

A Guide to the 2014 UN Committee Against Torture Concluding Observations to the United States

A. Introduction

The United Nations Committee against Torture (the Committee) reviewed the periodic report (the report constituted the third, fourth, and fifth periodic reports) of the United States under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) on November 12 and 13, 2014. In conjunction with the [official report](#) submitted by the U.S. Government of the United States of America (U.S.), civil society organizations submitted over [seventy reports](#) concerning the U.S.'s compliance with CAT. Of those seventy reports, [43 civil society reports](#) were submitted through the US Human Rights Network (USHRN), as well as an [executive summary](#) of those reports.

On November 28, 2014, the Committee released its [Concluding Observations](#), based on an in-person meeting with the US Government, testimony by civil society, and submitted reports. The Concluding Observations are directed to the U.S. Government and details the Committee's concerns regarding acts of torture committed by representatives of the U.S., recommendations for the elimination of torture and other cruel, inhuman or degrading treatment or punishment, and suggestions to ensure compliance with CAT. The Committee last reviewed U.S. compliance with CAT in 2006, and issued the following [Concluding Observations](#). Following the 2006 review the Committee released the [list of issues prior to submission of the fifth period report of the United States](#) to inform the issues of focus for the U.S. government report. The Committee references prior concerns, prior recommendations, and general recommendations throughout its Concluding Observations.

B. Overview of Positive Aspects, Concerns and Recommendations

Below are the major topic areas that the Committee addressed in the Concluding Observations. The recommendations and concerns listed in each topic area here do not represent the full breadth of issues covered in the Concluding Observations.

1. Positive Aspects (rec. 4)

The Committee welcomed¹ the Supreme Court's recognition of extraterritorial application of constitutional habeas corpus rights to detainees at Guantánamo Bay detention facility, meaning the right to challenge one's detention applies to detainees held by the United States at Guantánamo Bay.² It commended the Presidential Executive Orders ensuring the lawful interrogations of detainees in U.S. custody, ordering the closure of the Guantánamo Bay detention facility, calling for the review and lawful disposition of individuals detained at

Guantánamo, and calling for the periodic review of Guantánamo detainees who have not been charged or designated for transfer.³ The Committee also recognized the Supreme Court's rulings prohibiting sentences of life imprisonment without parole (LWOP) for children convicted of non-homicide offenses⁴ and barring mandatory life imprisonment without parole for children convicted of homicide offenses,⁵ although thousands of individuals continue to serve LWOP sentences for crimes committed as children.⁶ Policy changes welcomed by the Committee included U.S. Immigration and Customs Enforcement's (ICE) adoption of a directive regarding the appropriate use of detainee solitary confinement and revised performance standards.⁷ Likewise, the Committee approved the creation of national standards to prevent sexual abuse in detention facilities and the efforts to collect data on the extent of sexual violence in detention.⁸ However, the most stringent requirements of the Prison Rape Elimination Act (PREA) only apply to a small segment of the incarcerated population and are not being implemented in many jurisdictions.⁹ The U.S.'s firm commitment to recognizing CAT's applicability during times of war and its long standing commitment to the United Nations Voluntary Funds for Victims of Torture were also welcomed.¹⁰ Finally, the Committee appreciated President Obama's public statement in which he qualified some so-called "enhanced interrogation techniques" as acts of torture.¹¹

2. *Principal subjects of Concerns and Recommendations*

I. Definition and criminalization of torture (rec. 9)

The Committee regrets that the U.S. lacks a specific federal offence of torture in full conformity with article 1 of CAT; that the U.S. maintains a restrictive interpretation of CAT; and intends to maintain their interpretive understandings¹² entered at the time of ratification (all these regrets were also expressed by the Committee during previous U.S. reviews).¹³ In addition, it called on the U.S. to criminalize torture at the federal level and to reconsider withdrawing its interpretive understandings; specifically ensuring psychological torture is not limited by the "prolonged mental harm" understanding but rather as a larger category of acts which cumulatively amount to torture.¹⁴

