



PERMANENT MISSION OF NORWAY

OHCHR REGISTRY

26 NOV 2010

Recipients : CAT

Note no. 193/2010

The Permanent Mission of Norway to the United Nations in Geneva presents its compliments to the United Nations High Commissioner for Human Rights' Committee against Torture (CAT) and has the honour to refer to the latter's letter dated 12 May 2010 in which you seek clarifications to Norway's response dated 3 July 2009 regarding the recommendations in paragraphs 6, 7, 8 and 9 in CAT's Concluding Observations to Norway (CAT/C/NOR/CO/5).

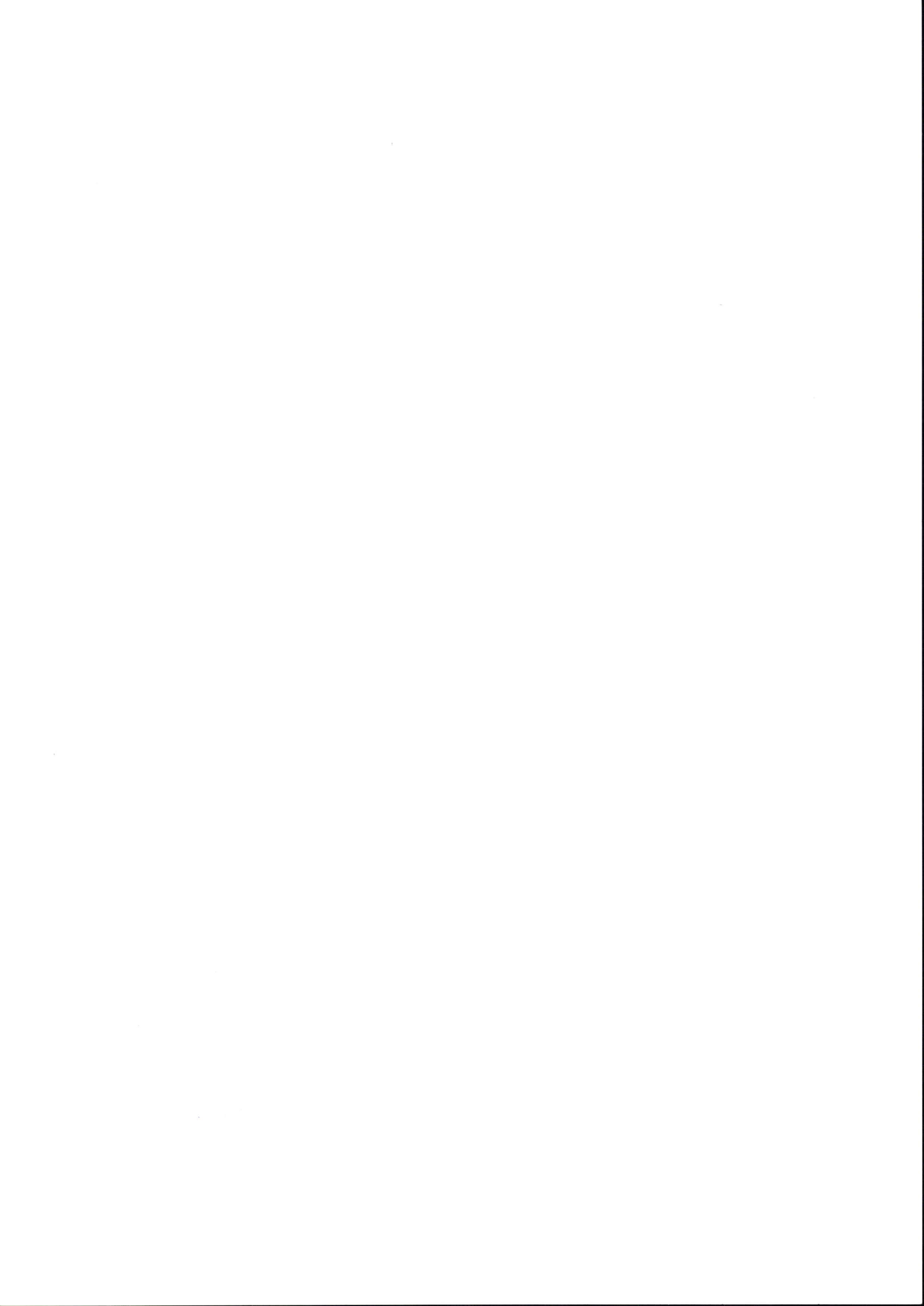
The Permanent Mission of Norway is pleased to enclose a letter dated 19 November 2010 from the Royal Ministry of Foreign Affairs in Oslo, addressed to the Rapporteur for Follow-up on Concluding Observations, Mr. Felice D. Gaer, with relevant clarifications. The original letter will be sent by post separately.

