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REFERENCE: jmn/mm/fg/follow-up/CAT

17 February 2006

Mr. Ambassador,

In my capacity as Rapporteur for follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, I refer to the examination of the fourth periodic report of the United Kingdom of Great Britain and Northern Ireland, Crown Dependencies and Overseas Territories (CAT/C/67/Add.2) by this Committee, at its 33<sup>rd</sup> session, from 15 to 26 November 2004. At the end of that session, the Committee's Conclusions and Recommendations (CAT/C/CR/33/3) were transmitted to your Permanent Mission. In paragraph 6 of those Conclusions and Recommendations, the Committee asked, pursuant to its rules of procedures, that United Kingdom of Great Britain and Northern Ireland provide, within one year (by November 2005), further information regarding areas of particular concern identified by the Committee in paragraph 5, sub-paragraphs (d), (e), (f), (g), (h), (i), (j) and (l) (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.

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 Conclusions and Recommendations. 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. 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 United Kingdom of Great Britain and Northern Ireland on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Mr. Ambassador, the assurances of my highest consideration.

A handwritten signature in cursive script, reading "Felice D. Gaer".

Felice D. Gaer  
Rapporteur for Follow-up on Conclusions and Recommendations  
Committee against Torture

H.E. Mr. Nicholas Thorne  
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Conclusions and recommendations of the Committee against Torture  
(Extracts for follow-up)**

**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,  
CROWN DEPENDENCIES AND OVERSEAS TERRITORIES**

(...)

**D. Recommendations**

5. The Committee recommends that:

(...)

- (d) the State party should appropriately reflect in formal fashion, such as legislative incorporation or by undertaking to Parliament, the Government's intention as expressed by the delegation not to rely on or present in any proceeding evidence where there is knowledge or belief that it has been obtained by torture; the State party should also provide for a means whereby an individual can challenge the legality of any evidence in any proceeding plausibly suspected of having been obtained by torture;
- (e) the State party should apply articles 2 and/or 3, as appropriate, to transfers of a detainee within a State party's custody to the custody whether de facto or de jure of any other State;
- (f) the State party should make public the result of all investigations into alleged conduct by its forces in Iraq and Afghanistan, particularly those that reveal possible actions in breach of the Convention, and provide for independent review of the conclusions where appropriate;
- (g) the State party should re-examine its review processes, with a view to strengthening independent periodic assessment of the ongoing justification for emergency provisions of both the Anti-terrorism, Crime and Security Act 2001 and the Terrorism Act 2000, in view of the length of time the relevant emergency provisions have been operating, the factual realities on the ground and the relevant criteria necessary to declare a state of emergency;
- (h) the State party should review, as a matter of urgency, the alternatives available to indefinite detention under the Anti-terrorism, Crime and Security Act 2001;
- (i) the State party should provide the Committee with details on how many cases of extradition or removal subject to receipt of diplomatic assurances or guarantees have occurred since 11 September 2001, what the State party's minimum contents are for such assurances or guarantees and what measures of subsequent monitoring it has undertaken in such cases;
- (j) the State party should ensure that the conduct of its officials, including those attending interrogations at any overseas facility, is strictly in conformity with the requirements of the Convention and that any breaches of the Convention that it

becomes aware of should be investigated promptly and impartially, and if necessary the State party should file criminal proceedings in an appropriate jurisdiction;

(...)

(l) the State party should develop an urgent action plan, including appropriate resort to criminal sanctions, to address the subjects of concern raised by the Committee in paragraph 4(g) as well as take appropriate gender-sensitive measures;

(...)

6. The Committee requests that the State party provide, within one year, information in response to the Committee's recommendations in paragraph 5, sub-paragraphs (d), (e), (f), (g), (h), (i), (j) and (l).

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