Relevant reports:

- [Midwest Regional Report on Torture and Cruel, Inhuman and Degrading Treatment](#)
- [Shadow Report to the United Nations Committee Against Torture Prepared by Advocates for U.S. Torture Prosecutions](#)
- [The Need for Comprehensive Federal Outreach and Mechanisms to Support State and Local Implementation of the Convention by Columbia Law School and IAOHRA](#)

II. Extraterritoriality (rec. 10)

The Committee expressed dismay regarding the U.S. reservation to article 16, which limits U.S. obligations to "prevent 'cruel, inhuman or degrading treatment or punishment,' only insofar as the term 'cruel, inhuman or degrading treatment or punishment' means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States."¹⁵ This reservation in conjunction with subsequent legal interpretations on the extraterritoriality applicability of CAT raised serious concerns, and the Committee called on the U.S. to withdraw this reservation.¹⁶

III. Counter-terrorism measures (rec. 11)

The Committee expressed grave concern regarding the U.S. Central Intelligence Agency's (CIA) 2001-2008 program of extraordinary rendition, secret detention, and interrogation, and the lack of information provided on its practices.¹⁷ Also, it urged the U.S. to ensure that no one is held in secret detention under its de facto effective control, that all anti-terrorism measures comply with CAT, and to adopt measures to ensure in law and practice that detainees are afforded all legal safeguards at the outset of their deprivation of liberty.¹⁸ Furthermore, the Committee called for the U.S. to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to publicly release the Senate Select Committee on Intelligence's report on the CIA's secret detention and interrogation program (the executive summary and findings of the report were subsequently released on December 9, 2014).¹⁹

Relevant Report:

- [The Need for Judicial Oversight of CAT Obligations in Extradition Proceedings](#)

IV. Inquiries into allegations of torture overseas (rec. 12)

The Committee expressed concern regarding the ongoing failure to fully investigate allegations of torture and ill-treatment of suspects held in U.S. custody abroad.²⁰ Therefore, the Committee urged the U.S. to carry out prompt investigations wherever reasonable grounds to believe an act of torture or ill-treatment has occurred; ensure alleged perpetrators and accomplices are duly prosecuted; provide effective remedies and redress to victims; and undertake a full review into the CIA's discharge of responsibilities in relation to allegations of torture and ill-treatment against suspects in U.S. custody abroad.²¹

Relevant Report:

- [Advocates for U.S. Torture Prosecutions, Dr. Trudy Bond, Prof. Benjamin Davis, Dr. Curtis F. J. Doebbler, and The International Human Rights Clinic at Harvard Law School: Shadow Report to the United Nations Committee Against Torture on the Review of the Periodic Report of the United States of America.](#)

V. Military accountability for abuses (rec. 13)

The Committee regretted the minimal statistics provided by the U.S. concerning investigations and prosecutions of service members for mistreatment of detainees.²² It also received insufficient information concerning criminal or disciplinary sanctions imposed on offenders.²³ Therefore, the Committee was unable to assess the U.S.'s conformity with article 12 of CAT, which explains that States must establish prompt and impartial investigations whenever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.²⁴ The Committee urged the U.S. to promptly investigate all instances of torture or ill treatment by military personnel, prosecution of the alleged, appropriate punishment of those found guilty and effective reparations for victims.²⁵ It further called for immediate suspension of alleged perpetrators of torture for the duration of the investigation.²⁶

Relevant Report:

- [Advocates for U.S. Torture Prosecutions, Dr. Trudy Bond, Prof. Benjamin Davis, Dr. Curtis F. J. Doebbler, and The International Human Rights Clinic at Harvard Law School: Shadow Report to the United Nations Committee Against Torture on the Review of the Periodic Report of the United States of America.](#)