The Permanent Mission of Norway avails itself of this opportunity to renew to the United Nations High Commissioner for Human Rights Committee against Torture the assurance of its highest consideration.

Geneva, 22 November 2010



United Nations High Commissioner for Human Rights (OHCHR)
Committee against Torture
Geneva





ROYAL MINISTRY
OF FOREIGN AFFAIRS

UN Office of the High Commissioner for Human Rights
Committee against Torture
Palais des Nations, CH-1211 Geneva 10

Felice D. Gaer
Rapporteur for Follow-up on Concluding Observations

Your ref.:

Our ref.
07/05992:

Date:

19 November 2010

Dear Mr Gaer

United Nations Committee against Torture. Follow-up on Concluding Observations of CAT after its examination of the fifth periodic report by Norway. Response to the Committee's request for clarifications to the response from Norway.

We refer to your letter of 12 May 2010 asking for clarifications to Norway's response dated 3 July 2009 regarding the recommendations in paragraphs 6, 7, 8 and 9 in CAT's Concluding Observations to Norway (CAT/C/NOR/CO/5).

Recommendation in paragraph 6 of the Concluding Observations

With regard to the recommendation in paragraph 6 of the Concluding Observations concerning the "48-hour procedure" that is used as part of Norway's asylum and refugee determination system, the Ministry of Foreign Affairs would like to provide the Committee with the following additional information:

A copy of the list of countries included in the 48-hour procedure is enclosed (Appendix 1).

Norway has previously reported that in 2008, 29 asylum application cases were decided in accordance with the 48-hour procedure. Reviewing the statistics, the Norwegian Directorate of Immigration has found that two of these cases had been incorrectly classified. The correct information is that 27 cases were decided according to the 48-

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hour procedure in 2008. The applicants came from 12 different countries, as shown below.

