FollowUp.aspx?Treaty=CAT&Lang=en.

(26 October 2023), Kenya (17 November 2023), Botswana (19 February 2024), Iraq (26 February 2024), Uruguay (13 March 2024) and Montenegro (15 April 2024).¹⁶

33. The Rapporteur for follow-up to concluding observations expressed appreciation for the information submitted by national human rights institutions, human rights NGOs and civil society groups under the follow-up procedure. As at 10 May 2024, the Committee had received follow-up reports¹⁷ from such sources in relation to the reports of the following States parties, in order of receipt: Kyrgyzstan (two reports), Iraq, Cuba, Australia, Nicaragua, Uruguay and El Salvador.

V. Activities of the Committee under article 20 of the Convention

A. Introduction

34. The Committee's work under article 20 of the Convention continued during the period under review. At its seventy-sixth session, the Committee adopted an inquiry report on Belarus and, at its seventy-eighth session, it decided to publish a summary account in the present annual report.

B. Summary account of the results of the proceedings of the inquiry on Belarus

35. On 13 March 1987, Belarus ratified the Convention, which entered into force for the State party on 12 April 1987. Upon signature, and confirmed by ratification, the Government of Belarus declared that it did not recognize the competence of the Committee against Torture as defined by article 20 of the Convention. On 3 October 2001, the Government of Belarus notified the Secretary-General that it had decided to withdraw its reservation regarding article 20. Consequently, the procedure under article 20 has been applicable for Belarus as of 3 October 2001.

36. On 4 September 2020, two NGOs, the Human Rights Center "Viasna" and the Belarusian Helsinki Committee, submitted to the Committee a document entitled "Statement on the investigation of the systematic use of torture in the territory of the Republic of Belarus", in which they alleged that torture was being systematically practised in the territory of Belarus. The statement was signed by 47 citizens of Belarus and contained an attachment with the testimonies of 112 alleged victims of torture. To support that claim, the NGOs included a document providing extensive details about the circumstances of the alleged incidents of torture.

37. Following an exchange of letters between the Chair of the Committee and the Permanent Representative of Belarus to the United Nations Office and other international organizations in Geneva and a meeting held on 24 June 2021, the Committee, at its seventy-first session, in July 2021, determined that the information submitted was reliable and contained well-founded indications that torture was being systematically practised in the territory of Belarus. In accordance with article 20 (1) of the Convention, the Committee invited the State party to cooperate in the examination of the information and to submit its observations on it to the Committee.

38. Following a meeting with the Permanent Representative of Belarus on 13 May 2022 and the receipt of observations from the State party dated 2 June 2022, at its seventy-fourth session, in July 2022, the Committee decided, pursuant to article 20 (2) of the Convention, to initiate an inquiry and to designate Mr. Heller and Ms. Racu as rapporteurs. In a spirit of cooperation, the rapporteurs met with the Permanent Representative of Belarus to inform the

¹⁶ Available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/FollowUp.aspx?Treaty=CAT&Lang=en.

¹⁷ Available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/FollowUp.aspx?Treaty=CAT&Lang=en.

latter about the decision of the Committee. On 3 August 2022, the Committee transmitted the decision to the State party, including a request for a visit.¹⁸ On 5 September 2022, the Committee received a note verbale from the Government of Belarus, in which the Government reiterated that the allegations were neither truthful nor objective. The State party did not provide its consent to a visit to its territory. It confirmed its intention to continue cooperating with the Committee within the reporting procedure in accordance with article 19 of the Convention. Subsequently, the Committee proceeded with the inquiry.

1. Background information

39. On 9 August 2020, a presidential election took place in Belarus. According to information provided, the elections were held in an atmosphere of fear and intimidation among Belarusian society and against the backdrop of repression that had begun almost immediately at the start of the election campaign and had continued throughout all its stages.¹⁹ Following the announcement that the current leader, Aleksandr Lukashenko, had won the presidential election in a landslide victory, largely peaceful protests erupted throughout the country, prompting a heavy crackdown by the security forces. On 12 August 2020, the United Nations High Commissioner for Human Rights condemned the authorities' violent response.²⁰ On 13 August 2020, five United Nations human rights experts strongly criticized the level of violence being used by security forces across Belarus against peaceful protesters.²¹ On 14 August 2020, the Secretary-General underscored that allegations of torture and other mistreatment of people in detention must be thoroughly investigated.²² The protests and the violent responses by the security forces were consistently and extensively reported in the international media.²³