VI. Guantanamo Bay detention facilities (rec. 14)

The Committee expressed deep concern regarding the continued detention of individuals without charge at Guantanamo Bay detention facilities, noting indefinite detention constitutes *per se* a violation of CAT.²⁷ It also expressed concern over reports that federal courts have rejected significant numbers of habeas corpus petitions from detainees held in Guantánamo.²⁸ Additionally, the Committee expressed concern regarding the secrecy surrounding the conditions of confinement at Guantanamo, and the psychological health of detainees there.²⁹ The Committee considered the force-feeding of prisoners on hunger strike ill treatment in violation of CAT.³⁰ Therefore, the Committee called for the immediate cessation of indefinite detention without charge or trial. It also requested that the U.S. conduct potential prosecutions of Guantanamo detainees in ordinary federal civilian courts; provide detainees and their counsels access to all evidence used to justify their detention; and immediately release any detainees who are not going to be charged or tried.³¹ In addition, the Committee urged the U.S. to promptly investigate all instances of torture or ill treatment, prosecute the alleged, provide appropriate punishment of the guilty, and grant effective reparations for victims.³² Furthermore, it called for improving the detainees' situation in order to persuade them to cease the hunger strike; put an end to force-feeding of detainees who are able to take informed decisions; invite the UN Special Rapporteur on torture to visit Guantánamo Bay detention facilities with full access to detainees for a fact-finding mission; and repeated its call to close the detention facility at Guantánamo Bay.³³

VII. Abuse of State secrecy provisions and mutual judicial assistance (rec. 15)

The Committee expressed serious concern at the U.S.'s use of secrecy provisions and immunities to evade liability.³⁴ Of particular concern was the system of secrecy around high-value detainees, which keeps their torture claims outside of the public domain, hinders human rights investigations by other States, and prevents access to effective remedies and reparations.³⁵ The Committee called for the declassification of torture evidence (particularly Guantanamo detainees' accounts of torture), remedies for victims of torture, and effective steps to be taken to ensure mutual judicial assistance in all criminal matters regarding torture.³⁶

Relevant Report:

- [Advocates for U.S. Torture Prosecutions, Shadow Report to the United Nations Committee Against Torture on the Review of the Periodic Report of the United States of America](#)

VIII. Transfer of detainees from Guantanamo Bay and reliance on diplomatic assurances (rec. 16)

The Committee expressed concern that most of the, at the time, 79 detainees designated for transfer have been so designated for five years.³⁷ In addition, the Committee was disturbed by reports that former detainees have experienced post release abuse treatment despite obtaining diplomatic assurances that detainees would not be tortured.³⁸ The Committee called on the U.S. to ensure that released detainees are not subjected to torture or other degrading treatment.³⁹ It also urged the U.S. not to rely on diplomatic assurances “where substantial grounds for believing that [the person] would be in danger of being subjected to torture.”⁴⁰

IX. Interrogation techniques (rec. 17)

The Committee appreciated steps taken to eliminate interrogation techniques that constitute torture or ill-treatment.⁴¹ However, it expressed concern regarding separation as an interrogation tactic as authorized in Appendix M of the Army Field Manual Human Intelligence Collector Operations, FM 2-22.3 of September 2006. In particular, it raised serious concern with the use of “physical separation” as amounting to authorizing sleep deprivation, a form of ill-treatment and the use of sensory deprivation in the use of “field expedient separation”.⁴² Consequently, the Committee urged the U.S. to review the Field Manual, and in particular abolish the problematic provisions contained in those techniques that would allow for sleep deprivation and sensory deprivation.⁴³

X. Asylum protection requests at southwestern border (rec. 18)

The Committee raised concerns regarding the expansion of expedited removal and the failure by immigration agencies to identify individuals for asylum-screening interviews.⁴⁴ It also noted with concern that the Citizenship and Immigration Services (USCIS) Asylum Division made a more restrictive revision to its credible-fear standard.⁴⁵ The U.S. was called on to take measures to ensure adequate procedures to determine refugee and asylum for migrants, uphold confidentiality for asylum procedures, and provide special considerations for minors, women, victims of torture, and other asylum seekers with special needs.⁴⁶ Furthermore, the Committee stated that the U.S. should conduct a thorough risk assessment of situations covered under article 3 of CAT, review the use of expedited removal procedures, and return to the less restrictive interpretation of “credible fear.”⁴⁷

