United Nations CCPR/C/115/3

International Covenant on Civil and Political Rights

Distr.: General
23 December 2015

Original: English

Human Rights Committee

Follow-up progress report on individual communications adopted by the Committee at its 115th session (19 October-6 November 2015)

A. Introduction

1. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5 (4) of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up on Views to that end. In accordance with rule 101 (3) of the Committee's rules of procedure, the Special Rapporteur for follow-up on Views prepared the present report, which sets out all information provided by States parties and authors or their counsel/representatives between March and July 2015.

2. As of the 113th session, the Committee had concluded in 922 of the 1,088 Views adopted since 1979 that there had been a violation of the Covenant.

3. At its 109th session, the Committee decided to include in its reports on follow-up to Views an assessment of the replies/actions of States parties, based on the criteria of the procedure for follow-up to the concluding observations. The assessment criteria were as follows:

Assessment criteria

Reply/action satisfactory

A Reply/action largely satisfactory

Reply/action partially satisfactory

B1 Substantive action taken, but additional information required

B2 Initial action taken, but additional information required

Reply/action not satisfactory

C1 Reply received, but actions taken do not implement the recommendation

C2 Reply received but not relevant to the recommendation

GE.15-22192(E)

No cooperation with the Committee

D1 No reply received within the deadline, or no reply to any specific question in the report

D2 No reply received after reminder(s)

The measures taken are contrary to the recommendations of the Committee

E The reply indicates that the measures taken go against the recommendations of the Committee

B. Follow-up information covering submissions received and processed between March and July 2015

1. Algeria

Communications No. 1924/2010, *Boudehane v. Algeria*; No. 1974/2010, *Bouzaout v. Algeria*; No. 1931/2010, *Bouzenia v. Algeria*; and No. 1964/2010, *Fedsi v. Algeria*

Views adopted:	24 July 2014 (*Boudehane*) and 23 July 2014 (for the three others)
Violation:	*Boudehane:* Article 2 (3), read in conjunction with articles 6 (1), 7, 9, 10 (1) and 16 with regard to Tahar and Bachir Bourefis; article 2 (3), read in conjunction with article 17, with regard to Tahar Bourefis; and article 2 (3), read in conjunction with articles 7 and 17, with regard to the author. *Bouzaout*: Article 6 (1) with regard to Nedjma Bouzaout; article 7 and article 2 (3), read in conjunction with articles 6 (1) and 7, with respect to the author. *Bouzenia*: Articles 6 (1), 7, 9, 10 (1) and 16, and article 2 (3), read in conjunction with articles 6 (1), 7, 9, 10 (1) and 16, with regard to Lakhdar Bouzenia; and articles 7 and 2 (3), read in conjunction with article 7, with regard to the author and her family. *Fedsi*: Article 6 (1) with regard to Nasreddine and Messaoud Fedsi; and article 2 (3), read in conjunction with article 6 (1), with regard to the author.
Remedy:	*Boudehane*: Effective remedy, including by (a) conducting a thorough and effective investigation into the disappearance of Tahar and Bachir Bourefis; (b) providing the author and her family with detailed information about the results of its investigation; (c) releasing them immediately if they are still being detained incommunicado; (d) in the event that Tahar and Bachir Bourefis are deceased, handing over their remains to their family; (e) prosecuting, trying and punishing those responsible for the violations committed; and (f) providing adequate compensation to the author and her family for the violations suffered and to Tahar and Bachir Bourefis, if they are still alive. Notwithstanding the terms of Ordinance No. 06-01, the State party should ensure that it does not impede enjoyment of the right to an effective remedy for crimes such as torture, extrajudicial killings and enforced disappearances. *Bouzaout*: Effective remedy, including by (a) conducting a thorough and effective investigation into the death of Nedjma Bouzaout; (b) providing the author and his family with detailed information about the results of its investigation; (c) prosecuting, trying and punishing those responsible for the violations committed; and (d) providing adequate compensation to the author for the violations suffered. Notwithstanding the terms of Ordinance No. 06-01, the State party should ensure that it does not impede enjoyment of the right to an effective

	remedy for crimes such as torture, extrajudicial killings and enforced disappearances. *Bouzenia*: Effective remedy, including by (a) conducting a thorough and effective investigation into the disappearance of Lakhdar Bouzenia; (b) providing the author and her family with detailed information about the results of its investigation; (c) releasing him immediately if he is still being detained incommunicado; (d) in the event that Lakhdar Bouzenia is deceased, handing over his remains to his family; (e) prosecuting, trying and punishing those responsible for the violations committed; and (f) providing adequate compensation to the author for the violations suffered and to Lakhdar Bouzenia, if he is still alive. Notwithstanding the terms of Ordinance No. 06-01, the State party should ensure that it does not impede enjoyment of the right to an effective remedy for crimes such as torture, extrajudicial killings and enforced disappearances. *Fedsi*: Effective remedy, including by (a) conducting a thorough and effective investigation into the executions of Nasreddine and Messaoud Fedsi; (b) providing the author and his family with detailed information about the results of its investigation; (c) prosecuting, trying and punishing those responsible for the violations committed; and (d) providing adequate compensation to the author for the violations suffered. Notwithstanding the terms of Ordinance No. 06-01, the State party should ensure that it does not impede enjoyment of the right to an effective remedy for crimes such as torture, extrajudicial executions and enforced disappearances.
Previous follow-up information:	None
Submission from authors' counsel:	3 March 2015 The authors' counsel submits that, despite the Committee's recommendation, the Algerian authorities have not undertaken any implementing action in any of the four cases. Accordingly, the victims' families have petitioned different governmental entities to remind them of the need to implement the Committee's Views. As a result of this initiative, Zahra Boudehane and Sakina Belhmir Bourefis, both wives of disappeared victims, were summoned by the Office of the Prosecutor of the Republic in January 2015, with a request to report to the Office on 9 February 2015. On this occasion, both were interrogated about the reasons for their filing a complaint before the Committee. Khalifa Fedsi, father of the two Fedsi brothers, who were summarily executed by Algerian State agents, was also summoned by the same Prosecutor on 19 February 2015, and similarly interrogated about the circumstances of the case. The authors' counsel expresses the fear that these measures represent acts of pressure on and intimidation of the families, and that this is a strong indication that the State party does not intend to implement the Committee's Views. Transmitted to the State party on 5 March 2015, with a request from the Committee, acting through the Special Rapporteur for follow-up on Views, for the State party to ensure that the authors of the above-mentioned communications, as well as members of their families, are not subjected to legal procedures, nor to any form of pressure or intimidation in the exercise of their right to submit communications before the Committee, and with a deadline of 6 April 2015 for informing the Committee of the measures undertaken in accordance with this request.

Committee's decision:	Follow-up dialogue ongoing; send a reminder to the State party.

