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12 May 2010

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture (CAT), I refer to the examination of the fifth periodic report of Norway (CAT/C/81/Add.4) on 12 and 13 November 2007. The Committee adopted its Concluding Observations (CAT/C/NOR/CO/5), in which it requested further comments by the Government of Norway in relation to the specific concerns listed in paragraphs 6, 7, 8, and 9.

On behalf of the Committee, allow me to thank you for your response of 29 May 2009 (CAT/C/NOR/CO/5/Add.1) providing comments by Your Excellency's Government on those paragraphs. I have reviewed it with care and the additional information provided assists the Committee in its ongoing analysis of the issues identified for follow-up in the paragraphs above. As Rapporteur on Follow-up, I would be grateful for clarification on the following matters, where sufficient information is not yet provided to complete an analysis of the progress made regarding implementation of the recommendations of the Committee.

With regard to the recommendation in paragraph 6 of the Concluding Observations concerning the "48-hour procedure" as part of Norway's asylum and refugee determination system, the Committee is pleased to learn of the measures in place to ensure that this procedure is in compliance with Norway's obligations under article 3 of the Convention. We would be grateful to receive a copy of the list of countries included in the 48-hour procedure, mentioned in paragraph 1 of your response, as well as the list of countries where the 29 asylum applicants of 2008 mentioned in paragraph 5 of your response, were returned to. The Committee appreciates the information clarifying that cases falling under the 48-hour procedure are assessed on their own merits, and that asylum applications can and are exempted from this procedure when appropriate. Additionally, the Committee appreciates learning more about the Norwegian Country of Origin Information Centre that supplies updated country of origin information to immigration authorities. We would welcome any additional information on (a) how often it is used and particularly whether it is used routinely in the 48-hour procedure, and (b) the adequacy of the information gathered there for such a speedy procedure.

H.E.Ms. Bente Angell-Hansen
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Regarding paragraph 7 of the Concluding Observations, the Committee is pleased to learn of the Norwegian Government's efforts to ensure compliance with article 3 of the Convention in the context of Norwegian ISAF personnel in Afghanistan. In that regard, please inform the Committee 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 Afghan authorities. Please also clarify whether the Memorandum of Understanding between Norway and Afghanistan addresses the prohibition of ill-treatment and torture of such prisoners.

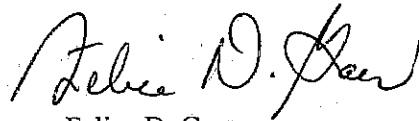
Additionally, the Committee is grateful for the statistical information provided in your response in connection with paragraph 8 of the Concluding Observations, and notes your response that the findings are in accord with the expectations when the amendment was adopted. We would very much welcome any further analysis or information regarding the effectiveness of pre-trial detention and solitary confinement as preventative measures. In that context, we regret to note your report that there has been an increase in the number of pre-trial detentions lasting 15-29 days, and would appreciate further information in this regard. Please clarify whether the Government of Norway has assessed the reasons or taken measures to reduce this figure, and if so to what effect. The Committee also notes the slight reduction in the number of incidents of solitary confinement in 2008 as indicated in your response, and would be grateful to receive any updated information. Please identify any particular factors relevant in leading to this reduction, and whether there were any significant changes in the security and safety of remand centres and prisoners noticed during 2008.

With regard to the statistical information provided relating to the Immigration Act and detention of foreign nationals, the Committee would appreciate information on the average length of detention of foreign nationals before deportation or court handling. Please also clarify for the Committee the grounds on which the decision to employ use of force is made and how such decisions are made and whether they are subjected to review afterwards.

The Committee welcomes the information provided in connection with paragraph 9 of the Concluding Observations regarding the establishment of the supervisory board for the Tandrum Holding Centre and the tripartite nature of this body. Please update the Committee on the status of this body—and whether the Government considers that the supervisory board is now able to ensure the right of persons held at the Centre at all times.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Norway on the implementation of the Convention, and in this context, to receiving clarification to our follow-up questions.

Accept, Excellency, the assurances of my highest considerations.



Felice D. Gaer

Rapporteur for Follow-up on Concluding Observations
Committee against Torture