XI. Immigration detention (rec. 19)

The Committee notes with concern the U.S.’s use of mandatory detention in prison-like detention facilities.⁴⁸ It was also concerned over plans to expand family detention and the holding of children in separate facilities that resemble juvenile correctional facilities.⁴⁹ Furthermore, the Committee was concerned by reports of substandard conditions in detention facilities, the use of solitary confinement, and sexual violence by staff and other detainees.⁵⁰ The Committee recommended that the U.S. review the use of mandatory detention, expand the use of community-based alternatives to detention, and ensure compliance with the 2013 directive on the appropriate use of segregation in Immigration and Customs Enforcement detention facilities⁵¹ as well as the 2011 performance-based national standards in all immigration detention facilities.⁵² It

also recommended that the U.S. prevent sexual assault in immigration detention and that they ensure all facilities are in compliance with the Prison Rape Elimination Act standards.⁵³ The Committee also called on the U.S. to establish an independent oversight mechanism to investigate all allegations of violence and abuse in immigration centers.⁵⁴

Relevant reports on Asylum and Immigration Detention:

- [Written Statement on Immigration Detention and Deportation in the United States of America](#)
- [Letter from The Center for Reproductive Rights, Women Enabled International, and the National Latina Institute for Reproductive Health](#)
- [Concerning the United States' Mistreatment of Immigrant Detainees in Violation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#)
- [Puente Human Rights Movement Shadow Report: Torture and Human Rights Abuses Within Arizona Immigration Detention Centers](#)
- [United States Compliance with the Convention Against Torture: Human Rights Violations Against Immigrants in Criminal Custody](#)

XII. Solitary confinement (rec. 20)

The Committee expressed concern about reports of extensive use of solitary confinement and isolation in U.S. prisons, jails, and detention centers.⁵⁵ It noted the lack of relevant statistics and was concerned about the use of solitary confinement against juveniles and individuals with mental disabilities.⁵⁶ The Committee also found total isolation for 22-23 hours a day in super-maximum security prisons to be unacceptable.⁵⁷ The Committee recommended that the U.S. use solitary confinement as a measure of last resort, for as short of time as possible, and under strict supervision with the possibility of judicial review.⁵⁸ It also recommended prohibiting the use of solitary confinement against children, individuals with a mental disability, pregnant women, women with infants, and breastfeeding mothers in prison.⁵⁹ The Committee also called for the compilation and regular reporting of data on the use of solitary confinement.⁶⁰

Relevant report:

- [The Use of Prolonged Solitary Confinement in United States Prisons, Jails, and Detention Centers](#)
- [Torture in U.S. Prisons: Interfaith Religious Coalition Calls for End to Widespread Use of Prolonged Solitary Confinement](#)
- [The Use of Isolated Confinement: The case of my brother Leo McShan](#)
- [The Torture of Solitary Confinement in the United States: The Example of New York State](#)
- ["It is not good for human beings to be alone:" Addressing U.S. use of prolonged solitary confinement from a Jewish human rights perspective](#)
- [United States' Widespread and Systematic Practices of Torture by the Use of Abusive, Long Term Solitary Confinement](#)

XIII. Protection of prisoners against violence, including sexual assault (rec. 21)

The Committee conveyed serious concern over the widespread prevalence of sexual violence in detention facilities by staff and other inmates.⁶¹ It noted with concern, the disproportionately high rates of sexual violence faced by children in adult facilities, as well as higher rates for people with a history of mental health problems and LGBTI individuals.⁶² Also, the Committee is concerned that the implementation of the National Standards to Prevent, Detect, and Respond to Prison Rape under the Prison Rape Elimination Act (PREA) has been a challenge at the state level.⁶³ It is also worried about how the Prison Litigation Reform Act (PLRA) has negatively affected the ability of prisoners to protect their rights.⁶⁴ Furthermore, the Committee is troubled by reports that in certain cases, pregnant women continue to be shackled throughout pregnancy, during labor, delivery, and post-partum recovery.⁶⁵