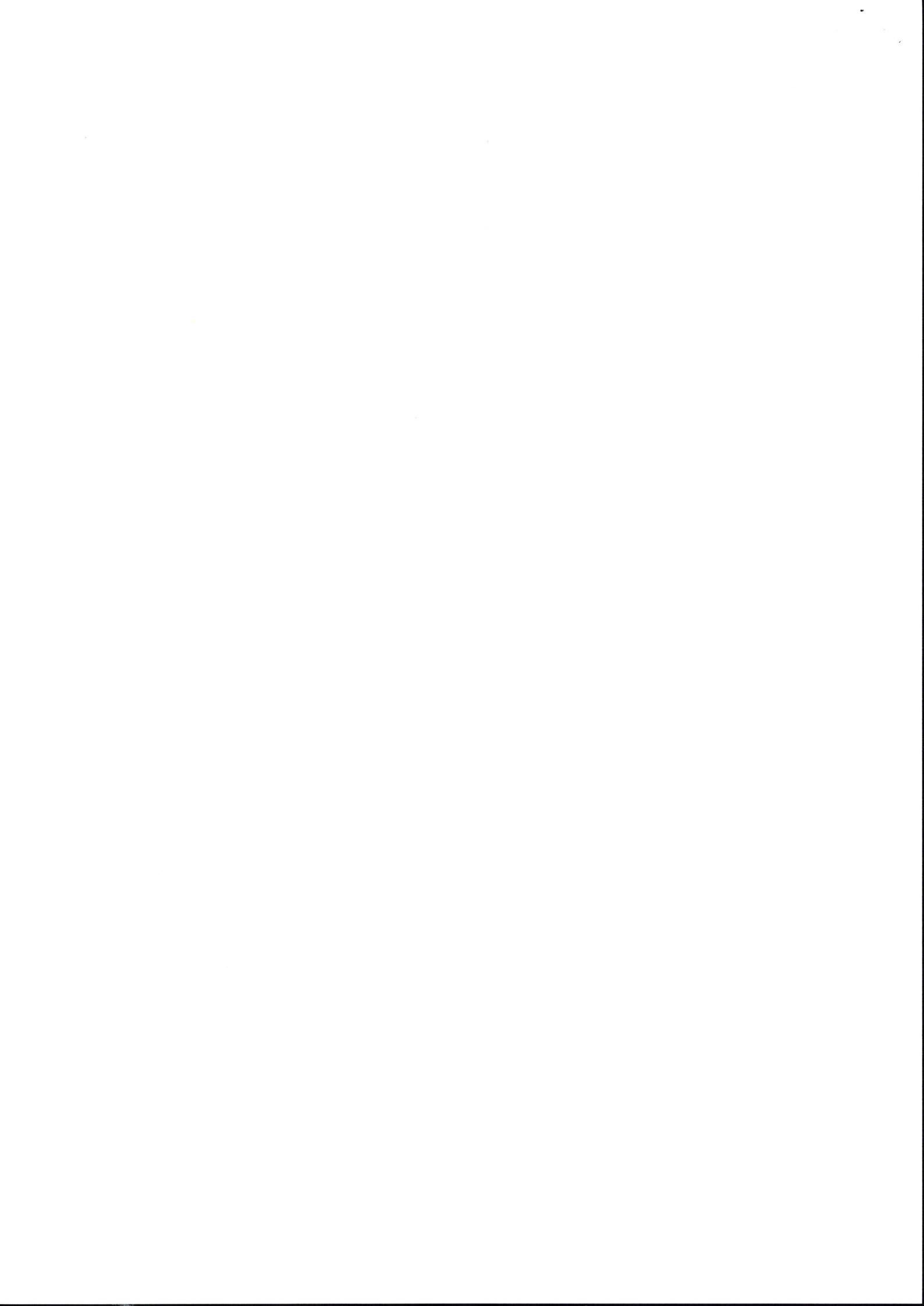
<i>Nationality -</i>	<i>Number of cases</i>
Bulgaria	2
Canada	1
Croatia	5
Czech Republic	1
Israel	2
Lithuania	1
Moldova	1
Mongolia	4
Romania	1
Spain	1
Ukraine	7
United Kingdom	1
Total	27

The Norwegian Country of Origin Information Centre (Landinfo):

With reference to the Committee's request for additional information on the Norwegian Country of Origin Information Centre (Landinfo), the Ministry would like to provide the Committee with the following facts: Landinfo is an independent body within the immigration administration. It is responsible for providing up-to-date information on asylum seekers' countries of origin to the Directorate, the Appeals Board and the Ministry of Justice and the Police. Landinfo collects and analyses information, and produces reports on the political, human rights and security situation in the countries of origin. All reports are accessible to the asylum decision-makers in an internal database.

Caseworkers are trained in finding information and using the database in the asylum decision-making process. Landinfo is also responsible for providing answers to specific questions from asylum decision-makers when needed. Landinfo is in this sense integrated into all asylum decisions, either in the caseworker's background information and/or through individual searches in the database or inquiries to Landinfo.

