



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Follow-up report on decisions relating to communications submitted under article 22 of the Convention*

I. Introduction

1. The present report is a compilation of information on cases in which States Parties and complainants have had at least one round of exchanges since the eighty-first session of the Committee against Torture in the framework of the Committee's follow-up procedure on decisions relating to communications submitted under article 22 of the Convention.¹

II. Communications

Communication No. 573/2013²

D.C. and D.E. v. Georgia (CAT/C/60/D/573/2013)

Date of adoption of
decision: 12 May 2017

Violation: Article 12, and article 13, read in conjunction with article 1, of
the Convention and, for D.E., also article 16 of the Convention

Remedy: The Committee urged the State Party to conduct an impartial
investigation into the incidents in question, with a view to
bringing those responsible for the victims' treatment to justice,
and to provide the complainants with an effective remedy,
including fair and adequate compensation for the suffering
inflicted, in line with the Committee's general comment No. 2
(2008) on the implementation of article 2 by States Parties, as
well as medical rehabilitation. The State Party is also under an
obligation to prevent similar violations in the future.

2. On 16 December 2024, the State Party provided information on the investigative measures. In 2019, the case files related to the complainants' convictions were retrieved from the general court archives for further examination, and two witnesses (police officers) were interviewed. In 2021, multiple witnesses were interviewed: six cellmates of the complainants, two temporary detention centre employees, one police patrol officer and one employee of the narcology unit. Relevant documents and information were obtained from the Ministry of Internal Affairs, temporary detention centres, and penitentiaries. In 2022, a witness (police officer) was interviewed, and additional information was secured from the

* Adopted by the Committee at its eighty-second session (7 April–2 May 2025).

¹ The previous follow-up report on decisions relating to communications submitted under article 22 of the Convention (CAT/C/81/2) was adopted, as amended, by the Committee at its eighty-first session.

² For previous follow-up information relating to this communication, see CAT/C/76/3, paras. 2–6.



Public Service Development Agency of the Ministry of Justice and from the Information-Analytical Department of the Ministry of Internal Affairs. In 2023, interviews were conducted with a police patrol officer and a cellmate of D.C. at a penitentiary. On 4 and 11 November 2024, two individuals were interviewed as witnesses: a former cellmate of D.C. at the temporary detention centre and a former cellmate of D.C. at Penitentiary Institution No. 8. Both witnesses stated that D.C. had not reported any unlawful actions by police officers against him and had not exhibited visible signs of physical injury at the time.

3. The State Party reiterated the various challenges impeding the investigation: the unavailability of certain individuals who need to be questioned, as they are no longer within the territory of Georgia; the passage of time since the alleged crime, as witnesses struggle to recall specific details; and the incomplete availability of documentation from relevant public services. The investigation remains ongoing under article 333 (1) of the Criminal Code of Georgia, pertaining to the abuse of official authority by police officers in connection with allegations involving the complainants. The State Party considers that no other measures are required regarding the case, as the Committee's recommendations have been fully implemented and, thus, that the follow-up procedure should be officially closed.

4. On 24 January 2025, the complainants submitted that there was no deadline provided for in the Georgian Criminal Procedure Code for an investigation. They deplore the fact that police officers were interviewed as witnesses, not as accused persons, and consider that other police officers and prosecutors should have been interviewed. They also contest that some of those interviewed during the investigation as their "cellmates", and identified by the State Party by their initials, had actually been their cellmates. The complainants insist that they have not benefited from medical rehabilitation and claim damages for material and moral damage.

5. The follow-up comments and observations demonstrated partial implementation. The Committee noted that, while the State Party had launched an investigation into the incidents in question, the investigation was still pending. The Committee further noted that the State Party had not provided information about the medical rehabilitation afforded to the complainants after and in implementation of the Committee's decision in their case. Therefore, the Committee decided to keep the follow-up dialogue ongoing.

Communication No. 939/2019

Cubrilov Jovic et al. v. Serbia (CAT/C/72/D/939/2019)

Date of adoption of decision: 12 November 2021

Violations: Articles 2, 12 and 13 of the Convention

Remedy: The Committee urged the State Party:

(a) To launch a prompt, impartial and independent investigation into the torture and death of Bozidar Cubrilov, including, where appropriate, the filing of specific torture charges against perpetrators, and the application of the corresponding penalties under domestic law;

(b) To take the steps necessary to provide guarantees of non-repetition in connection with the facts in the complaint. To that end, the Committee urged the State Party to review its criminal procedures in law and practice to ensure that cases of torture were promptly and adequately investigated ex officio by the authorities, even if victims or their relatives had not requested an investigation, and to report, within 180 days of the date of transmission of the decision, on the steps or initiatives taken in that regard;

Cubrilov Jovic et al. v. Serbia (CAT/C/72/D/939/2019)

(c) To make public the Committee's decision and disseminate its content widely, in the official language of the State Party, in particular among members of the police force and prison personnel in charge of persons deprived of their liberty.