The Committee recommended the U.S. increase efforts to prevent violence in prisons, including sexual violence by staff and other inmates.⁶⁶ In particular, it called on the U.S. to promote independent mechanisms for handling complaints; prompt investigation of all reports of prison violence; use of same-sex guards where detainees are vulnerable to attack; specialized training of staff on prevention of sexual violence; developing strategies to reduce violence among inmates; authorization of monitoring activities by non-governmental organizations; amending the Prison Litigation Reform Act; and ending the practice of shackling pregnant women.⁶⁷

Relevant report:

- [CAT Shadow Report: The Shackling of Incarcerated Pregnant Women](#)
- [Survivors Speak Prisoner Testimonies of Torture in United States Prisons and Jails](#)
- [Police in the United States Harassing, Assaulting and Unlawfully Arresting Transgender Women Based On Their Gender Identity](#)

XIV. Deaths in custody (rec. 22)

The Committee noted with concern that 958 inmates died in local jails and 3,351 reported deaths occurred in U.S. prisons.⁶⁸ It recommended the prompt investigation of all deaths and the providing of compensation when appropriate.⁶⁹ The Committee also recommended the U.S. urgently adopt measures to remedy temperature deficiencies, including insufficient ventilation and extreme heat and humidity in detention.⁷⁰

XV. Juvenile justice (rec. 23)

The Committee is concerned by gaps in the protection of children in the U.S. criminal system, particularly juvenile placement in adult facilities and in solitary confinement.⁷¹ It recommends that the U.S. fully implement the United Nations Standard Minimum Rules for the Administration of Juvenile Justice,⁷² the United Nations Guidelines for the Prevention of Juvenile Delinquency,⁷³ ensure that juvenile detainees are held separately from adults, resort to alternatives to incarceration, and prohibit the use of solitary confinement against juveniles.⁷⁴

Relevant report:

- [Children in Adult Jails and Prisons: Shadow Report to the U.N. Committee Against Torture](#)

XVI. Life-without-parole for juvenile offenders (rec. 24)

The Committee was concerned that some states have refused to retroactively apply the Supreme Court's limitation on life-without parole sentences for juveniles.⁷⁵ It also expressed concern that courts could continue sentencing juveniles to life without parole in homicide cases.⁷⁶ The Committee recommended that the U.S. abolish life imprisonment without the possibility of parole for offenses committed by children under 18, and enable the resentencing of child offenders currently serving life without parole.⁷⁷

Relevant report:

- [Children in Adult Jails and Prisons: Shadow Report to the U.N. Committee Against Torture](#)

XVII. Death penalty (rec, 25)

The Committee was concerned that the U.S. is not currently considering abolishing the death penalty at the federal level.⁷⁸ In light of recent reports, it also expressed concern regarding the excruciating pain and prolonged suffering of recent botched executions.⁷⁹ The Committee was equally concerned by the delayed recourse procedures for prisoners sentenced to death, which in certain cases could amount to torture.⁸⁰ The Committee encouraged the U.S. to review its execution methods in order to prevent pain and suffering and reduce procedural delays that keep prisoners on death row for prolonged periods.⁸¹ It also urged for the establishment of a moratorium on execution with a view on abolishing the death penalty, the commuting of sentences of those currently on death row, and the U.S. accession to the Second Optional Protocol of the International Covenant on Civil Political Rights⁸².