2. Australia

Communications No. 2094/2011, *F.K.A.G. et al. v. Australia*; and No. 2136/2012, *M.M.M. et al. v. Australia*

Views adopted:	26 July 2013 and 25 July 2013, respectively
Violation:	Articles 7 and 9 (1) and (4)
Remedy:	Effective remedy, including release under individually appropriate conditions for those authors still in detention, rehabilitation and appropriate compensation.
Previous follow-up information:	None
Submission from State party:	17 December 2014 With respect to article 9 (1), the State party stresses that it is entitled to take measures, including detention, to uphold its national security. It is the policy of Australia that unlawful non-citizens who are the subject of adverse security assessments from the Australian Security Intelligence Organisation (ASIO) will remain in immigration detention pending the resolution of their cases. The four dependent child authors are lawful non-citizens, and were not required to remain in detention. The decision on whether the children reside in immigration detention, or within the community with a carer, parent or guardian, is that of the parents or legal guardian. The authors' adverse security assessments were reviewed regularly. An independent reviewer appointed on 3 December 2012 provides an independent review process for those individuals who remain in immigration detention after having been found to be owed international protection obligations but not granted a permanent visa as a result of an adverse security assessment. The independent reviewer has a total of 47 cases, for which 31 reviews have been completed. Of those 31 cases, the independent reviewer found that an adverse security assessment was appropriate in 23 cases. In the eight cases in which the independent reviewer found that an adverse security assessment was not appropriate, ASIO has issued new assessments. As of 27 November 2014, a total of 12 adult authors had been released following new security assessments by ASIO. The four dependent child authors, who remained in detention at their parents' discretion, were also no longer in detention. In 8 of these 12 cases, ASIO issued new security assessments on the basis of the provision or receipt of new information. In the four remaining cases, the independent reviewer found that the adverse ASIO security assessments were not an appropriate outcome. ASIO issued new security assessments in respect of those cases, and the Department of Immigration and Border Protection is considering them. Significant efforts are being devoted to exploring options for third-country resettlement for the authors. Concerning article 9 (2), the State party disagrees with the Committee's findings, as the term "arrest" is not applicable in this context, since the authors were not "arrested" in the ordinary meaning of the term, which relates to a criminal law context.

The State party also expresses disagreement with the Committee's interpretation of article 9 (4) in the case. There can be no doubt that the term "lawfulness" refers to the lawfulness of detention according to Australian domestic law, as opposed to international law. Furthermore, the Committee placed too much weight on the outcomes of previous decisions of the High Court of Australia in coming to its decision on the possible outcome of review of the legality of detention. These outcomes were based on specific factual situations and should not be read as an indication that judicial review at the High Court is not available to the authors, nor that release from detention may not be the outcome of such a review.

Concerning article 7, the State party is mindful of the impact of continuing detention on individuals with adverse security assessments, but it does not consider that detention per se causes harm to individuals. The treatment of the authors does not meet the threshold of article 7. Detainees have access to health care and mental health support services, including through on-site primary healthcare services.

Submission from author's counsel:

4 March 2015

The authors' counsel notes that Australia was requested to respond within 180 days from the date that the Committee's Views were transmitted, namely by February 2014. Australia responded in January 2015, almost one year late. Australia is among the best resourced of any State party to the Optional Protocol and, accordingly, has little excuse for persistent non-compliance with the Committee's procedural deadlines. Procedural non-compliance is not a mere technical inconvenience in cases in which authors are subject to continuing arbitrary deprivation of liberty and cruel, inhuman or degrading treatment. It also sets a very poor example for States parties that are not as well resourced.

The authors' counsel reiterates that it is contrary to the Covenant to indefinitely detain refugees without charge, due process or effective judicial protection, and in conditions which inflict serious mental harm on them, which cannot be alleviated by medical care when the fact of prolonged detention is the cause of such harm.

The State party has from the outset opposed the communication's admissibility altogether, opposed every argument on the merits, routinely responded very late and has now rejected the Committee's Views on all counts, including interpretation and the application of law to the facts. In sum, the response of Australia is that it was right all along. It has acted in bad faith, given that it seemingly had no intention or willingness to consider reforming or moderating its behaviour.

The refusal of Australia to respond favourably to the Committee's Views is part of a long-running, consistent pattern of non-compliance, with Australia failing to provide effective remedies in the overwhelming majority of the more than 30 Views in which adverse findings have been made against it.

Australia has not treated the procedure as a constructive dialogue by which the State party adjusts its behaviour to bring it into conformity with its obligations. Rather, Australia has regarded the procedure as an opportunity to lecture the Committee that it is wrong and that Australia is right.

The authors' counsel urges the Committee to denounce the comprehensive failure of Australia to respect its obligations under the Covenant and the Protocol, and to respect the authority of the Committee's Views and procedures.

Transmitted to State party on 12 March 2015.

Committee's assessment:	(a) Effective remedy, including release under individually appropriate conditions for those authors still in detention; rehabilitation; and appropriate compensation: C2
	(b) Publication of Views: No information
	(c) Non-repetition: C2
Committee's decision:	Follow-up dialogue ongoing.

3. Bosnia and Herzegovina

Communication No. 1956/2010, *Durić v. Bosnia and Herzegovina*

Views adopted:	16 July 2014
Violation:	Articles 6, 9, 10 and 16, read in conjunction with article 2 (3); and article 7, read alone and in conjunction with article 2 (3)
Remedy:	Effective remedy, including (a) continuing its efforts to establish the fate or whereabouts of Ibrahim Durić, as required by the Law on Missing Persons 2004; (b) bringing to justice those responsible for his disappearance by the end of 2015, as required by the National Strategy for War Crimes Processing; (c) ensuring adequate compensation; and (d) abolishing the obligation for family members to declare their missing relatives dead to benefit from social allowances/compensation.
Previous follow-up information:	None
Submission from State party:	12 January 2015 A criminal case is ongoing against a suspect allegedly involved in the enforced disappearance of the authors' relative. Case KTRZ 55/06 is pending before the Special Department for War Crimes of the Prosecutor's Office, and is at the application stage. The former Assistant Minister of Justice and Public Administration of the Republika Srpska is charged with murder, torture, illegal detention and enforced disappearance. The Prosecutor's Office of Bosnia and Herzegovina has been taking investigative action, including gathering relevant information and establishing the facts regarding Ibrahim Durić's disappearance. A prosecutor has been appointed to follow the case, a witness has been heard, and physical evidence has been collected. Prosecution of this complex case, categorized as a priority war crimes case, should take place by the end of 2015 under the national war crimes strategy. However, because of its complexity and the slow gathering of evidence, testimony and archive research, the length of the proceedings cannot be predicted. The Prosecutor's Office will regularly inform the author of the progress and results of activities undertaken. Efforts are being made to speed up the prosecution. The recruitment of 13 new prosecutors was approved by the Council of Ministers in July 2013. Furthermore, with substantial assistance from the international community, the capacities of prosecutor's offices across the country have been upgraded by hiring additional staff. The central records of the Missing Persons Institute's indicate that the case of Ibrahim Durić is still unclarified and that the victim remains unaccounted for, as

no possible DNA matches have been found.