2. Information received from the State party

40. The State party provided the Committee with two sets of observations. In the first, dated 2 June 2022, the State party denied all the allegations. It questioned the credibility of the sources of the information and claimed that it could not verify the information, owing to the collective nature of the communication. The State party confirmed that the investigative agencies of Belarus had received approximately 5,000 complaints about unlawful conduct by internal affairs officials, members of the internal military forces and other law enforcement officials on the day of the presidential election and after the election campaign. In all such cases, it had been decided not to initiate criminal proceedings. Furthermore, the State party noted that, in many cases, it had been established that the so-called victims had been implicated in criminal cases involving breaches of public order and threats towards public officials. Criminal case files relating to more than 500 such persons had been transferred to the courts. According to the State party, law enforcement officers and public servants were facing immense informational pressure. The State party maintained that the protests had been mass riots and that it had been necessary to take measures to stop them. In the second set of observations, dated 5 September 2022, the State party reiterated its position regarding the allegations and confirmed its intention to continue cooperating with the Committee in the context of the reporting procedure under article 19 of the Convention.

¹⁸ Decision of the Committee against Torture adopted at its 1931st meeting, held on 26 July 2022.

¹⁹ A/HRC/49/71, para. 19; and Organization for Security and Cooperation in Europe (OSCE), "Report of the OSCE Rapporteur under the Moscow Mechanism on alleged human rights violations related to the presidential elections of 9 August 2020 in Belarus", 29 October 2020, p. 8.

²⁰ UN News, "Belarus: UN rights chief condemns violence against protesters, calls for grievances to be heard", 12 August 2020.

²¹ Office of the United Nations High Commissioner for Human Rights (OHCHR), "Belarus must stop attacking peaceful protesters, UN human rights experts say", press release, 13 August 2020.

²² UN News, "UN chief: Belarusians must be able to exercise their 'civil and political rights'", 14 August 2020.

²³ BBC, "Belarus elections: shocked by violence, people lose their fear", 13 August 2020; CNN, "Belarusians accuse authorities of torture and humiliation during mass detentions", 14 August 2020; and Al-Jazeera, "Belarus braces for fresh protests as pressure grows on Lukashenko", 15 August 2020.

3. Information received from other sources

41. In developing its analyses, the Committee consulted numerous reports, resolutions and other public statements issued by the United Nations, its mechanisms, regional organizations and national and international civil society organizations. In addition to its concluding observations and decisions relating to communications, and the concluding observations, decisions and Views of the Human Rights Committee, the Committee against Torture considered the resolutions of the Human Rights Council on the situation of human rights in Belarus in the run-up to the 2020 presidential election and in its aftermath, namely, resolutions 45/1, 46/20, 49/26 and 52/29, in all of which the Council referred to a pattern of serious human rights violations, including torture. Furthermore, the Committee studied the findings of the examination by the United Nations High Commissioner for Human Rights of allegations of acts of torture and ill-treatment (A/HRC/49/71, A/HRC/52/68 and A/HRC/52/68/Corr.1), as mandated by the Human Rights Council in resolutions 46/20 and 49/26, as well as the statement given by the High Commissioner to the Human Rights Council on 17 March 2023, in which the High Commissioner pointed to widespread and systematic violations of international human rights law, including torture and ill-treatment. The Committee reviewed the information provided by the special procedures of the Human Rights Council in their statements of 1 September 2020,²⁴ 19 November 2020,²⁵ 5 July 2021²⁶ and 1 April 2021,²⁷ in which they referred to reports of documented cases of the torture and ill-treatment of persons deprived of liberty. It took into account communications issued by the Special Rapporteur on torture, together with other mandate holders, concerning allegations of the torture of human rights defenders in detention.²⁸ The Committee also examined the reports of the Special Rapporteur on the situation of human rights in Belarus issued on 4 May 2021 (A/HRC/47/49) and 4 May 2022 (A/HRC/50/58).

42. The Committee reviewed the information published by the Organization for Security and Cooperation in Europe (OSCE) in the report of the OSCE Rapporteur under the Moscow Mechanism on the Human Dimension on alleged human rights violations in relation to the presidential election of 9 August 2020 in Belarus,²⁹ in which he concluded that the first period of post-election violence by the security forces had to be qualified as a period of systematic torture with the main purpose of punishing demonstrators and intimidating them. It scrutinized the reports of Amnesty International,³⁰ the Belarusian Helsinki Committee,³¹ the International Committee for the Investigation of Torture in Belarus,³² Human Constanta,³³ the

²⁴ OHCHR, “UN human rights experts: Belarus must stop torturing protesters and prevent enforced disappearances”, press release, 1 September 2020.

