



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE: jli/follow-up/CAT

29 August 2016

Excellency,

In our respective capacities as Chairperson of the Committee against Torture and Rapporteur of the Committee for Follow-up to Concluding Observations, we have the honor to refer to the follow-up to the examination of the third to fifth periodic reports of the United States of America, in accordance with the Guidelines for Follow-Up to Concluding Observations (CAT/C/55/3).

At the end of its 53<sup>rd</sup> session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/USA/CO/3-5, para. 33) requested the State Party to provide within one year further information on the specific areas of concern identified in paragraphs 12(a), 14(c), 17 and 26(c)(d) of the concluding observations.

On behalf of the Committee, allow us to express appreciation for your letter of 27 November 2015, providing your Government's response on the above-mentioned paragraphs (CAT/C/USA/CO/3-5/Add.1), and to make the following comments:

Inquiries into allegations of torture overseas (para. 12)

The Committee appreciates the extensive information provided by the State party but remains concerned that allegations of torture, including those committed against CIA detainees, have not been investigated, as required by the Convention. The Committee considers that this is particularly regrettable in light of the publication of the unclassified summary report of the Senate Select Committee on Intelligence regarding the Central Intelligence Agency's rendition, detention and interrogation programme (3/C).

Guantanamo Bay detention facilities (para. 14)

The Committee appreciates the thorough and extensive information provided by the State party with regard to the recommendations included in paragraph 14 of its concluding observations. It considers, however, that the recommendation to put an end to indefinite detention without charge or trial has not been implemented (3/C).

.../...

H.E. Mr. Keith M. Harper  
Ambassador (Human Rights)  
Permanent Mission of the United States of America  
to the United Nations Office at Geneva  
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Interrogation techniques (para. 17)

While the Committee appreciates the information provided by the State party, in particular regarding 'separation' as an interrogation method, it remains concerned that the methods described in the Appendix M of the Army Field Manual, including sensory deprivation, may amount to ill-treatment or even torture. Please elaborate further on the State party's position (para. 45) that the two forms of 'separation' do not entail or authorize the use of sensory deprivation (2/D).

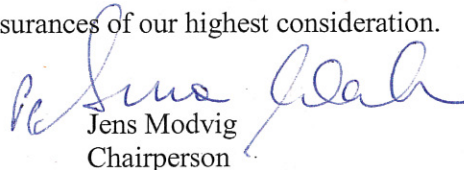
Excessive use of force and police brutality (para. 26)

The Committee appreciates the thorough information provided by the State party on remedies available to victims of police abuse, including the compensations paid to victims of police abuse in Chicago. However, the Committee regrets the absence of information on non-monetary reparations provided to victims (see, General Comment No. 3 (2012) on the implementation of article 14 of the Convention by States parties, CAT/C/GC/3). The Committee therefore considers that initial steps have been taken to implement the recommendations (2/B2).

The Government of the United States of America is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the combined third to fifth periodic reports of the United States of America.

The Committee looks forward to a continued constructive dialogue with the authorities of the United States of America on the implementation of the Convention.

Accept, Excellency, the assurances of our highest consideration.



Jens Modvig  
Chairperson

Committee against Torture

Abdelwahab Hani  
Rapporteur for Follow-up to Concluding Observations  
Committee against Torture