Regarding the Committee's recommendation to abolish the obligation for family members to declare missing relatives dead to benefit from social allowances, legislative amendments have been submitted. Article 21 (4) was deleted in a draft law on amendments to the law on the rights of veterans and members of their families, thereby removing such obligation. The draft law is going through the regular parliamentary procedure.

The Federal Ministry for Veterans and Disabled Veterans of the Liberation War has indicated that Ibrahim Durić's mother receives a family disability pension, in addition to a monthly financial allowance.

The municipality of Vogošća provides a wide range of social benefits and services to families of missing persons. The municipality, together with the Association of the Families of Missing Persons of Vogošća, continues to offer a reward, with a view to finding the missing persons from this municipality. A memorial to civilian victims of war and other missing persons has been built.

The municipality of Ilidža, together with associations and the Missing Persons Institute, has managed to find 38 missing persons and is still searching for seven others, including Ibrahim Durić. However, it is difficult to obtain reliable information about his fate, since witnesses have been threatened by war crimes perpetrators and, as time goes by, many have passed away.

Submission from counsel:

13 February 2015

On 25 September 2014, a press release concerning the case and highlighting the importance of prompt payment of adequate compensation was issued by the authors.

The Committee's views were translated into the local language and published by the Ministry of Human Rights and Refugees on its web page in October 2014.

The authors were concerned that no serious action had been taken in the previous two months to foster the implementation of the Committee's recommendations.

On 13 January 2015, the authors sent a letter to the Missing Persons Institute, to urge it to adopt effective measures to resolve the case, and formally requesting a meeting. No reply was received.

The authors add that the investigation mentioned by the Prosecutor's Office of Bosnia and Herzegovina does not especially concern the case of Ibrahim Durić, but rather the crimes committed in the area of Vogošća during the conflict in general. The authors stress that, given its peculiarities, the present case could significantly benefit from the opening of a separate file and an autonomous investigation.

Concerning compensation, the authors formally requested the conclusion of an ad hoc agreement with the Ministry of Human Rights and Refugees, with a view to receiving adequate compensation. On 28 January 2015, the Ministry replied that compensation did not fall within its mandate, but rather was a Government prerogative.

Regarding legislative amendments, a new Commission for the Protection of Human Rights and Freedoms of the Parliament of the Federation of Bosnia and Herzegovina had been appointed following recent elections in the country. As a consequence, the proposed amendments to the existing legislation would have to be reconsidered and approved anew.

Transmitted to State party on 25 February 2015.

Committee's assessment:	(a) Continuing its efforts to establish the fate or whereabouts of the victim: B1 (b) Bringing to justice those responsible by the end of 2015: B1 (c) Abolishing the obligation for family members to declare their missing relatives dead to benefit from social allowances: B1 (d) Ensuring adequate compensation: C1 (e) Publication of the Views: A (f) Non-repetition: C1
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 1966/2010, *Hero v. Bosnia and Herzegovina*

Views adopted:	28 October 2014
Violation:	Articles 2 (3), 6, 7 and 9
Remedy:	Effective remedy, including (a) continuing its efforts to establish the fate or whereabouts of Sejad Hero, as required by the Law on Missing Persons 2004, and ensure contact with the authors for their contribution to the investigation; (b) continuing its efforts to bring to justice those responsible for his disappearance, without unnecessary delay, as required by the national war crimes strategy; (c) ensuring adequate compensation; and (d) ensuring that investigations are accessible to the families of missing persons, and that the current legal framework is not applied in a manner that requires families to declare the victim dead as a condition for obtaining social benefits and measures of reparation.
Previous follow-up information:	None
Submission from State party:	9 February 2015 The Missing Persons Institute confirms the disappearance of Hero Sejad on 4 July 1992 in Tihovići (municipality of Vogošća). He is still unaccounted for. Although several families provided blood samples, there has been no successful match as of yet. On 8 August 2006, Tija Hero obtained the decision of the Municipal Court of Sarajevo, in which Sejad Hero was declared dead and the date of his death was indicated as 22 December 1996. As the victim's family resides in the territory of Bosnia and Herzegovina, they meet the requirements for obtaining the status of civilian victims of war under the provisions of the law on social welfare, protection of civilian victims of war and protection of families with children. Based on the records, it appears that the family of Hero Sejad has not made such a request. The Committee's Views are considered as binding for the Institute. The municipality of Vogošća is doing its best to clarify the fate of missing persons. Commemorations are organized, and a memorial has been erected. The municipality will continue to take all necessary measures to find, exhume, identify and bury the missing persons in a dignified manner. Concerning compensation, the fund to support the families of missing persons has not been established yet.

	Based on information from the Prosecutor's Office of Bosnia and Herzegovina, it appears that, in case No. T200KTRZ00721713, Seja Hero is identified as an "injured party". Individuals involved in this case are suspected of having taken part in the commission of ethnic cleansing and persecution of civilians from different villages in the municipality of Vogošća, which resulted in death, rape and the illegal detention of civilians in camps, which are qualified as war crimes. Based on a decision of the Court of Bosnia and Herzegovina of 10 May 2013, the case was transferred from the Cantonal Prosecutor's Office of Sarajevo to the Prosecutor's Office of Bosnia and Herzegovina to conduct an investigation. On 27 March 2014, the case was assigned to another prosecutor. The case is currently at the application stage, and the new prosecutor intends to intensify his efforts with regard to the case. Ongoing prosecutorial efforts undertaken with respect to case No. T200KTRZ000685113 are also relevant to the victim's case, as an exhumation process was undertaken on 18 April 2014 in the locality of Tihovići, where Sejad Hero went missing. However, there was no DNA match with the blood samples of missing persons' families. The Prosecutor's Office intends to keep the author of the communication regularly informed of progress in the case. Transmitted to author on 24 February 2015.
Committee's assessment:	(a) Continuing its efforts to establish the fate or whereabouts of the victim: B1 (b) Bringing to justice those responsible by the end of 2015: B1 (c) Abolishing the obligation for family members to declare their missing relatives dead to benefit from social allowances: B1 (d) Ensuring adequate compensation: C1 (e) Publication of Views: No information (f) Non-repetition: No information
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 1970/2010, *Kožljak v. Bosnia and Herzegovina*

Views adopted:	28 October 2014
Violation:	Article 2 (3), 6, 7, 9, 16 and 24 (1)
Remedy:	Effective remedy, including (a) continuing its efforts to establish the fate or whereabouts of Ramiz Kožljak, as required by the Law on Missing Persons of 2004, and contacting the authors as soon as possible to obtain the information that they can contribute to the investigation; (b) bringing to justice those responsible for his disappearance, as required by the national war crimes strategy; (c) ensuring adequate compensation; and (d) ensuring that investigations into allegations of enforced disappearance are accessible to the families of missing persons.
Previous follow-up information:	None