²⁵ OHCHR, “Belarus: UN experts call for probe into violence against protesters”, press release, 19 November 2020.

²⁶ OHCHR, “Belarus: massive human rights violations unprecedented in scope and gravity, says UN expert”, press release, 5 July 2021.

²⁷ OHCHR, “Belarus must end pattern of police brutality and impunity: UN experts”, press release, 1 April 2021.

²⁸ See communications BLR 7/2021 and BLR 6/2021, available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

²⁹ The Moscow Mechanism on the Human Dimension, agreed by consensus by OSCE participating States, allows for an investigation to be launched without consensus and independently of the OSCE Chairmanship, institutions and decision-making bodies, if one State, supported by at least nine others, considers that a particularly serious threat to the fulfilment of the provisions of the OSCE human dimension has arisen in another participating State.

³⁰ Amnesty International, “Belarus: mounting evidence of a campaign of widespread torture of peaceful protesters”, 13 August 2020; “Belarus: ‘You are not human beings’: State-sponsored impunity and unprecedented police violence against peaceful protesters”, 27 January 2021; and “Belarus: further information: tortured prisoner still denied medical care: Viachaslau Rahashchuk”, 20 July 2021.

³¹ Belarusian Helsinki Committee, “HRDS demand investigation into torture and ill-treatment of Mikalai Dziadok and other prisoners”, 6 July 2021.

³² International Committee for the Investigation of Torture in Belarus, “Mass Torture in Belarus: 2020–2021”.

³³ Human Constanta newsletters about situation of human rights in Belarus, 2020–2022. Available from <https://humanconstanta.org/en/newsletters-about-situation-with-human-rights-in-belarus-2/>.

Human Rights House Foundation,³⁴ Human Rights Watch,³⁵ the International Accountability Platform for Belarus,³⁶ the International Rehabilitation Council for Torture Victims,³⁷ Reporters without Borders³⁸ and the World Organisation against Torture,³⁹ all of which appeared to support the conclusion that torture had been practised systematically in Belarus.

4. Conclusions and recommendations⁴⁰

43. In accordance with its established practice, the Committee considers that torture is practised systematically when it is apparent from the information received or available to it that the torture cases reported have not occurred fortuitously in a particular place or at a particular time but are seen to be habitual, widespread and deliberate in at least a considerable part of the territory of the country in question.⁴¹

44. The allegations submitted by NGOs have been thoroughly assessed by the Committee and have been corroborated by the findings in the reports of United Nations human rights mechanisms, the OSCE Rapporteur and other sources mentioned above. They reflect trends regarding the perpetrators, methods and purposes of torture in Belarus and show a pattern of impunity for perpetrators.

45. The practice of torture has been documented as having been frequent in the aftermath of the 9 August 2020 election at the hands of law enforcement personnel, who often resorted to severe beatings and excessive use of physical force. It was routinely carried out as a deliberate practice to intimidate detainees, extract incriminating statements and punish political dissenters and peaceful protesters. Torture was perpetrated by police officers, prison guards and security officers in police stations, prisons and vehicles transporting detainees. Detainees were often held in inhuman conditions, characterized by severe overcrowding and a lack of access to medical care, family visits and lawyers. Reliable medical and visual evidence provided to the Committee illustrated common patterns of torture. Sexual violence inflicted by State agents on persons deprived of their liberty and threats of such violence were found to be widespread, habitual and deliberate.

46. Law enforcement officials and prosecutors have facilitated torture and contributed to the climate of endemic impunity by failing to act on complaints thereof, to conduct effective, prompt and impartial investigations into the numerous allegations of torture or ill-treatment and to prosecute perpetrators. The situation has been exacerbated by the ineffective complaint mechanisms in place and the absence of an independent mechanism for monitoring places of deprivation of liberty. Threats of reprisals against persons alleging torture or ill-treatment and their legal representatives point to a complete denial of the right to an effective remedy. In the view of the Committee, all the above lead to the inescapable conclusion that torture is a systematic practice in Belarus.

³⁴ Human Rights House Foundation, “Belarus: next steps towards accountability at the Human Rights Council”, side event of 25 February 2022 to the forty-ninth session of the Council.

³⁵ Human Rights Watch, *World Report 2021*, Belarus; *World Report 2022*, Belarus; “Witness: tortured in Belarus, what detained protestors endured at the hands of police”, 14 September 2020; “Belarus: systematic beatings, torture of protestors”, 15 September 2020.