Relevant report:

- [Undue Delay as Torture in Death Penalty Cases](#)

XVIII. Excessive use of force and police brutality (rec. 26)

The Committee detailed concerns regarding reports of police brutality and excessive use of force by law enforcement, particularly violence by the Chicago Police Department (CPD), recurrent police shootings of unarmed black individuals, and the failure to prosecute any police officers for torture occurring under CPD Commander Jon Burge.⁸³ It recommended that all instances of police brutality and excessive use of force by law enforcement officers be promptly investigated by an impartial mechanism, in particular "against persons belonging to certain racial and ethnic groups, immigrants and LGBTI individuals."⁸⁴ Also, persons suspected of torture should be prosecuted and punished accordingly if guilty.⁸⁵ Furthermore, victims should be appropriately compensated, including the CPD torture survivors.⁸⁶

Relevant report:

- [Written Statement on the Police Shooting of Michael Brown and Ensuing Police Violence Against Protesters in Ferguson, Missouri](#)
- [Invisible Betrayal: Police Violence and the Rapes of Black Women in the United States](#)
- [Torture in the Homeland: Failure of the United States to Implement the International Convention Against Torture to protect the human rights of African-American boys and African- American men in Chicago, Illinois](#)

- [Mothers of Chicago Police Torture Victims Speak”, Mothers Against Torture](#)
- [Police in the United States Harassing, Assaulting and Unlawfully Arresting Transgender Women Based On Their Gender Identity](#)

XIX. Electrical discharge weapons (Tasers)(rec. 27)

The Committee was concerned about numerous consistent reports of police using electrical discharge weapons against unarmed suspects, including minors.⁸⁷ It was appalled by the number of reported deaths caused by the use of these weapons.⁸⁸ The Committee recommended that the use of electrical discharge weapons be limited to situations where there is a real and immediate threat to life.⁸⁹ Likewise, the U.S. should revise regulations to establish a high threshold for the use of these weapons and a prohibition on their use on pregnant women and children.⁹⁰ It also urged the U.S. provide more stringent instructions to law enforcement personnel and strict monitoring of the use of these weapons.⁹¹

Relevant report:

- [Written Statement on the Death of Israel “Reefa” Hernandez Llach due to Miami Beach Law Enforcement’s Use of an Electroshock Weapon and Lack of Accountability](#)

XX. Training (rec. 28)

The Committee expressed concern regarding the lack of information on the impact of training programs to reduce incidents of torture for law enforcement, security officials, military personnel, and jail staff.⁹² It recommended mandatory training programs to ensure all public servants are familiar with the provisions of CAT and aware that violations will be prosecuted.⁹³ In addition, it called for the development of methodology to assess the effectiveness of training programs.⁹⁴ Furthermore, relevant staff should be trained to identify cases of torture or ill-treatment.⁹⁵

Relevant report:

- [CAT Shadow Report: The Shackling of Incarcerated Pregnant Women](#)
- [Survivors Speak Prisoner Testimonies of Torture in United States Prisons and Jails](#)
- [Police in the United States Harassing, Assaulting and Unlawfully Arresting Transgender Women Based On Their Gender Identity](#)

XXI. Redress, including compensation and rehabilitation (rec. 29)

The Committee regrets the limited information provided concerning torture rehabilitation programs and resources to support such programs.⁹⁶ It is also concerned that discrimination or marginalization will impede certain individuals or groups from enjoying their right to redress.⁹⁷ The Committee recommended that the U.S. ensure appropriate rehabilitation programs exist for all torture victims and increase its financial support for domestic torture rehabilitation programs..⁹⁸ Furthermore, it urged the U.S. to take measures to ensure all victims obtain redress and have an enforceable right to compensation, including the means to as full rehabilitation as

possible.¹ The Committee additionally drew attention to the nature and scope of redress as outlined in General Comment No. 3.⁹⁹

Relevant report:

- [Shadow Report Article 14: The Right to Rehabilitation](#)