Submission from State party:	24 February 2015 Criminal case No. T200KTRZ00721713, in which Ramiz Kožljak is mentioned as an "injured party", is ongoing. Suspects in the case are believed to have taken part in the commission of ethnic cleaning and persecution of civilians, which resulted in death, rape and the illegal detention of civilians in camps. The case is currently at the application stage. On 18 April 2014, the mortal remains of one victim were exhumed in the locality of Tihovići (municipality of Vogošća), where Ramiz Kožljak went missing. However, the DNA did not match. The Missing Persons Institute states that the reports on the missing persons have been verified at the Institute's central records. According to the records, Ramiz Kožljak is still unaccounted for. The Views of the Committee are considered binding for the Institute. The Cantonal Prosecutor's Office of Sarajevo indicates that the applicable legislation does not oblige family members to declare their missing relative dead. The municipality of Vogošća provides a wide range of social benefits and services to families of missing persons. It also assisted in the creation of the Association of the Families of Missing Persons from Vogošća. A memorial to civilian victims of war and other missing persons was built. Transmitted to author on 2 March 2015.
Committee's assessment:	(a) Continuing its efforts to establish the fate or whereabouts of the victim: B1 (b) Bringing to justice those responsible by the end of 2015: B1 (c) Abolishing the obligation for family members to declare their missing relatives dead to benefit from social allowances: B1 (d) Ensuring adequate compensation: C1 (e) Publication of the Views: No information (f) Non repetition: C1
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 1997/2010, *Rizvanović v. Bosnia and Herzegovina*

Views adopted:	21 March 2014
Violation:	Article 2 (3), read in conjunction with articles 6, 7 and 9; and article 7.
Remedy:	Effective remedy, including appropriate compensation. The State party should continue its efforts to establish the fate or whereabouts of Mensud Rizvanović and to bring those responsible for his disappearance to justice by the end of 2015. It should also amend the current law which provides that social benefits for and reparations to relatives of victims of enforced disappearance require a declaration of death of the victim.
Previous follow-up information:	CCPR/C/113/3

Submission from State party:	19 January 2015
	The Court of Bosnia and Herzegovina indicates that there is no new information concerning this case.
	The Intelligence and Security Agency indicates that there is no concrete information to report on the disappearance of Mensud Rizvanović from the Keraterm prison facility in Prijedor.
	On 31 October 2014, the Prosecutor's Office of the Republika Srpska indicated that there had been an exhumation of the remains of former prisoners of Keraterm, which had been found in a mass grave in Tomašica in 2013. The identification of the remains is currently in process.
	Mensud Rizvanović is registered in the database of the International Committee of the Red Cross.
	The Commission for Missing Persons of the Republika Srpska is committed to resolving the issue of missing persons as soon as possible. However, the lack of information has so far represented a major obstacle to knowing the fate and whereabouts of Mensud Rizvanović.
	The Ministry of Labour and Veterans points out that the revised text of the Law on Protection of Civilian Victims of War (*Official Gazette of Republika Srpska*, No. 24/10) does not oblige family members to declare their missing relatives dead in order to fulfil their rights.
Submission from authors' counsel:	9 March 2015
	The authors are concerned that no serious action has been taken in recent months to foster the implementation of the Committee's recommendations. The authorities of Bosnia and Herzegovina have failed to detail the steps that have been taken to ensure the resolution of the case, and the future steps planned in this regard in the near future to ensure compliance with the Committee's recommendation.
	On 12 January 2015, the Ministry of Human Rights and Refugees informed the authors that, after a field mission, the State Investigation and Protection Agency had discovered a practical lack of witnesses of the arrest of Mensud Rizvanović, as witnesses had either passed away or left the country. On 25 February 2015, the authors were informed by the Prosecutor's Office of progress made in the processing of cases of gross violations perpetrated in Prijedor. The prosecutor declared that, even if direct perpetrators could not be identified, charges could still be pressed for command responsibility.
	The authors add that Ms. Rizvanović did not receive any compensation for the harm suffered. They add that the Ministry of Human Rights and Refugees fails to play its role of domestic authority in charge of the supervision of the implementation of the Committee's Views and does not even attempt to contact relevant government agencies to prompt them to fulfil their obligations.
	Concerning the abolition of the obligation for family members to declare their missing relatives dead to benefit from social allowances or other forms of compensation, no progress has been made in the amendment of relevant legislation concerning access to disability pensions, which is still conditioned upon obtaining a declaration of death of the missing person.
	Transmitted to the State party on 20 March 2015.

Committee's assessment:	(a) Continuing its efforts to establish the fate or whereabouts of the authors' relative: B1 (b) Continuing its efforts to bring to justice those responsible by the end of 2015: B1 (c) Abolishing the obligation for family members to declare their missing relatives dead to benefit from social allowances: B1 (d) Ensuring adequate compensation: C1 (e) Publication of the Views: A (f) Non repetition: C1
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 2003/2010, *Selimović et al. v. Bosnia and Herzegovina*

Views adopted:	17 July 2014
Violation:	Articles 6, 7 and 9, read in conjunction with article 2 (3), with regard to the missing relatives; and article 7, read in conjunction with article 2 (3), with regard to the authors.
Remedy:	Effective remedy, including (a) continuing its efforts to establish the fate or whereabouts of Himzo Hadžić, Safet Hodžić, Mensud Durić, Rasim Selimović, Abdulah Jelašković, Sinan Salkić, Idriz Alić, Hasan Abaz, Hakija Kanđer, Emin Jelećković, Esad Fejzović and Đemo Šehić, as required by the Law on Missing Persons of 2004; (b) continuing its efforts to bring to justice those responsible for their disappearance without unnecessary delay, as required by the National Strategy for War Crimes Processing; and (c) ensuring adequate compensation for all the authors. The State party must ensure, in particular, that investigations into allegations of enforced disappearance are accessible to the missing persons' families, and that the current legal framework is not applied in a manner that requires relatives of victims of enforced disappearance to obtain certification of the death of the victim as a condition for obtaining social benefits and measures of reparation.
Previous follow-up information:	None
Submission from State party:	19 January 2015 Some of the victims cited in the communication appear in war crimes cases No. T200KTRZ000325606 and T200KTRZ000256305, among other victims. They are Himzo Hadžić, Safet Hodžić, Mensud Durić, Rasim Selimović, Abdulah Jelašković, Idriz Alić, Hasan Abaz, Hakija Kanđer, Esad Fejzović and Đemo Šehić. The Prosecutor's Office of Bosnia and Herzegovina and the Special Department for War Crimes have been investigating case No. KTRZ000325606 in the belief that suspects may have participated in the planning and organizing of systematic detention, ill-treatment and murder of the non-Serbian civilian population, as well as forming, organizing and operating detention camps and prisons in the municipalities of Hadžići, Vogošća and Ilidža, where non-Serbians were detained and tortured. The case is at the application stage. One suspect was the Minister's assistant for justice and governance between 1992 and 1994. Gathering the relevant information and establishing the facts represent a significant segment of