An application from one of the countries on the list will initially be processed according to the 48-hour procedure, but all applications from these countries will also be examined individually on their merits. After an examination, those applications that are not considered to be manifestly unfounded will be taken out of the 48-hour procedure. If inquiries are made to Landinfo concerning cases included in the 48-hour procedure, Landinfo may in some cases not be able to answer within the time limit. If it is not possible to acquire sufficient information, the case will be exempted from the 48-hour procedure. All of the countries listed as 48-hour-procedure countries are regarded as



safe by the Directorate. The list only includes countries where the Directorate has sufficient information about the general security and human rights situation, and where, based on experience, the majority of applications have turned out to be manifestly unfounded. The Norwegian authorities assess the situation in these countries continuously and are careful to keep the list updated. In this process, information from Landinfo is of crucial importance.

Recommendation in paragraph 7 of the Concluding Observations

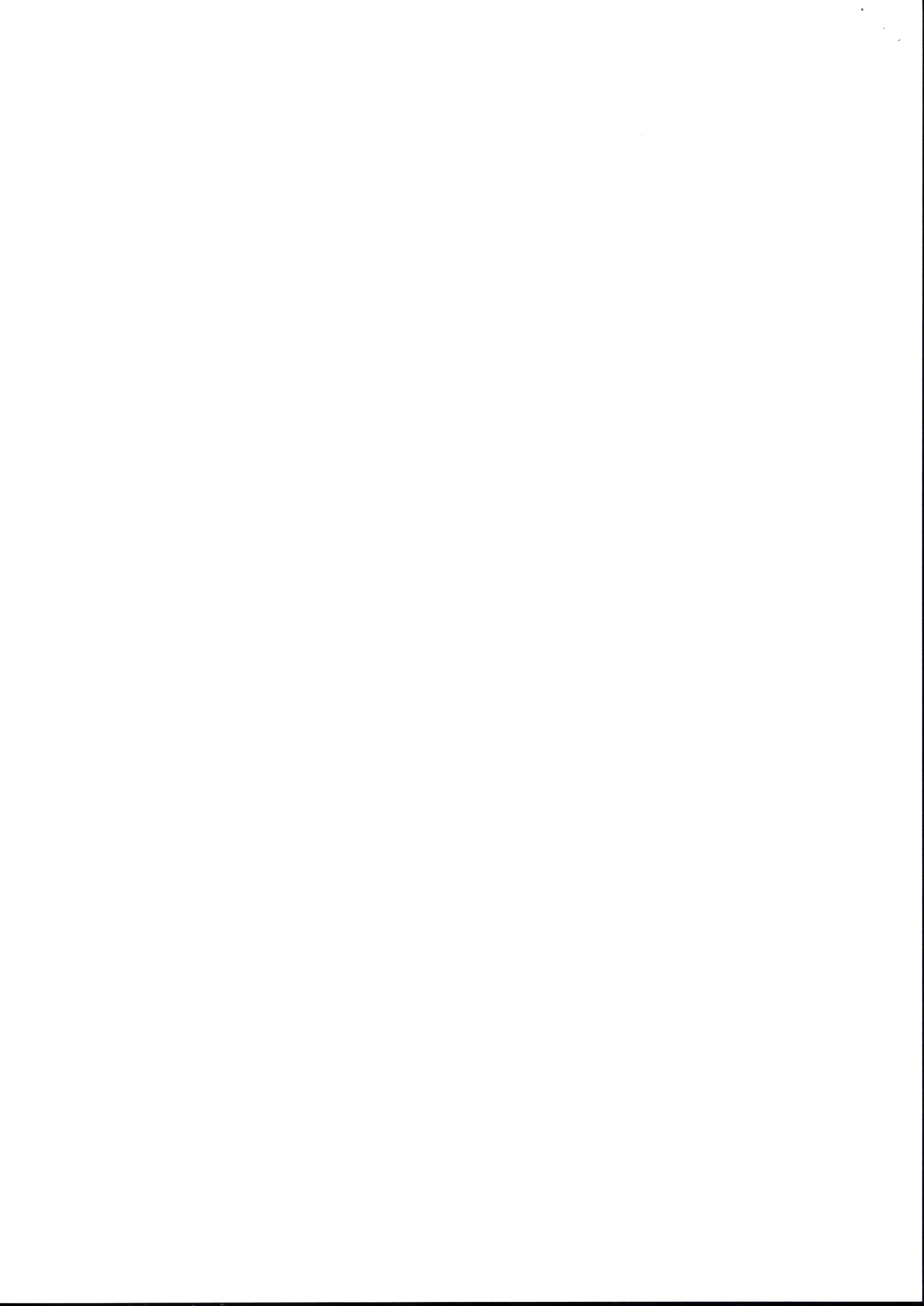
Referring to paragraph 7 of the Concluding Observations, the Committee has requested information on whether there have been any allegations or complaints of ill-treatment or torture of Afghan civilians who have been apprehended by Norwegian ISAF personnel and handed over to the Afghan authorities. The Norwegian authorities have received one such complaint. According to the Afghan civilian in question, he was beaten both at the time of apprehension and at a later stage, when he (according to one of his statements) was transferred from the Afghan authorities to another (unknown) State's forces. However, the person concerned has provided several different and contradictory versions of what happened. Although measures have been taken, including interviews conducted both by Norwegian personnel and the Afghan International Human Rights Committee (AIHRC), to clarify what actually happened and whether he has been ill-treated by either Norwegian forces or by others, the circumstances in this case remain unclear. He is now represented by a Norwegian lawyer.

