



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

23 October 2018

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the second periodic report of Afghanistan, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 60th session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/AFG/CO/2, para. 47) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 8 (c), 28 (c) and 34 (a) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 28 June 2018 providing your Government's response on the above-mentioned paragraphs (CAT/C/AFG/CO/2/Add.1) and to make the following comments:

Culture of impunity (para. 8 (c))

The Committee takes note of the information provided by the State party on the background checks and administrative clearances of candidates for government positions but remains concerned about the various reports alleging that perpetrators of war crimes and gross human rights violations, including acts of torture, were holding or had been nominated for official executive positions during the period under review (2/B2).

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H. E. Ms. Suraya Dalil
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Coerced confessions (para. 28 (c))

The Committee takes note of the legal safeguards enshrined in the Constitution and the Code of Criminal Procedure establishing the inadmissibility of evidence obtained through coercion. While also taking note of the ongoing prosecution of 25 cases of torture, the Committee regrets, however, the lack of information on decisions taken by Afghan courts to dismiss confessions obtained under torture or other ill-treatment as evidence, and the fact that there was no information provided on whether any officials have been prosecuted and punished for extracting such confessions (1/B2).

Death penalty (para. 34 (a))

The Committee appreciates the explanations provided by the State party regarding the imposition and use of the death penalty, in particular the adoption in 2017 of the new Penal Code, which reduces the number of crimes for which capital punishment can be applied, and of the establishment by the Attorney General of a monitoring committee composed of prosecutors mandated to review all cases of capital punishment. However, the Committee observes with concern that the State party has not yet taken any measures to establish a moratorium on executions, and to commute death sentences and continues to sentence individuals to death (2/C).

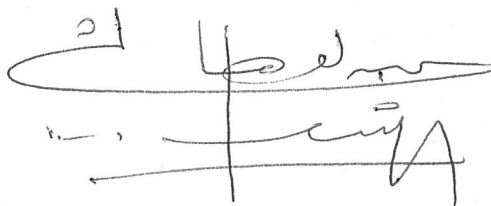
Implementation plans (para. 47)

The Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (C).

The Government of Afghanistan 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 second periodic report of Afghanistan.

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

Accept, Excellency, the assurances of my highest consideration.



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