	the prosecutorial action in this case. The case, which is considered a priority one, is ranked as very complex. It should be disposed of by the end of 2015, as prescribed by the national war crimes strategy. As for case No. T200KTRZ000256305, the accused, Branko Vlačo, was indicted and faces charges, inter alia, of killing and enforced disappearance (in addition to widespread and systematic attacks against the civilian population in the municipality of Vogošća and other municipalities of Sarajevo, participation in a joint criminal act for the purpose of persecution of the entire Bosnian population on ethnic and religious grounds, and participation in the ill-treatment of detained persons). Between 16 and 18 June 1992, at night, the accused handed over 27 prisoners from a concentration camp named "Planjina Kuća", in the village of Svrake, to unknown soldiers. Among those 27 persons were Himzo Hadžić, Safet Hodžić, Rasim Selimović, Abdulah Jelašković, Hasan Abaz, Hakija Kanđer and Emin Jelećković. On 4 July 2012, the Court of Bosnia and Herzegovina, in a second-degree judgement, found Branko Vlačo guilty of crimes against humanity and sentenced him to 15 years imprisonment. The case is in the application stage and is not finalized, as the Prosecutor's Office has yet to receive the written verdict. The high judicial and prosecutorial council completed the selection procedure for 13 new prosecutors in the Prosecutor's Office of Bosnia and Herzegovina. The new prosecutors started in their functions on 1 December 2013, which will significantly contribute to accelerating the resolution of war crimes cases. The Missing Persons Institute fully supports the Committee's conclusions, which it finds correct and balanced. There are, however, a number of obstacles to the tracing of disappeared persons, including the non-existence of information on potential grave-sites; the change in the topographical landscape, including as a result of the passage of time; the intentional concealment of graves; poor cooperation; and the politicization of associations of missing persons' families. The Missing Persons Institute regrets that, despite all the activities undertaken, the case of the missing persons listed in the Committee's Views has not been resolved yet. Transmitted to authors on 4 February 2015.
Committee's assessment:	(a) Continuing its efforts to establish the fate or whereabouts of the victims: B2 (b) Bringing to justice those responsible for their disappearance, as required by the national war crimes strategy: B1 (c) Ensuring adequate compensation: C1 (d) Ensuring that investigations into allegations of enforced disappearances are accessible to the families of missing persons: No information (e) Ensuring adequate compensation: C1 (f) Publication of the Views: No information (g) Non-repetition: B1
Committee's decision:	Follow-up dialogue ongoing.

4. Colombia

Communication No. 1611/2007, *Bonilla Lerma v. Colombia*	
Views adopted:	26 July 2011
Violation:	Article 14 (1)
Remedy:	Effective remedy, including adequate compensation.
Previous follow-up information:	A/68/40 (107th session)
Submission from author:	21 November and 29 December 2014 The author submits that he still lives as a refugee in Costa Rica with his family. The State party has yet to provide him with the amount of compensation he is owed, which results in great suffering for him and his family. Transmitted to State party on 25 February 2015.
Committee's decision:	Follow-up dialogue ongoing; send a reminder to the State party.

5. Denmark

Communication No. 2007/2010, *X. v. Denmark*	
Views adopted:	26 March 2014
Violation:	Article 7
Remedy:	Effective remedy, including a full reconsideration of the author's claim regarding the risk of treatment contrary to article 7 if he is returned to Eritrea.
Previous follow-up information:	CCPR/C/113/3
Submission from author's counsel:	On 11 August 2015, the author's counsel confirmed that the author had obtained a residence permit in Denmark on 27 May 2014, further to the reopening of his asylum application by the Refugee Appeals Board.
Committee's decision:	Close the follow-up dialogue in the case, with a finding of satisfactory implementation of the Committee's recommendation.

Communication No. 2243/2013, *Husseini v. Denmark*	
Views adopted:	24 October 2014
Violation:	Article 23 (1), read in conjunction with article 24
Remedy:	Effective remedy by proceeding to a review of the decision to expel him, with a permanent re-entry ban, taking into account the State party's obligations under the Covenant.
Previous follow-up information:	None

Submission from author's counsel: 30 April and 19 May 2015

The author's counsel submits that the court of appeal upheld the deportation order against the author. Furthermore, the Danish Immigration Service also refused to grant the author a residence permit based on his children's status (as Danish nationals), due to the fact that the deportation order was deemed valid.

The author's counsel informs the Committee that on 7 May 2015 the author was arrested and placed in detention for the purpose of removing him to Afghanistan, as a result of the recent decision to deny him a residence permit. The author's counsel considers this detention as disproportionate, especially as it is taking place in a maximum security facility, where contact with the outside world is extremely limited. He adds that the Afghan authorities currently do not accept returns of Afghan citizens from Europe, and that the Danish authorities currently do not hold a valid authorization from the Afghan authorities in this regard.

The author's counsel asks the Committee to request Denmark to suspend the author's deportation, and to release him from detention.

Submission from State party: 8 May 2015

The State party submits that it follows from the Committee's Views that removing the author and separating his children from their father, without reviewing his new personal circumstances, would amount to a violation of article 23 (1), read in conjunction with article 24 (see para. 9.6 of the Views). On 2 October 2014, i.e. before the Committee adopted its Views, the Prosecutor's Office submitted the author's case to the Copenhagen City Court under section 50 of the Aliens Act.[1] By an order of 17 December 2014, the Copenhagen City Court held that the author could not be expelled from Denmark, taking into account (a) the fact that he had fathered two children; (b) the issuance of the Committee's Views, finding a violation of the Covenant; (c) the fact that the author maintained contact with the mother of his children; and (d) the fact that the author's children and their mother could not be expected to take up residence in Afghanistan. Against that background, and based on the view expressed by the Committee, referring to article 5 (4) of the Optional Protocol, the City Court determined that, regardless of the seriousness of the offence committed by the author, his removal to Afghanistan would violate his and his children's rights under article 23 (1), read in conjunction with article 24, and that the deportation order should therefore be revoked.

This decision by the Copenhagen City Court was subsequently appealed to the High Court of Eastern Denmark, which considered the gravity and nature of the offences that had led to his expulsion, in conjunction with information regarding the author's ties with Denmark, including with his two children, who had been born after the expulsion decision. The Court concluded that the author's expulsion would not to be contrary to article 8 of the European Convention on Human Rights or to article 23 (1), read in conjunction with article 24, and accordingly upheld the expulsion order against the author on 3 February 2015.