As regards the question of to what extent the Memorandum of Understanding between Norway and Afghanistan addresses the prohibition of ill-treatment and torture of such prisoners, the Ministry would like to provide the following clarification: the specific articles in the MOU reaffirming the Afghan and Norwegian authorities' respective obligations in this respect refer in general to the obligations of States to treat apprehended persons in accordance with national and international law. The agreement's preamble refers specifically to the prohibition on torture as one of the relevant international obligations in this context.

Recommendation in paragraph 8 of the Concluding Observations

With reference to the Committee's questions concerning the statistical information relating to the Immigration Act and detention of foreign nationals, the Ministry would like to submit the following information:

The decision to use force is made on the grounds set out in the Immigration Act, section 107, fifth paragraph. The police may use force and approved forcible means if this is strictly necessary in order to maintain peace, order or security, or to ensure the implementation of decisions, provided that other less interventional measures have



been attempted to no avail or will clearly be inadequate. These measures may not be used where doing so would constitute a disproportionate intervention, and are to be used with caution. Under the Immigration Act section 107, sixth paragraph, the police are obliged to continuously assess whether there is a basis for upholding such measures. Further provisions are set out in the Regulations of 23 December 2009 No. 1890 concerning holding centres. Under section 9 of the regulations, force may be used to ward off an attack, or avoid harm to a person, prevent the carrying out of threats, prevent riots, prevent escapes, or secure access to a blocked or barricaded room.

The Ministry will return to the Committee's remaining questions relating to the recommendation in paragraph 8 as well as to the Committee's request for updated information relating to paragraph 9 of the Concluding Observations at a later date.