XXII. Sexual Violence and Rape in U.S. military (30)

The Committee was concerned about the high prevalence of sexual violence and the failure of the Department of Defense to adequately prevent military sexual assaults.¹⁰⁰ It suggested increase efforts to eradicate sexual violence in the military by ensuring prompt investigation of all allegations of sexual violence, ensuring complainants and witnesses are protected from retaliation, and providing equal access to disability compensation for veterans who are survivors of sexual assault.¹⁰¹

Relevant report:

- [Avon Global Center for Women and Justice, Global Gender Justice Clinic, Cornell Law School: Sexual Violence in the U.S. Military](#)

3. Other Recommendations(recs. 31-34)

The Committee recommended that the U.S. ratify the Optional Protocol to CAT¹⁰² and declare under art. 22, that the U.S. recognizes the Committee's competence to receive communications from individuals.¹⁰³ It also requested the U.S. widely distribute their report submitted to the Committee and the Committee's concluding observations.¹⁰⁴ Furthermore, the Committee requested follow-up information in response to its recommendations on the following four issues, before November 28, 2015:¹⁰⁵

1. Ensuring or strengthening legal safeguards for persons detained;
2. Conducting, prompt, impartial and effective investigations;
3. Prosecuting suspects and sanctioning perpetrators of torture or ill treatment, by (para 12(a), 14(c), and 17):
 - a. 12(a): Carrying out prompt, impartial and effective investigations wherever there is reasonable ground to believe that an act of torture and ill-treatment has been committed in any territory under its jurisdiction, especially in those cases resulting in death in custody;
 - b. 14(c): In regards to Guantanamo Bay: investigate allegations of detainee abuse, including torture and ill-treatment appropriately prosecute those responsible, and ensure effective redress for victims;
 - c. 17: Ensure that interrogation methods contrary to the provisions of the Convention are not used under any circumstance, including by reviewing Appendix M of the Army Field Manual, in particular the physical separation technique and the sensory deprivation technique of the Convention are not used under any circumstances.

¹ *Id.*

4. 26 (c): Information on effective remedies and rehabilitation to victim, of excessive use of force and police brutality, in particular “against persons belonging to certain racial and ethnic groups, immigrants and LGBTI individuals.”
5. 26(d): “Provide redress for Chicago Police Department torture survivors by supporting the passage of the ordinance entitled Reparations for the Chicago Police Torture Survivors.”

Lastly, the U.S. Government was asked to submit its next report by November 28, 2018.¹⁰⁶

¹ Comm. Against Torture, 53rd Sess., 3-28 Nov. 2014, *Concluding Observations on the Third to Fifth Periodic Reports of the United States of America*, ¶4(a), U.N. Doc. CAT/C/USA/CO/3-5 (Nov. 20, 2014) [hereinafter *Concluding Observations*].

² *Boumediene v. Bush*, 553 U.S. 723 (2008).

³ *Concluding Observations* at ¶4(b)-(c).

⁴ *Graham v. Florida*, 130 S. Ct. 2011 (2010).

⁵ *Miller v. Alabama*, 132 S.Ct. 2455 (2012).

⁶ See *Children in Adult Jails and Prisons: Shadow Report to the U.N. Committee Against Torture*, available at www.ushrnetwork.org/sites/ushrnetwork.org/files/15-prisons-cuny.pdf.

⁷ *Concluding Observations* at ¶5(a).

⁸ *Id.* at ¶5(b).

⁹ See, e.g., Texas Governor Rick Perry, *Letter to the Attorney General, US DOJ*, March 28, 2014, available at: <https://docs.google.com/file/d/0B6HJLeMEu3hlUUctaWxnQWVUeDA/edit>

¹⁰ *Id.* at ¶6-7.

¹¹ *Id.* at ¶8.

¹² U.S. reservations, declarations, and understandings, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Cong. Rec. S17486-01 (daily ed., Oct. 27, 1990), available at <http://www1.umn.edu/humanrts/usdocs/tortres.html>, [hereinafter U.S. reservations].

¹³ *Concluding Observations*, at ¶9.