The State party therefore submits that it has given effect to the Committee's Views by having brought the author's case before the courts under section 50 of the Aliens Act, thus providing the author with an effective remedy by proceeding to a review of the decision to expel him, subject to a permanent re-entry ban, taking into account new circumstances.

The State party further observes that the author submitted an application for family reunification with his children on 23 December 2014. On 30 April 2015,

[1] That section allows an alien to demand that the Public Prosecutor seek the legal review of his or her expulsion order by reason of a material change in circumstances.

	the Danish Immigration Service refused the author's application, as no exceptional reasons had been shown for granting residence to the author in Denmark. That decision was appealed by the author to the Immigration Appeals Board. Concerning the obligation to take steps to prevent similar violations in the future, the State party notes that the Director of Public Prosecutions prepared a notice on expulsions by court order, which will be circulated to all public prosecutors in Denmark. It appears from this notice, inter alia, that an alien is normally entitled to only one judicial review under section 50 of the Aliens Act. However, in some cases a new request for the revocation of an expulsion decision will have to be considered on its merits. Accordingly, the Director of Public Prosecutions states in the notice that an alien may have his case reviewed under section 50 of the Aliens Act more than once. The State party therefore submits that it has taken the necessary and relevant steps to prevent similar violations in the future. The Ministry of Foreign Affairs has made the Committee's Views publicly available in the human rights section of the Ministry's website (www.um.dk).
Submission from author's counsel:	23 June 2015 The author's counsel informs the Committee that Denmark removed the author to Afghanistan on 14 June 2015. However, the Afghan authorities refused to admit the author, as they were unable to identify him. Consequently, the author was returned to Denmark on 15 June 2015. The author's counsel stresses that the State party has misunderstood the Committee's Views. He emphasizes that, in its decision of 17 December 2014, the Copenhagen City Court accepted the Committee's Views as a crucial element in holding that the author's deportation would be illicit. It cannot be held, as the State party claims, that the Committee's Views were complied with simply by reviewing the author's case under section 50 of the Aliens Act, and by providing an administrative review of the decision. The Committee's decision should be interpreted as a finding that the author's removal would be disproportionate, due to his personal circumstances.
Committee's assessment:	(a) Effective remedy, including review of the decision to expel him, with a permanent re-entry ban: B1 (b) Publication of Views: A (c) Non-repetition: B1
Committee's decision:	Follow-up dialogue ongoing.

6. Ecuador

Communication No. 238/1987, *Bolaños v. Ecuador*	
Views adopted:	26 July 1989
Violation:	Article 9 (1) and (3)
Remedy:	Effective measures to remedy the violations suffered by the author, to release him pending the outcome of the criminal proceedings against him and to grant him compensation pursuant to article 9 (5).
Previous follow-up information:	A/45/40

Submission from: State party:	25 February 2015 The State party transmitted an information note from the Office of the General Prosecutor of the Republic, concerning implementation of measures of reparation in the case. On 29 November 2009, the Ministry of Justice and Human Rights reached an agreement with the author. The State party provided $150,000 as monetary compensation to the author. A public statement of apology was published by the State in a national newspaper. A postgraduate studies grant was provided to the author's son; another such grant will be offered to the author's daughter if she meets certain requirements, with which the State party is helping her. Psychological assistance was provided to the author and his family. In a ceremony, the State party inaugurated a memorial plaque in the building of the National Court of Justice, and recognized its international responsibility. In a national newspaper article, the author declared that his honour had been restored. Transmitted to author on 5 March 2015.
Committee's assessment:	(a) Release and compensation: A (b) Publication of Views: No information (c) Non-repetition: No information
Committee's decision:	Close the follow-up dialogue on the case, with a finding of satisfactory implementation of the Committee's recommendation.

7. France

Communication No. 1620/2007, *J.O. v. France*	
Views adopted:	23 March 2011
Violation:	Article 14 (2) and (5), in conjunction with article 2
Remedy:	Effective remedy, including a review of the author's criminal conviction and appropriate compensation.
Previous follow-up information:	CCPR/C/113/3
Submission from author:	25 December 2014 The author notes the continued inaction of the Government of France with respect to implementation of the Committee's Views and legislative change. On 14 November 2014, the author submitted a third request for a retrial before the Court of Cassation under section 622 of the Code of Penal Procedure, which, as amended in 2014, allows a retrial when new elements come to light or as a result of new events. This most recent appeal is based on the adoption of the Committee's Views. However, as this provision does not provide for an automatic right to a retrial, as would have been the case if the European Court of Human Rights had come to the same conclusion, the author is of the view that his application for retrial cannot be considered as an effective remedy. Transmitted to State party on 12 January 2015.
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 1760/2008, *Cochet v. France*	
Views adopted:	21 October 2010
Violation:	Article 15
Remedy:	Effective remedy, including appropriate compensation.
Previous follow-up information:	CCPR/C/113/3
Submission from State party:	8 December 2014 The State party reiterates its previous submission that it does not intend to substitute itself for the judicial authorities currently seized of the matter. Transmitted to author on 15 December 2014.
Committee's assessment:	(a) Remedy: C2 (b) Publication of Views: No information (c) Non-repetition: No information
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 1876/2009, *Singh v. France*	
Views adopted:	22 July 2011
Violation:	Article 18 (1)
Remedy:	Effective remedy, including a reconsideration of the author's application for renewal of his passport and the revision of the relevant rules and their application in practice, in the light of its obligations under the Covenant.
Previous follow-up information:	A/68/40 (107th session)
Submission from author:	15 December 2014 The author notes that, despite a lengthy 10-year legal process and a favourable ruling of the Committee, the Government of France has not honoured its obligations. The author is 79 years old and has been suffering from a number of chronic diseases, including high blood pressure as a result of mental stress and anxiety. The author worries that, if any satisfactory decision is delayed and taken after his death, it will not have any value and he will be denied justice. Transmitted to State party on 12 January 2015.
Committee's decision:	Follow-up dialogue ongoing; send a reminder to the State party.

8. Kazakhstan

Communication No. 2104/2011, *Valetov v. Kazakhstan*	
Views adopted:	17 March 2014

Violation:	Articles 7 and 14 (3)
Remedy:	Effective remedy, including appropriate compensation; effective measures for the monitoring of the situation of the author, in cooperation with the receiving State; and appropriate and sufficient measures to prevent similar violations in the future.
Previous follow-up information:	CCPR/C/113/3
Submission from author:	11 December 2014 The author informs the Committee that no compensation has been paid to him by the State party. Being detained in a pretrial detention facility in Bishkek, he is not able to file a claim for compensation with a court himself. With reference to the State party's previous assertion that it had visited him on 8 October 2013, the author notes that such a meeting with an officer from the embassy of Kazakhstan lasted not more than five minutes, and that the author wished on that occasion to pass to the officer a complaint related to his extradition to Kyrgyzstan, but was not allowed to do so by a representative of the State Penitentiary Service who was present at the meeting. The author asks the Committee to impress upon the State party the need to provide him with compensation, and to ensure that he receives private and confidential visits by representatives of the State party in Kyrgyzstan. Transmitted to State party on 18 December 2014.
Committee's decision:	Follow-up dialogue ongoing.