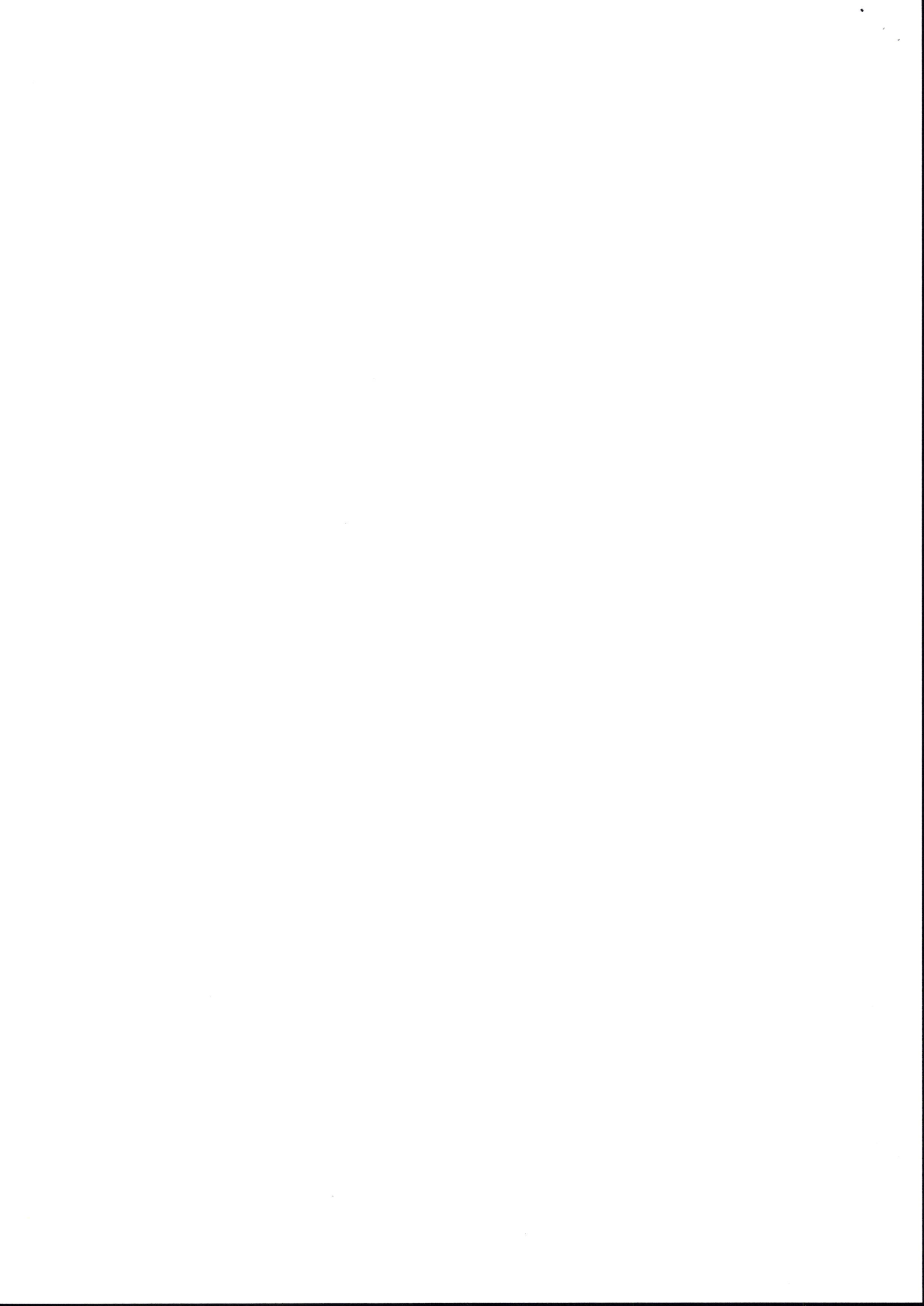
The Ministry of Foreign Affairs looks forward to pursuing the constructive dialogue with the Committee against Torture on the follow up to its Concluding Observations.