³⁶ International Accountability Platform for Belarus, “First progress report”, 1 September 2021; and “Second progress report”, 22 February 2022.

³⁷ International Committee for the Investigation of Torture in Belarus and International Rehabilitation Council for Torture Victims, “Belarus: a coordinated policy of torture, a forensic expert assessment of 50 torture cases in Europe’s last dictatorship”, country report, 2021.

³⁸ Reporters without Borders, “Belarusian journalists report being tortured in prison”, 19 May 2021.

³⁹ Russian NGO Committee against Torture and World Organisation against Torture, “Belarus: corridor of truncheons”; and World Organisation against Torture, “Belarus: an agenda to end torture”.

⁴⁰ During the adoption of the present report, Mr. Tuzmukhamedov indicated his disagreement with paragraphs 43 to 46, as he believed they were at variance with the rule of confidentiality stipulated in article 20 (5) of the Convention.

⁴¹ [A/48/44/Add.1](#), para. 39; and [A/56/44](#), para. 163.

47. The Committee therefore recommends that, as a matter of urgency, the State party:

(a) End the practice of torture and ill-treatment, including in all places of detention, and ensure that officials at the highest level condemn torture in all its forms, publicly and unambiguously, and make it clear that perpetrators and accomplices will be held responsible and punished;

(b) Criminalize torture, including any attempt to commit torture and any act that constitutes complicity or participation in torture, as a separate and specific crime, with a definition that covers all the elements contained in article 1 of the Convention within the State party's legislation, and punish acts of torture with appropriate penalties commensurate with the gravity of the crime, as set out in article 4 (2) of the Convention;

(c) Investigate promptly and thoroughly all allegations of torture and ill-treatment, including those that occurred during and in the aftermath of the 2020 presidential election, through an effective and fully independent and impartial mechanism, prosecute perpetrators and punish those convicted with sanctions commensurate with the gravity of the crime;

(d) Guarantee that members of the police and security forces, the military forces, the prison service and the intelligence bodies alleged to be responsible for violations of the Convention are suspended from their duties while any investigation into the allegations is in progress, that they are not in a position to interfere with the investigation and that, upon conviction, they are not permitted to return to a post in which they would be in a position to commit abuses or retaliate against complainants or their families;

(e) Provide all victims of torture and, where appropriate, their families with redress, including compensation and the means for as full a rehabilitation as possible;

(f) Ensure the efficiency and independence of the confidential complaint mechanism and grant its personnel access to all places of detention, allowing persons deprived of their liberty to lodge complaints confidentially about torture and ill-treatment;

(g) Provide effective protection against reprisals to all victims and witnesses of acts of torture, as well as their representatives and civil society actors, and ensure that those who report cases of torture are not prosecuted as a retaliation measure and are not subjected to reprisals of any kind;

(h) Ensure that persons deprived of their liberty have access in practice to legal safeguards from the moment of deprivation of liberty, including the right to promptly contact a lawyer and, if necessary, to have legal aid, the right to contact and receive a confidential medical examination from an independent doctor free of charge or a doctor of their choice and the right to contact a family member or another appropriate person of their choice promptly following deprivation of liberty;

(i) Guarantee that all periods of deprivation of liberty are accurately recorded immediately after arrest in a register at the place of detention and in a central register and that the lawyers and family members of those detained have full access to the detainee information contained in the registers;

(j) Ensure that confessions obtained under torture are not admitted in any proceedings, except against a person accused of torture as evidence that a statement was made under torture, and that, when it is alleged that a statement has been obtained through torture, the allegation is investigated immediately and the burden of proof falls not on the victim but on the State;

(k) Strengthen the mandates of public monitoring commissions to ensure their independence and unannounced access to all places of deprivation of liberty and publish information on their findings;

(l) Allow civil society organizations access to places of detention;

(m) **Ensure appropriate conditions of detention, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and other relevant international and national standards;**

(n) **Implement mandatory training programmes on the provisions of the Convention and the absolute prohibition of torture, instruction on non-coercive methods of interrogation and the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised, for law enforcement, security and prison officers, judicial officials, medical personnel and other persons involved in the custody, interrogation or treatment of detainees.**

5. Comments and observations of Belarus concerning the inquiry report

48. In July 2023, the Government of Belarus provided a reply to the Committee's findings. The Government expressed its strong disagreement with the Committee's conclusions. It considered that the report had not been prepared in collaboration with it. The Government denied all the allegations, reiterated its previous positions and questioned the reliability of the sources of the information. In February and May 2024, Belarus indicated that it did not consent to the publication of the inquiry report. Belarus requested publication of its note verbale dated 8 May 2024 as an annex to the present report.⁴² It reaffirmed its commitment to cooperate with the Committee in full conformity with the provisions of the Convention.