Communication No. 2137/2012, *Toregozhina v. Kazakhstan*

Views adopted:	17 March 2014
Violation:	Articles 9, 19 and 21
Remedy:	Effective remedy, including review of her conviction and adequate compensation, including reimbursement of the legal costs incurred.
Previous follow-up information:	None
Submission from author:	10 December 2014 In accordance with national legislation, in order for a court to re-examine her case, the author has to submit a complaint within three months from when new circumstances emerge, i.e. within three months from the date when the Views were adopted, namely by 21 January 2015. However, the national courts do not accept documents written in English. The author is thus waiting to receive the Russian translation of the Committee's Views.[2] Transmitted to State party on 15 December 2014.
Committee's decision:	Follow-up dialogue ongoing.

[2] The text of the Committee's Views in Russian was sent to both parties on 6 January 2015.

9. Netherlands

Communication No. 2097/2011, *Timmer v. the Netherlands*	
Views adopted:	24 July 2014
Violation:	Article 14 (5)
Remedy:	An effective remedy which will allow a review of the author's conviction and sentence by a higher tribunal or implementation of other appropriate measures capable of removing the adverse effects caused to the author, together with adequate compensation. The State party should also bring the relevant legal framework into conformity with the requirements of article 14 (5) of the Covenant.
Previous follow-up information:	None
Submission from State party:	10 February 2015 The State party is in the process of modernizing its Code of Criminal Procedure. In February 2015, a note outlining the proposed amendments was disseminated to various judicial institutions for advice, including on the proposal to abolish the system of leave to appeal as provided in section 410 a, in order to avoid situations such as that of the author. Transmitted to author on 24 February 2015.
Committee's assessment:	(a) Review of the author's conviction and sentence by a higher tribunal or other measures, and compensation: C1 (b) Bringing the relevant legal framework into conformity with the requirements of article 14 (5): B1 (c) Publication of Views: No information (d) Non-repetition: B1
Committee's decision:	Follow-up dialogue ongoing.

10. Philippines

Communication No. 1320/2004, *Pimentel et al. v. Philippines*	
Views adopted:	19 March 2007
Violation:	Article 14 (1), in conjunction with article 2 (3)
Remedy:	Adequate remedy, including compensation and a prompt resolution of their case on the enforcement in the State party of the judgement reached in the United States of America.
Previous follow-up information:	A/67/40
Submission from authors' counsel:	3 March 2015 The issue of compensation of victims has been pending for eight years. In the interim, more than 10 per cent of the class members have died. The State party has opposed all legal proceedings seeking the enforcement of the class judgement in the United States awarding them compensation. The survivors are predominantly

	poor, and a decision on their case is overdue.
	Transmitted to State party on 19 March 2015.
Committee's decision:	Follow-up dialogue ongoing.

11. Russian Federation

Communication No. 1304/2004, *Khoroshenko v. Russian Federation*	
Views adopted:	29 March 2011
Violation:	Article 6, read together with article 14; and articles 7; 9 (1)-(4); and 14 (1) and (3) (a), (b), (d) and (g).
Remedy:	Effective remedy including conducting a full and thorough investigation into the allegations of torture and ill-treatment and initiating criminal proceedings against those responsible for the treatment to which the author was subjected; conducting a retrial in compliance with all guarantees under the Covenant; and providing the author with adequate reparation, including compensation.
Previous follow-up information:	None
Submission from author:	3 December 2014
	The author welcomes the Committee's decision in his case, but nonetheless submits that national courts in the Russian Federation disregard international human rights standards. The author wishes to have his case re-examined at the cassation level in the light of the Committee's recommendations and to obtain compensation. Finally, he requests the Committee to ensure that cassation proceedings in the Russian Federation are undertaken de novo in compliance with article 14. Up to now, the State party has not taken any action to remedy the violations found by the Committee.
	Transmitted to State party on 29 December 2014.
Committee's decision:	Follow-up dialogue ongoing.

12. Spain

Communication No. 1945/2010, *Achabal Puertas v. Spain*	
Views adopted:	27 March 2013
Violation:	Articles 2 (3) and 7
Remedy:	Effective remedy, including: (a) an impartial, effective and thorough investigation of the facts and the prosecution and punishment of those responsible; (b) full reparation, including appropriate compensation; (c) provision of free, specialized medical assistance, as well as the taking of the measures necessary, including legislative, to definitively put an end to the practice of incommunicado detention and to guarantee that all detainees have the right to freely choose a lawyer who can be consulted in complete confidentiality and who can be present at interrogations.

Submission from author:	20 February 2015 The Committee's Views were published in the *Bulletin of the Ministry of Justice* in July 2013. Dissemination was poor. The State party has not contacted the author and has not taken any measures regarding the implementation of its obligations under the Committee's decision. An appeal was filed by the author before the Ombudsman's office, regarding the non-compliance of the State party with the Committee's decision. On 3 February 2015, the author's appeal was rejected. The decision established that the State party was not going to adopt any measures regarding the Committee's decision, because it considered that no violation of a recognized right of the author had been violated. In particular, the decision stressed the inadmissibility of the author's communication before the Committee, as her case had already been submitted to the European Court of Human Rights, which had declared it inadmissible. The Ombudsman's office further noted that, as the Committee did not respect the reservation made by the State party, Spain was not bound by the Committee's decision.
Submission from State party:	27 February 2015 The Committee's decision was sent to all the Spanish institutions that are relevant to human rights. It was published in the *Bulletin of the Ministry of Justice* in July 2013. Regarding the Committee's recommendation to provide appropriate compensation, it is not possible to adopt measures to ensure compensation at this time, because of the length of time elapsed since the facts occurred. For that same reason, a new investigation of the facts is also not possible. The State party submits that it complies with the Committee's recommendation for the provision of free and specialized health care through the National Health Service. The requirements necessary to consider an investigation of alleged ill-treatment in accordance with the Covenant and the Constitution of Spain have been strengthened in the jurisprudence of the Constitutional Court (see Sentence No. 153/2013 of 9 September 2013, Amparo Remedy 4981-2012). Concerning incommunicado detention, work is in progress on a draft law on amendments to the Criminal Procedure Act. According to this draft, the detainee's substantive rights (the right to be represented by a lawyer, to access legal proceedings and to external communication) may only be restricted pursuant to a declaration in the decision on incommunicado detention. The court may authorize such a restriction only if there is an urgent need to avoid serious and irreparable harm to human life, freedom and personal integrity, or to avoid obstacles to the successful conduct of the criminal proceedings. The limitation should remain exceptional and should be authorized only after careful consideration of the particular circumstances of each case by a judge. If the incommunicado detention was requested by the Judicial Police or the Public Prosecutor, the restrictive measure would be considered authorized. In every case, the court would take a decision within 24 hours on the request and the possible secrecy of proceedings. Transmitted to author on 19 March 2015.
Committee's assessment:	(a) Impartial, effective and thorough investigation of the facts and the prosecution and punishment of those responsible: C1 (b) Full reparation, including appropriate compensation: C1 (c) Provision of free, specialized medical assistance: B2 (d) Legislative measures to put an end to the practice of incommunicado detention and to guarantee the right to freely choose a lawyer: B2

(e) Publication of Views: A

(f) Non-repetition: B2

Committee's decision:	Follow-up dialogue ongoing.

