



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: Follow-up/CAT

20 August 2018

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the initial report of Cabo Verde (CAT/C/CPV/1) by this Committee, at its 59th session, held from 7 November to 7 December 2016. At the end of that session, the Committee's concluding observations (CAT/C/CPV/CO/1) were transmitted to your Permanent Mission. In paragraph 46 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 7 December 2017, further information regarding areas of particular concern identified by the Committee in paragraphs 17, 21 and 27. It also invited the State party to provide information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective (see, doc. CAT/C/55/3).

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's concluding observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Cabo Verde on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Excellency, the assurances of my highest consideration.

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

H.E. Ms. Maria de Jesus Veiga Miranda
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Cabo Verde
to the United Nations Office at Geneva

**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/CPV/CO/1)

CABO VERDE

(...)

C. Principal subjects of concern and recommendations

(...)

Fundamental legal safeguards

(...)

17. The State party should:

(a) Provide information on the legislative and administrative measures taken to guarantee that detained persons are afforded, in law and in practice, all the fundamental legal safeguards from the very outset of deprivation of liberty, in particular, the right to access to a medical examination by an independent doctor;

(b) Monitor the compliance with the legal safeguards by all public officials and penalize any failure on the part of officials to comply;

(c) Provide the Committee with information on the number of complaints received regarding failure to respect such safeguards and on the outcome of those complaints;

(d) Provide information on the establishment of a central register of all persons deprived of their liberty, the type of information recorded and the measures taken to ensure accurate record-keeping.

(...)

Alleged police brutality

(...)

21. The State party should:

(a) Take appropriate measures to further strengthen the supervision and monitoring mechanisms of the police force, particularly with regard to the treatment of persons under custody;

(b) Ensure that all complaints of police brutality or excessive use of force are promptly investigated in an impartial manner by an independent body, that there is no institutional or hierarchical relationship between that body's investigators and suspected perpetrators of such acts and that the suspected perpetrators are duly tried and, if found guilty, are punished in a manner that is commensurate with the gravity of their acts;

(c) Ensure that the authorities launch investigations on their own initiative whenever there are reasonable grounds to believe that an act of police brutality or excessive use of force has been committed;

(d) Inform the Committee about the number of complaints received related to police brutality and excessive use of force by the police, disaggregated by ethnic group, age and sex of the victim, and about the criminal and disciplinary investigations resulting from those complaints, including those initiated ex officio, as well as the prosecutions, convictions and criminal and disciplinary penalties imposed;

(e) Inform the Committee about the scope of the mandate of the National Police Council and the National Police Disciplinary Board, as well as how the independence of those bodies is guaranteed and how those bodies relate to the Public Prosecutor's Office when they are conducting criminal and disciplinary investigations;

(f) Ensure that alleged perpetrators of police brutality or excessive use of force are immediately suspended from duty for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, to commit reprisals against the alleged victim or to obstruct the investigation, while also ensuring that the principle of presumption of innocence is observed.

(...)

National Commission for Human Rights and Citizenship

(...)

27. The Committee recommends that the State party accelerate the review process of the statute of the National Commission for Human Rights and Citizenship in order to reinforce its independence, resources and infrastructure and enable it to fully execute its mandate, in accordance with the Paris Principles. The State party should also speed up the creation of a national preventive mechanism and ensure that it has the necessary resources to fulfil its mandate independently and effectively throughout its territory, in accordance with the Optional Protocol to the Convention and the guidelines on national preventive mechanisms (see CAT/OP/12/5, paras. 7, 8 and 16). The State party should provide the Committee with information regarding the timeline for the adoption of the new statute of the National Commission for Human Rights and Citizenship and the creation of the national preventive mechanism and information on the implementation of the recommendations of the Commission and other monitoring organizations by the national authorities.

(...)

Follow-up procedure

46. The Committee requests the State party to provide, by 7 December 2017, information on follow-up to the Committee's recommendations on fundamental legal safeguards, police brutality and the independence of the National Commission for Human Rights and Citizenship (see paras. 17, 21 and 27 above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

(...)