Yours sincerely



Assistant Director General
Helga Ervik

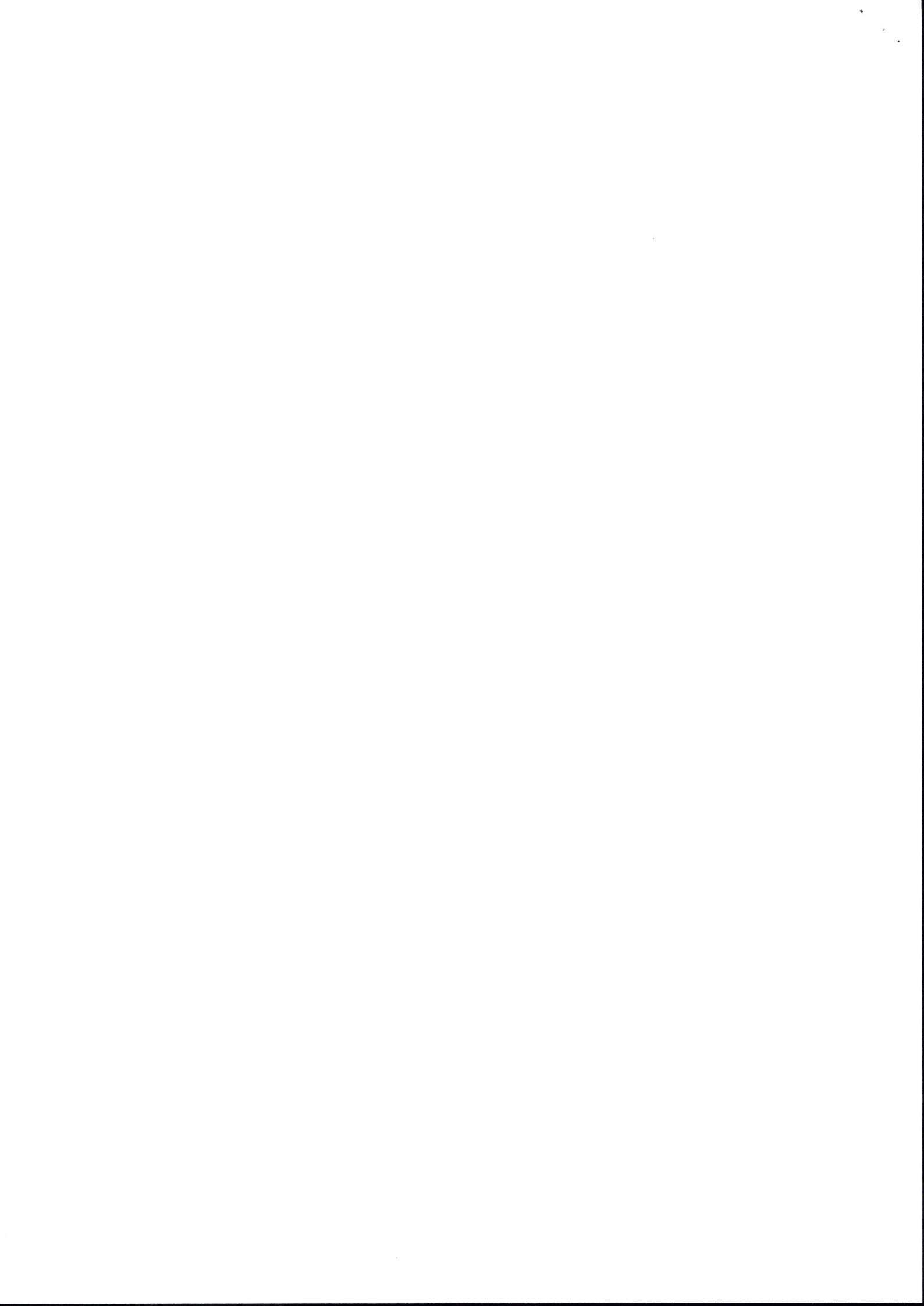
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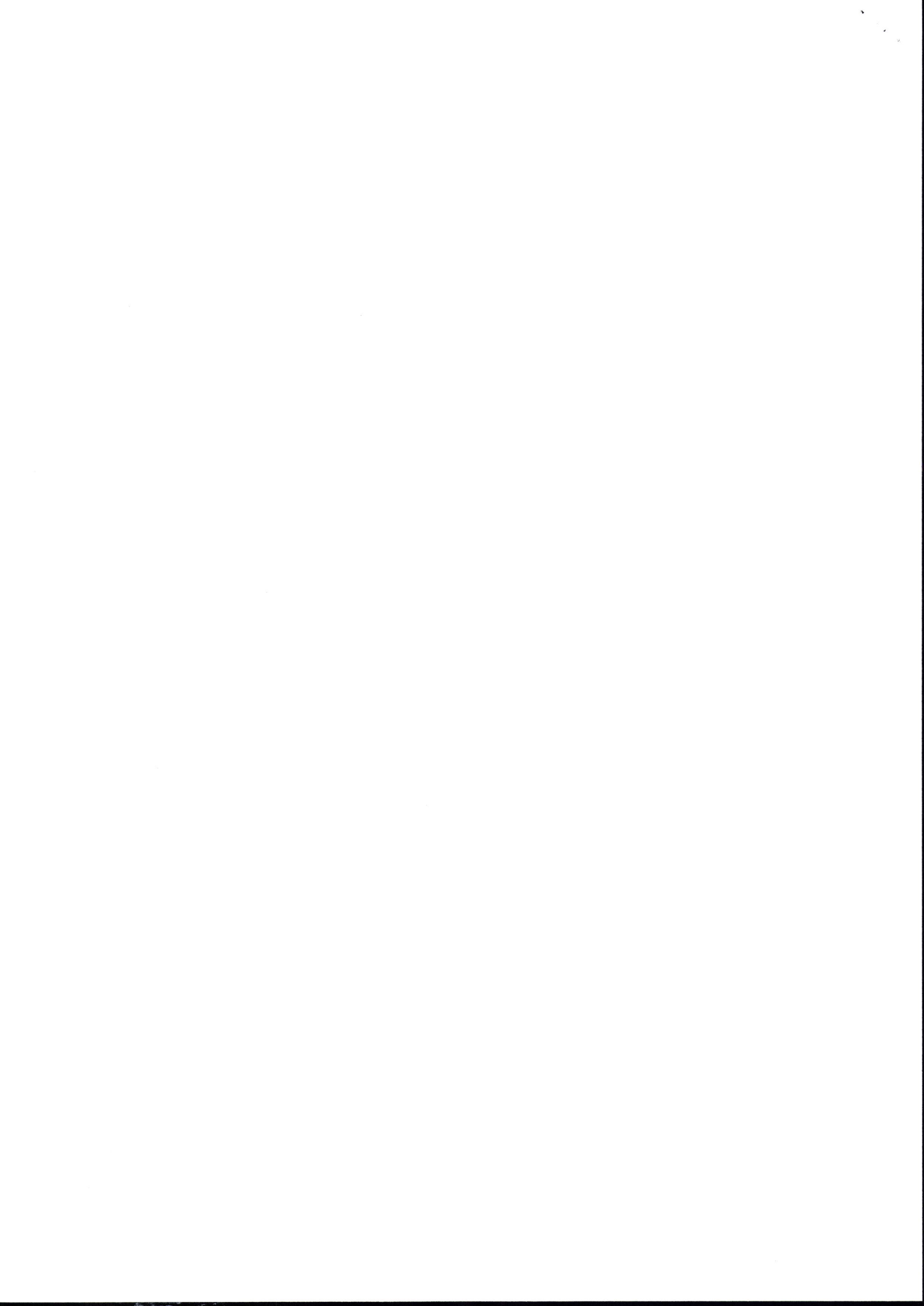
Appendix 1

Countries included in the “48-hour procedure”

Code	Name
ARG	Argentina
AUS	Australia
AUT	Austria
BEL	Belgium
BGR	Bulgaria
BRB	Barbados
CAN	Canada
CHE	Switzerland
CHL	Chile
CRI	Costa Rica
CYP	Cyprus
CZE	Czech Republic
DEU	Germany
DNK	Denmark
ESP	Spain
EST	Estonia
FIN	Finland
FRA	France
FRO	Faroe Islands



GBR	United Kingdom
GRC	Greece
HRV	Croatia
HUN	Hungary
IRL	Ireland
ISL	Iceland
ISR	Israel
ITA	Italy
JPN	Japan
LIE	Liechtenstein
LTU	Lithuania
LUX	Luxembourg
LVA	Latvia
MKD	Macedonia
MCO	Monaco
MDA	Moldova
MLT	Malta
MNE	Montenegro
MNG	Mongolia
NLD	The Netherlands
NZL	New Zealand
POL	Poland
PRT	Portugal



ROU	Romania
SRB	Serbia
SVK	Slovakia
SVN	Slovenia
SWE	Sweden
UKR	Ukraine
USA	United States
VAT	Holy See (Vatican City State)
ZAF	South Africa