6. With reference to the Committee's first recommendation, to launch an investigation, on 24 June 2022, the State Party replied that, on 14 April 2011, the criminal report had been rejected in accordance with the statute of limitations.³ As to the second recommendation, to provide guarantees of non-repetition, the State Party mentioned new guidelines adopted between 2017 and 2019,⁴ the renovation of 63 detention facilities, and 16 days of training for prosecutors and police officers in 2018 and 2019. The State Party also explained who conducted investigations. Finally, as to the last recommendation, the State Party declared that the Committee's decision had been published on the official websites of the Ministry of Interior and the Ministry of Human and Minority Rights and Social Dialogue.

7. On 9 December 2024, the complainants' counsel expressed regret that none of the State Party's authorities had organized a meeting regarding the implementation of the Committee's decision. The complainants were never informed about the dismissal of the criminal proceedings on 14 April 2011 and contest the way in which the statute of limitations was applied. The complainants' counsel also complains about the dismissal of the complainants' domestic proceedings for pecuniary and non-pecuniary damages following the Committee's decision.

8. The complainants' counsel considers that the State Party has not taken any measures to comply with the Committee's decision: it refuses to carry out criminal proceedings against the police inspector suspected of inflicting serious bodily injuries that led to the death of Mr. Cubrilov and refuses to award compensation for the various types of damage suffered by the complainants. The complainants' counsel gives two examples of cases in which victims have been denied the right to compensation for damages even though members of the police allegedly used violence against them after arrest.

9. The follow-up comments demonstrated partial implementation of the Committee's decision. The Committee noted with satisfaction that the State Party had made public the Committee's decision and had disseminated its content widely. The complainants had not contested that statement. However, following the Committee's decision, the State Party had not launched a prompt, impartial and independent investigation into the torture and death of Mr. Cubrilov. The State Party, following the Committee's decision, had also not reviewed its criminal procedures in law and practice to ensure that cases of torture were promptly and adequately investigated ex officio by the authorities, even if victims or their relatives had not requested an investigation. The Committee therefore decided to keep the follow-up dialogue ongoing.

Communication No. 1109/2021

Turhan v. Sweden (CAT/C/81/D/1109/2021)

Date of adoption of decision: 8 November 2024

³ The State Party does not give further details, but the complainants explain that it was the Supreme Public Prosecution Office in Belgrade that archived the case in accordance with the Criminal Code, due to the lapse of 15 years since the crime of grievous bodily harm resulting in death had been committed.

⁴ The guidelines concern investigating police ill-treatment; detention facility standards; and police conduct.

Violations:	Article 3 of the Convention, if deported
Remedy:	The Committee considered that the State Party had an obligation to refrain from forcibly returning the complainant to Kosovo. ⁵

10. On 18 February 2025, the State Party informed the Committee that, following the Committee's decision, the Swedish Migration Agency had initiated an investigation in connection with the complainant's new application for asylum. His case will be examined on the merits by the Migration Agency, and if this results in a rejection of his application, that decision could be appealed to one of the migration courts, with the possibility of a further appeal to the Migration Court of Appeal. An asylum investigation interview was held with the complainant and appointed public counsel on 11 February 2025. The expulsion to Kosovo has been suspended for the duration of the proceedings. If the application is granted, the existing expulsion order will not be enforced. The State Party further mentioned that it had distributed the Committee's decision to relevant public authorities, including the Migration Agency and the migration courts, and had also published it on the Government's website alongside a summary in Swedish.

11. On 6 March 2025, the complainant's counsel confirmed the new asylum application and mentioned that the Swedish authorities had informed him that their investigation in connection with this new application would assess the risk of persecution in Türkiye. However, the complainant's counsel expressed regret that the complainant had not been offered any compensation for legal costs incurred in relation to the complaint before the Committee or for other damage suffered since the refusal of his initial application.

12. The follow-up comments demonstrated the actions taken and efforts made by the State Party to fully implement the Committee's decision. While the consideration of the new asylum application was pending, the Committee decided to keep the follow-up dialogue ongoing.

Communication No. 1111/2021

Aishan v. Morocco (CAT/C/80/D/1111/2021)

Date of adoption of decision:	15 July 2024
Violations:	Article 3 of the Convention, if extradited
Remedy:	The Committee requested the State Party to release Mr. Aishan or bring him to trial if charges were brought against him in Morocco.

13. On 31 October 2024, the State Party informed the Committee that Mr. Aishan's case was still pending before the Court of Cassation.

14. On 20 November 2024, the complainants' counsel noted that the lawyer who had instituted proceedings before the Court of Cassation had not obtained Mr. Aishan's written approval to do so. The counsel declared that Mr. Aishan wished to withdraw those proceedings. On 18 February 2025, the counsel informed the Committee about Mr. Aishan's release on 12 February 2025, in accordance with the Committee's decision, and his transfer to a safe country. The counsel welcomed the State Party's decision to comply with the Committee's decision and requested the Committee to close the follow-up dialogue.

⁵ References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

15. The follow-up comments demonstrated full implementation, as the State Party had released Mr. Aishan. Consequently, the Committee decided to close the follow-up dialogue, with a note of satisfactory resolution.
