

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/GBR/CO/5)

**UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND**

(...)

C. Principal subjects of concern and recommendations

(...)

Inquiries into allegations of torture overseas

15. The Committee is deeply concerned at the growing number of serious allegations of torture and ill-treatment, including by means of complicity, as a result of the State party's military interventions in Iraq and Afghanistan. It welcomes the State party assurances that it intends to 'hold an independent, judge-led inquiry' and to publish as much as possible of the interim report of the 'Detainee Inquiry' conducted by Sir Peter Gibson to examine the involvement of State security and intelligence agencies in 'improper treatment of detainees held by other countries in counter-terrorism operations overseas'. The Committee is concerned that the State party has not yet set a clear timeline for the establishment of the new inquiry, which may result in the amendment of article 134, Section 4 and 5 of the Criminal Act 1988, and for the publication of the interim report of Sir Peter Gibson (arts. 2, 12, 13, 14 and 16).

The Committee recommends that the State party establish without further delay an inquiry on alleged acts of torture and other ill-treatment of detainees held overseas committed by or at the instigation of or with the consent or acquiescence of British official. It should ensure that the new inquiry is designed to satisfactorily address the shortcomings of the 'Detainee Inquiry' identified by a broad range of actors. In this regard, the Committee encourages the State party to give due consideration to the report of the UN Special Rapporteur on Torture on best practices for commissions of inquiry into allegations of this nature (A/HRC/22/52). The State party should ensure that all perpetrators of torture and ill treatment which would be identified in the context of the inquiry are duly prosecuted and punished appropriately, and that effective reparation, including adequate compensation, is granted to every victim. Furthermore, the Committee urges the State party to speedily publish the fullest extent possible of the interim report of the Detainee Inquiry.

(...)

Transfer of detainees to Afghanistan

19. The Committee takes note of the temporary moratorium ordered by the High Court of England and Wales on the transfer of detainees to Afghan authorities due to the risk of torture and ill-treatment and welcomes the assurance provided by the State party that it will not transfer detainees where it judges there is a real risk of serious mistreatment or torture (art. 3).

The Committee recommends that the State party adopt a clear policy and ensure in practice that the transfer of detainees to another country is clearly prohibited when there are substantial grounds for believing that he or she would be in danger of being subjected to torture. It further recommends that the State party recognize that diplomatic assurances and monitoring arrangements will not be relied upon to justify transfers when such substantial risk of torture exists.

(...)

Deportations to Sri Lanka

20. The Committee notes that, in view of the allegations and evidences that some Sri Lankans Tamils have been victims of torture and ill-treatment following their forced or voluntary removal from the State party, the High Court ordered on 28 February 2013 the suspension on the removal of Tamil failed asylum seekers to Sri Lanka. The Committee is nevertheless concerned that the State party has not yet reflected this evidence in its asylum policy (art. 3).

The Committee recommends that the State party observes the safeguards ensuring respect for the principle of non-refoulement, including consideration of whether there are substantial grounds indicating that the asylum-seeker might be in danger of torture or ill-treatment upon deportation. The Committee calls upon the State party to submit situations covered by article 3 of the Convention to a thorough risk assessment, notably by taking into consideration evidence from Sri Lankans whose post removal torture claim were found credible, and revise its country guidance accordingly.

Shaker Aamer

21. The Committee notes with great concern the case of Shaker Aamer, the last UK resident held in Guantanamo Bay, who has been detained without charges for more than eleven years and whose condition is rapidly deteriorating, particularly in the context of the current hunger strike. The Committee regrets that despite the State party's 'best endeavours' to secure his release, there are no encouraging signs of this happening soon (arts. 2 and 16).

The Committee urges the State party to consider all possible measures to ensure the prompt release and return to the United Kingdom of Shaker Aamer, who has been detained without charges for more than eleven years. In this context, the State party should follow-up on its June 2012 request to the Secretary of Defence of the United States of America to exercise a ‘waiver’, as contained within the National Defence Authorisation Act 2012, to enable to release of Shaker Aamer.

(...)

Transitional justice in Northern Ireland

23. The Committee welcomes the development by the Northern Ireland Office and Northern Ireland Department of Justice of a ‘package of measures’ to deal with the past in Northern Ireland, including the establishment of mechanisms to carry out historical investigations into deaths related to the conflict, including victims of torture and ill-treatment. It notes, however, reports of apparent inconsistencies in the investigation processes where military officials are involved, which delayed or suspended investigations, thus curtailing the ability of competent bodies to provide prompt and impartial investigations of human rights violations and to conduct a thorough examination of the systemic nature or patterns of the violations and abuses that occurred in order to secure accountability and provide effective remedy. In addition, the Committee is concerned about the State party’s decision not to hold a public inquiry into the death of Patrick Finucane (arts. 2, 12, 13, 14 and 16).

The Committee recommends that the State party develop a comprehensive framework for transitional justice in Northern Ireland and ensure that prompt, thorough and independent investigations are conducted to establish the truth and identify, prosecute and punish perpetrators. In this context, the Committee is of the view that such a comprehensive approach, including the conduct of a public inquiry into the death of Patrick Finucane, would send a strong signal of its commitment to address past human rights violations impartially and transparently. The State party should also ensure that all victims of torture and ill-treatment are able to obtain adequate redress and reparation.

(...)

38. The Committee requests the State party to provide, by 31 May 2014, follow-up information in response to the Committee’s recommendations related to (a) inquiries into allegations of torture overseas; (b) observing the safeguards ensuring respect for the principle of non-refoulement; (c) ensuring the prompt release and return to the UK of Shaker Aamer; and (d) adopting comprehensive measures of transitional justice in Northern Ireland and conducting prompt, thorough and independent investigations, as contained in paragraphs 15, 19, 20, 21, and 23 above.;