VI. Consideration of complaints under article 22 of the Convention

A. Introduction

49. Under article 22 of the Convention, individuals who claim to be victims of a violation by a State party of the provisions of the Convention may submit a complaint to the Committee for consideration, subject to the conditions laid down in that article. Seventy-one States parties to the Convention have declared that they recognize the competence of the Committee to receive and consider complaints under article 22 of the Convention. No complaint may be considered by the Committee if it concerns a State party to the Convention that has not recognized the Committee's competence under article 22. Under the Convention, States parties have the possibility to request that the Committee consider the admissibility of a communication separately from its merits. During the period under review, Committee decided that, for reasons of procedural efficiency and structural resource constraints, it would suspend, as of 8 May 2024 and until further notice, the possibility for States parties to make such requests.

50. The function of Rapporteur on new complaints and interim measures, established in accordance with rule 104 (1) of the Committee's rules of procedure, is currently held by Mr. Buchwald, who was elected to this role during the seventy-ninth session of the Committee.

B. Interim measures of protection

51. Complainants frequently request preventive protection. Pursuant to rule 114 (1) of its rules of procedure, at any time after the receipt of a complaint, the Committee, acting through its Rapporteur on new complaints and interim measures, may transmit to the State party concerned a request to take such interim measures as the Committee considers necessary to avoid irreparable damage to an individual or individuals. The State party is to be informed that such a request does not imply a determination of the admissibility or the merits of the complaint. During the reporting period, requests for interim measures were granted in

⁴² The note verbale will be available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Inquiries.aspx.

18 cases received by the Rapporteur on new complaints and interim measures, who regularly monitors the compliance by States parties with such requests.

C. Progress of work

52. As at 10 May 2024, the Committee had registered, since 1989, 1,211 complaints concerning 45 States parties. Of those, 406 complaints had been discontinued and 145 had been declared inadmissible. The Committee had adopted final decisions on the merits in 495 complaints and found violations of the Convention in 206 of them. Some 164 complaints were pending consideration. All the Committee's decisions on the merits, those declaring a complaint inadmissible and discontinuance decisions can be found in the newly updated treaty body case law database,⁴³ on the OHCHR website⁴⁴ and in the Official Document System of the United Nations.

53. At its seventy-seventh session, the Committee adopted decisions on the merits in respect of four communications. In *O.R. v. Sweden* (CAT/C/77/D/1016/2020), a communication submitted by a national of Afghanistan who had claimed asylum in Sweden on grounds of fears of the Taliban and, subsequently, his conversion to Christianity, the Committee considered that it would be inconsistent with the State party's obligations under article 3 of the Convention to deny the complainant an examination of his claims in their entirety, including insofar as they related to his conversion, and in the light of the change of government in Afghanistan, before expelling him to Afghanistan. It therefore invited the State party to review the complainant's asylum application.

54. The Committee found that the forcible return of the complainants would not constitute a violation of article 3 of the Convention by the States parties concerned in its decisions in *T.T. v. Australia* (CAT/C/77/D/946/2019) and *N.K. v. Switzerland* (CAT/C/77/D/989/2020). In its decision in *Bodart v. Belgium* (CAT/C/77/D/993/2020), the Committee decided that it could not conclude that there had been a violation by the State party of articles 2 (1), 11 or 16 (1) of the Convention. However, the Committee called upon the State party to continue its efforts and take all useful and reasonable humanitarian measures in its power to actively protect the physical and psychological integrity of the complainant and other Belgian nationals detained in the camps in the north-east of the Syrian Arab Republic.

55. The Committee found four communications – *X et al. v. Switzerland* (CAT/C/77/D/963/2019), *K.S. v. Australia* (CAT/C/77/D/982/2020), *M.R. v. Sweden* (CAT/C/77/D/986/2020) and *S.B.M. v. Sweden* (CAT/C/77/D/1011/2020) – inadmissible. It discontinued the consideration of 11 communications: *K.S. v. Australia* (CAT/C/77/D/917/2019), *X et al. v. Sweden* (CAT/C/77/D/969/2019), *N.K. et al. v. Switzerland* (CAT/C/77/D/977/2020), *E.D. and P.K. v. Switzerland* (CAT/C/77/D/978/2020), *H.A. v. Sweden* (CAT/C/77/D/994/2020), *A.H. v. Sweden* (CAT/C/77/D/996/2020), *H.S. et al. v. Belgium* (CAT/C/77/D/1003/2020), *M.K.B. v. Kingdom of the Netherlands* (CAT/C/77/D/1008/2020), *T.K.M.H. and M.F.B. v. Switzerland* (CAT/C/77/D/1071/2021), *S.J. v. Sweden* (CAT/C/77/D/1098/2021) and *A.C. v. Australia* (CAT/C/77/D/1101/2021).