Communication No. 2008/2010, *Aarrass v. Spain*

Views adopted:	21 July 2014
Violation:	Article 7
Remedy:	Effective remedy, including by (a) providing adequate compensation; and (b) taking all possible steps to cooperate with the Moroccan authorities in order to ensure effective oversight of the author's treatment in Morocco
Previous follow-up information:	CCPR/C/113/3
Submission from State party:	27 February 2015 On 23 February 2015, the Committee's decision was sent to the *Bulletin of the Ministry of Justice* for publication. It was also sent to all relevant human rights institutions. Concerning compensation, the Committee's recommendations are not directly applicable as a matter of law, and do not have a direct effect in Spanish legislation. As a result, according to Spanish jurisprudence, the Committee's recommendations cannot be raised before the competent authority by the author in order to obtain compensation. The violation of the Covenant was a consequence of the facts, and not of legislative deficiencies. Article 4 (6) of the Passive Extradition Act (Law 4/1985 of 21 March) of Spain prohibits the extradition of persons to a State in which they may be subjected to the death penalty, torture or inhumane or degrading treatment or punishment. However, the State party can only "seek to ensure" that the person extradited will not be subjected to those treatments. States cannot be held responsible for every crime or harm suffered once the person has already been extradited. Regarding the Committee's recommendation to cooperate with the Moroccan authorities, several meetings have been held. In July 2014, a meeting was scheduled with members of the Human Rights Office and the President of the National Human Rights Council of Morocco in Madrid. Both institutions are following this case. A report from the Ministry of Foreign Affairs of Morocco (Human Rights Division) sent to the Spanish Embassy in Rabat also provides the following information concerning the author's detention conditions in Morocco: • Ali Aarrass is currently in the local prison of Salé 2. His detention conditions fulfil the requirement established in Law 23/98 regarding the organization and functioning of correctional establishments. The cell where he is detained satisfies the relevant hygiene, light and ventilation requirements • Ali Aarrass has the right to receive visits from his lawyer and his family, to make phone calls and to receive correspondence. He receives medical assistance from the medical service of the prison and public health centres • The National Human Rights Council of Morocco is monitoring the

	author's detention conditions very closely. On 21 May 2014, an investigation was ordered by Moroccan authorities concerning the author's allegations of ill-treatment. A judge is currently examining the case. In a meeting held in February 2015 with the Moroccan liaison magistrate of the Spanish embassy in Rabat and the head of the Criminal Special Affairs Division of the Ministry of Justice of Morocco, the Spanish authorities requested information about the outcome of the pending judicial investigation. Transmitted to author on 5 March 2015.
Committee's assessment:	(a) Adequate compensation: C1 (b) Taking all possible steps to cooperate with the Moroccan authorities to ensure effective oversight of the author's treatment in Morocco: B2 (c) Publication of Views: A (d) Non-repetition: No information
Committee's decision:	Follow-up dialogue ongoing.

13. Sri Lanka

Communication No. 1406/2005, *Weerawansa v. Sri Lanka*	
Views adopted:	17 March 2009
Violation:	Articles 6 (1) and 10 (1)
Remedy:	Effective and appropriate remedy, including commutation of the author's death sentence and compensation. As long as the author is in prison, he should be treated with humanity and with respect for the inherent dignity of the human person. The State party is under an obligation to take measures to prevent similar violations in the future.
Previous follow-up information:	A/69/40
Submission from author:	10 February 2015 The author informs the Committee that an appeal on behalf of Mr. Weerawansa was filed before the President, with the aim of obtaining a special pardon. Mr. Weerawansa has been incarcerated on death row at Welikada prison in Colombo for more than 12 years, as a result of a grave miscarriage of justice. His mental and physical health are rapidly deteriorating due to highly degrading conditions of detention and severe inhumane treatment prevailing in the Welikada detention facility. Transmitted to author on 12 March 2015.
Committee's decision:	Follow-up dialogue ongoing.

14. Uzbekistan

Communication Nos. 1914, 1915 and 1916/2009, *Musaev v. Uzbekistan*

Views adopted:	21 March 2012
Violation:	Articles 7, 9 and14 (3) (b) and (g) and (5)
Remedy:	Effective remedy, including carrying out an impartial, effective and thorough investigation and initiating criminal proceedings against those responsible; conducting his retrial in conformity with all guarantees enshrined in the Covenant or releasing him; and providing him with full reparation, including appropriate compensation.
Previous follow-up information:	CCPR/C/113/3
Submission from author:	22 January 2015 The author's son is repeatedly punished by the prison administration on arbitrary grounds. Erkin Musaev has already served more than one third of his sentence and, based on law, he should thus be transferred to a prison with less stringent regulations. All the author's requests to that effect have proved to be in vain. Transmitted to State party on 26 January 2015.
Committee's decision:	Follow-up dialogue ongoing.

15. Bolivarian Republic of Venezuela

Communication No. 2085/2011, *Bolivar v. Bolivarian Republic of Venezuela*

Views adopted:	16 October 2014
Violation:	Article 14 (1)
Remedy:	Effective remedy, inter alia, by (a) ensuring that the proceedings afford all the judicial guarantees provided for in article 14 (1), in particular with regard to the need to issue a ruling as soon as possible; and (b) providing the author with redress, particularly in the form of appropriate compensation.
Previous follow-up information:	None
Submission from author:	13 January 2015 Despite the author's various requests and letters to governmental authorities, he has not obtained satisfaction. Although he was authorized on 8 December 2014 to file an appeal before the Supreme Court, he has still not received a hearing date. The author adds that the Committee's Views were published solely on the web in a public diary (*diario de circulación*) for a few hours. Transmitted to State party on 14 January 2015.

Committee's decision:	Follow-up dialogue ongoing.

C. Meetings on follow-up on Views with representatives of States parties

4. During the 115th session, the Special Rapporteur for follow-up on Views met with representatives of Bosnia and Herzegovina and Spain to discuss implementation of the Committee's Views.