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**Promotion and protection of all human rights,
civil, political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment,

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Addendum

**Study on the phenomena of torture, cruel, inhuman or degrading
treatment or punishment in the world, including an assessment of
conditions of detention**

* The present document is being circulated as received in the language of submission only as it greatly exceeds the page limitations currently imposed by the relevant General Assembly resolutions.

** Late submission.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. The mandate and State cooperation.....	1–29	3
A. Introduction	1–9	3
B. Country missions	10–18	5
C. Follow-up to country missions	19–21	9
D. Individual communications.....	22–25	10
E. Reports to the Human Rights Council and the General Assembly	26–29	11
II. Torture.....	30–185	12
A. What is torture?.....	30–57	12
B. Why is torture inflicted?	58–139	19
C. Fighting torture – What needs to be done?	140–166	36
D. Assisting victims of torture: remedy and reparation	167–185	43
III. Cruel, inhuman and degrading treatment and punishment	186–237	50
A. Definition.....	186–188	50
B. Excessive use of force by law enforcement bodies.....	189–194	51
C. Domestic violence	195–208	53
D. Corporal punishment	209–228	56
E. Conditions of detention.....	229–237	61
IV. Non-refoulement	238–249	64
A. Meaning and scope	238–239	64
B. Challenges in the “war against terror”	240–245	65
C. Challenges in the restriction of immigration.....	246–249	68
V. Conclusions and recommendations.....	250–259	69

(iii) Suppression of political dissent

71. Perhaps most dangerously, some Governments seek to intimidate their population through the use of torture against persons who have or who are perceived of having convictions contrary to those held by the Government, or who criticise their policies or practices. The victims are often activists with different agendas, including members of the political opposition, religious or ethnic groups, or human rights defenders. Torture, often in combination with abduction and unaccounted detention, is used to silence their voices of dissent. Perpetrators originate from the ranks of the police, the military or affiliated non-state units. Following widely-reported demonstrations, credible allegations of such politically-motivated torture have been received over the last two years in a number of different countries, including, China, Iran and Zimbabwe. During my missions as Special Rapporteur, I have frequently found evidence of violent abuse or particularly harsh conditions applied to suspects of political crimes. In Equatorial Guinea, I found political prisoners held in solitary confinement for periods of up to four years, most of them in leg irons practically all the time. Furthermore, I have received very serious allegations of severe and prolonged torture of Equatoguinean citizens accused of involvement in attempts to overthrow the political system at unofficial places of detention. According to credible testimonies, this treatment was directly ordered by high-level officials of the Government.⁴⁰ China maintains the most institutionalised method of opposing political dissent that I have encountered. Political dissidents and human rights defenders, ethnic groups that are often suspected of separatism (particularly Tibetans and Uyghurs), as well as spiritual groups such as Falun Gong are often accused of political crimes such as endangering national security through undermining the unity of the country, subversion or unlawfully supplying State secrets to individuals outside the country. Such individuals are not only at a high risk of torture when arrested, but the Re-education Through Labour (RTL) regime that is often used as a sentence for political crimes employs measures of coercion, humiliation and punishment aimed at altering the personality of detainees up to the point of breaking their will,⁴¹ and can itself be considered as inhuman and degrading treatment or punishment, if not mental torture.⁴²

2. Context which allows torture to happen

72. In the course of the last decades an international framework of hard and soft law emerged with a considerable range of norms aimed at protecting the physical and mental integrity as well as the dignity of all human beings. In principle, these standards would be sufficient to prevent and to eradicate torture. However, their effective application is missing.

(a) Deficient legal framework

(i) Lack of a specific crime of torture in accordance with the definition in article 1 CAT

73. The vast majority of States visited during my fact-finding missions did not have a crime of torture in their criminal codes which reflects the definition of torture with article 1 of the UN Convention against Torture, although they are almost all States parties to the treaty. This finding, as surprising as it may appear, is most certainly not only valid for those 15 States I visited, but also holds true for a significant number of other States. I do not believe that this shortcoming indicates bad faith in any way, but it highlights the prevalence of fundamental misconceptions about the elements and the nature of torture and a lack of

⁴⁰ A/HRC/13/39/Add.4.

⁴¹ E/CN.4/2006/6/Add.6, para.62.

⁴² E/CN.4/2006/6/Add.6, para.64.