56. At its seventy-eighth session, the Committee adopted decisions on the merits in respect of eight communications. In *A.A.S. et al. v. Sweden* (CAT/C/78/D/937/2019), concerning deportation to Afghanistan, the Committee used a similar formulation to that used in *O.R. v. Sweden*, reminding the State party of its obligations under article 3 of the Convention and inviting it “to review the complainants' asylum application, taking into account the new circumstances that followed the takeover of Afghanistan by the Taliban in 2021 and in the light of the State party's obligations under the Convention and the present decision” (para. 10). Similarly, in *N.R. v. Sweden* (CAT/C/78/D/1047/2021), concerning a national of Afghanistan who had applied for asylum in Sweden in 2015 on the grounds of fears of the Taliban and, subsequently, his conversion to Christianity, the Committee referred to the situation in the country after the takeover by the Taliban, finding a violation of article 3 of the Convention. In communication *H.U. v. Finland* (CAT/C/78/D/1052/2021), concerning

⁴³ See <http://juris.ohchr.org/>.

⁴⁴ See www.ohchr.org/.

a national of the Democratic Republic of the Congo, the Committee decided that the State party had not sufficiently considered the particularly vulnerable situation of the complainant, had not provided her with the necessary safeguards, had not adequately assessed the medical statements relating to the torture to which she had been subjected and had failed to sufficiently investigate whether there were substantial grounds for believing that she would be in danger of being subjected to torture if returned to her country of origin and requested the State party to reassess her asylum application. In *Aleksandrov v. Kazakhstan* (CAT/C/78/D/840/2017), concerning a complainant who is serving a life sentence in a maximum-security prison in Kazakhstan, the Committee found his claims under articles 1, 12, 13, 14 and 16 of the Convention to be inadmissible. Regarding his claims pertaining to the State party's failure to conduct a thorough investigation into his allegations that he had been assaulted by fellow inmates and that the assault had been incited and facilitated by the administration of the penitentiary facility, the Committee found that the State party authorities had not conducted an effective investigation. In *A.D. et al. v. France* (CAT/C/78/D/1045/2020), concerning the repatriation of children whose parents were linked to terrorist activities and had been detained in camps in the Syrian Arab Republic, the Committee decided that, in the particular circumstances of the case, failure by the State party to take all measures reasonably available to it for the purpose of repatriating A.D. to enable her to have access to appropriate medical care would constitute a violation of article 2 (1), read in conjunction with article 16, of the Convention. In *B.S. v. Sweden* (CAT/C/78/D/1076/2021), concerning a national of Tunisia, the Committee decided that the State party was required by article 3 of the Convention to reconsider the complainant's application, in the light of its obligations under the Convention and the Committee's findings in the case.

57. The Committee found that the forcible return of the complainants would not constitute a violation of article 3 of the Convention by the States parties in its decisions in *I.P. v. Switzerland* (CAT/C/78/D/1035/2020), concerning deportation to Sri Lanka, and in *I.N. v. Australia* (CAT/C/78/D/995/2020), concerning deportation to Pakistan.

58. The Committee also found two communications – *S.R. v. Australia* (CAT/C/78/D/1012/2020) and *F v. Switzerland* (CAT/C/78/D/1085/2021) – inadmissible. It discontinued the consideration of eight communications: *M.J. v. Finland* (CAT/C/78/D/875/2018), *Y.H. v. Australia* (CAT/C/78/D/1001/2020), *A.A. v. Sweden* (CAT/C/78/D/1002/2020), *M.A. v. Sweden* (CAT/C/78/D/1005/2020), *M.S. v. Sweden* (CAT/C/78/D/1006/2020), *A.A. et al. v. Sweden* (CAT/C/78/D/1014/2020), *Z et al. v. Sweden* (CAT/C/78/D/1031/2020) and *A.H. v. Sweden* (CAT/C/78/D/1059/2021).

59. At its seventy-ninth session, the Committee adopted decisions on the merits in respect of seven communications. In *Nshimirimana v. Burundi* (CAT/C/79/D/1039/2020), the Committee found that the State party had violated articles 2 (1) and 11–14, read in conjunction with article 1, and article 16 of the Convention. The Committee also expressed regret that the State party had not responded to the Committee's repeated requests to provide observations on the merits of that communication, thereby impeding the Committee's consideration of the case and resolution of the issues raised in the communication under the Convention.

60. The Committee found that the forcible return of the complainants would not constitute a violation of article 3 of the Convention by the States parties concerned in its decisions in respect of six communications: *A.L. v. Switzerland* (CAT/C/79/D/943/2019), *R.T. v. Australia* (CAT/C/79/D/958/2019), *A.J. et al. v. Switzerland* (CAT/C/79/D/1041/2020), *L.E.M. v. Switzerland* (CAT/C/79/D/1055/2021), *A.N. v. Sweden* (CAT/C/79/D/1061/2021) and *N.A. v. Switzerland* (CAT/C/79/D/1096/2021).

61. The Committee also found two communications – *N.J. v. Australia* (CAT/C/79/D/1021/2020) and *H.G. v. Australia* (CAT/C/79/D/1066/2021) – inadmissible. It discontinued the consideration of 18 communications: *J.S. v. Canada* (CAT/C/79/D/831/2017), *P.A. v. Finland* (CAT/C/79/D/836/2017), *A.G. v. Australia* (CAT/C/79/D/886/2018), *K.S.S. v. Canada* (CAT/C/79/D/938/2019), *H.A. v. Sweden* (CAT/C/79/D/945/2019), *J.B. v. Switzerland* (CAT/C/79/D/998/2020), *S.K. v. Australia* (CAT/C/79/D/1013/2020), *R.M. v. Australia* (CAT/C/79/D/1023/2020), *J.R. v. Sweden* (CAT/C/79/D/1025/2020), *V.K. and U.K. v. Sweden* (CAT/C/79/D/1027/2020), *T.S. v.*

Australia (CAT/C/79/D/1028/2020), *K.K. v. Russian Federation* (CAT/C/79/D/1043/2020), *Q.A.A. v. Sweden* (CAT/C/79/D/1048/2021), *H.N. v. Sweden* (CAT/C/79/D/1053/2021), *M.S. v. Switzerland* (CAT/C/79/D/1054/2021), *M.V. and E.A. v. Sweden* (CAT/C/79/D/1063/2021), *J.V. v. Australia* (CAT/C/79/D/1092/2021) and *Z.H. v. Tunisia* (CAT/C/79/D/1158/2022). The Committee discontinued the consideration of 9 of those 18 communications due to positive outcomes for the complainants. In the six cases against Sweden, the two cases against Canada and the case against Finland, the complainants were granted either a residency permit or refugee status, highlighting the positive impact of the proceedings even in the absence of the finding of a violation.

D. Follow-up activities

62. At its twenty-eighth session, in May 2002, the Committee established the function of Rapporteur for follow-up on decisions adopted under article 22, which is currently held by Mr. Liu. At its 527th meeting, on 16 May 2002, the Committee decided that the Rapporteur should engage, inter alia, in the following activities: monitoring compliance with the Committee's decisions by sending notes verbales to States parties to enquire about measures adopted pursuant to the Committee's decisions; recommending to the Committee appropriate action upon receipt of responses from States parties, in situations of non-response and upon receipt henceforth of all letters from complainants concerning non-implementation of the Committee's decisions; meeting with representatives of the permanent missions of States parties to encourage compliance and to determine whether advisory services or technical assistance by OHCHR would be appropriate or desirable; conducting with the approval of the Committee follow-up visits to States parties; and preparing periodic reports for the Committee on his or her activities.

63. During its seventy-eighth⁴⁵ session, the Committee reviewed submissions related to 11 communications that were being monitored through the Committee's follow-up procedure. In *N'Dour v. Morocco* (CAT/C/72/D/650/2015), the Committee decided to keep the dialogue open owing to the lack of implementation of its decision. In *Guellil v. Algeria* (CAT/C/72/D/736/2016), the Committee noted the lack of implementation of its decision and decided to keep the procedure open. In *Wooden v. Mexico* (CAT/C/71/D/759/2016), the Committee noted the partial implementation of its decision and took note of the State party's commitment to initiating an impartial, thorough, effective and independent investigation into the acts of torture. The Committee therefore decided to keep the follow-up dialogue ongoing in respect of that aspect. In *Hoyos Henao et al. v. Mexico* (CAT/C/75/D/893/2018), the Committee decided to keep the follow-up dialogue ongoing and to consider further steps in the light of the comments from the authors' counsel. In *Hajib v. Morocco* (CAT/C/74/D/928/2019) and *Bani v. Morocco* (CAT/C/75/D/999/2020), the Committee decided to keep the follow-up dialogue ongoing owing to a lack of implementation of its decisions. With regard to five cases considered under the follow-up procedure, namely, *Berhane v. Switzerland* (CAT/C/76/D/983/2020), *Nijimbere v. Sweden* (CAT/C/76/D/984/2020), *K.R. v. Switzerland* (CAT/C/76/D/1018/2020), *C and D v. Switzerland* (CAT/C/76/D/1077/2021) and *N.U. v. Finland* (CAT/C/76/D/1044/2020), the Committee decided to close the dialogue and commended the fact that its decisions had been fully implemented.

64. At all three sessions during the reporting period, Ms. Racu, the Committee's rapporteur on reprisals, presented to the Committee an oral report on reprisals. The Committee received updates regarding reprisals in the context of pending complaints and follow-up to decisions.

65. As at 10 May 2024, the Committee had closed the follow-up dialogue with a note of satisfactory or partially satisfactory resolution with regard to 88 communications, out of a total of 206 communications in which it had found violations of various provisions of the Convention. Additional information may be found in CAT/C/78/2.

⁴⁵ The Committee did not review any cases under its follow-up procedure during the seventy-seventh or the seventy-ninth sessions owing to the lack of complete submissions at the time.

VII. Sessions of the Committee in 2024

66. Pursuant to General Assembly resolution 68/268, the Committee is to hold two further regular sessions in 2024: the eightieth (8–26 July 2024) and the eighty-first (28 October–22 November 2024).

VIII. Adoption of the annual report of the Committee on its activities

67. In accordance with article 24 of the Convention, the Committee is required to submit an annual report on its activities to the States parties and to the General Assembly. Since the Committee holds its third regular session of each calendar year in October and November, which coincides with the regular sessions of the General Assembly, it adopts its annual report at the end of its session held in April and May, for transmission to the General Assembly during the same calendar year. Accordingly, the Committee considered and adopted the report on the activities it carried out during the period under review.

Annex I

Membership, officers and mandates from 13 May 2023 to 31 December 2023

| <i>Name of member</i> | <i>Country of nationality</i> | <i>Term expires on 31 December</i> |
|---|-------------------------------|------------------------------------|
| Todd Buchwald | United States of America | 2025 |
| Claude Heller (Chair) | Mexico | 2023 |
| Erdogan Iscan (Rapporteur) (Rapporteur on new complaints and interim measures) | Türkiye | 2023 |
| Liu Huawen (Rapporteur for follow-up on decisions adopted under article 22) | China | 2025 |
| Maeda Naoko | Japan | 2025 |
| Ilvija Pūce | Latvia | 2023 |
| Ana Racu (Vice-Chair) (Focal point for cooperation with the treaty body capacity-building programme of the Office of the United Nations High Commissioner for Human Rights) | Republic of Moldova | 2023 |
| Abderrazak Rouwane | Morocco | 2025 |
| Sébastien Touzé (Vice-Chair) (Focal point for cooperation with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) | France | 2023 |
| Bakhtiyar Tuzmukhamedov (Vice-Chair) (Rapporteur for follow-up to concluding observations) | Russian Federation | 2025 |

Annex II

Membership from 1 January 2024 and officers and mandates from 15 April 2024

| <i>Name of member</i> | <i>Country of nationality</i> | <i>Term expires on 31 December</i> |
|--|-------------------------------|--|
| Todd Buchwald (Rapporteur on new complaints and interim measures) | United States of America | 2025 |
| Jorge Contesse | Chile | 2027 |
| Claude Heller (Chair) | Mexico | 2027 |
| Erdogan Iscan (Vice-Chair) | Türkiye | 2027 |
| Peter Vedel Kessing (Rapporteur) | Denmark | 2027 |
| Liu Huawen (Rapporteur for follow-up on decisions adopted under article 22) | China | 2025 |
| Maeda Naoko (Vice-Chair) | Japan | 2025 |
| Ana Racu (Focal point for cooperation with the treaty body capacity-building programme of the Office of the United Nations High Commissioner for Human Rights) | Republic of Moldova | 2027 |
| Abderrazak Rouwane (Vice-Chair) (Focal point for cooperation with the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) | Morocco | 2025 |
| Bakhtiyar Tuzmukhamedov (Rapporteur for follow-up to concluding observations) | Russian Federation | 2025 |