¹⁴ *Id.*

¹⁵ U.S. reservations, at ¶I(1).

¹⁶ *Concluding Observations*, at ¶10.

¹⁷ *Id.* at ¶11.

¹⁸ *Id.* at ¶11(a)-(c).

¹⁹ *Id.* at ¶11(c).

²⁰ *Id.* at ¶12.

²¹ *Id.* at ¶12(a)-(d).

²² *Id.* at ¶13.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* at ¶13(a).

²⁶ *Id.* at ¶13(b).

²⁷ *Id.* at ¶14.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.* at ¶14(a)&(b). After the US Review before the CAT *Concluding Observations* came out an additional 5 detainees were released and since the release of the recommendations, as of January 1, 2015 an additionally 15 have been released, but 127 still remain in detention (59 of them were approved for release in 2009; Wikipedia, Timeline of the Release and Transfer of Guantanamo Bay Detainees, available at http://en.wikipedia.org/wiki/Timeline_of_the_release_and_transfer_of_Guantanamo_Bay_detainees, last update 5 Jan. 2015. See also, Andy Worthington, Who Are the Five Guantanamo prisoners Given New Homes in

Kazakhstan?, Jan. 4, 2015, *available at* www.andyworthington.co.uk/2015/01/04/who-are-the-five-guantanamo-prisoners-given-new-homes-in-kazakhstan.

³² *Id.* at ¶14(c).

³³ *Id.* at ¶14(d)-(f).

³⁴ *Id.* at ¶15.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.* at ¶16.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.* at ¶17.

⁴² DEPARTMENT OF THE ARMY, FM 2-22.3, HUMAN INTELLIGENCE COLLECTOR OPERATIONS, *available at* http://armypubs.army.mil/doctrine/DR_pubs/dr_a/pdf/fm2_22x3.pdf.

⁴³ Concluding Observations *supra* note 1, at ¶17.

⁴⁴ *Id.* at ¶18.

⁴⁵ *Id.*

⁴⁶ *Id.* at ¶18(a)&(b).

⁴⁷ *Id.* at ¶18(c)-(e).

⁴⁸ *Id.* at ¶19.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, 11065.1, REVIEW OF THE USE OF SEGREGATION FOR ICE DETENTION (2013), *available at* http://www.ice.gov/doclib/detention-reform/pdf/segregation_directive.pdf.

⁵² U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, 2011 OPERATIONS MANUAL ICE PERFORMANCE-BASED NATIONAL DETENTION STANDARDS, *available at* <http://www.ice.gov/detention-standards/2011>.

⁵³ Concluding Observations *supra* note 1, at ¶19(d).

⁵⁴ *Id.* at ¶19(e).

⁵⁵ *Id.* at ¶20.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.* at ¶20(a).

⁵⁹ *Id.* at ¶20(b).

⁶⁰ *Id.* at ¶20(c)&(d).

⁶¹ *Id.* at ¶21.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.* at ¶21(a)-(j).

⁶⁸ *Id.* at ¶22.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.* at ¶23.

⁷² G.A. Res. 40/33, U.N. Doc. A/RES/40/33 (Nov. 29, 1985), *available at* <http://www.ohchr.org/Documents/ProfessionalInterest/beijingrules.pdf>.

⁷³ G.A. Res. 45/112, U.N. Doc. A/RES/45/112 (Dec. 14, 1990), *available at* <http://www.un.org/documents/ga/res/45/a45r112.htm>.

⁷⁴ Concluding Observations, *supra* note 1, at ¶23(a)-(d).

⁷⁵ *Id.* at ¶24.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.* at ¶25.

⁷⁹ *Id.*

⁸⁰ *Id.*
⁸¹ *Id.*
⁸² G.A. Res. 44/128, U.N. Doc. A/RES/44/128 (Dec. 15, 1989), *available at* <http://www.ohchr.org/EN/ProfessionalInterest/Pages/2ndOPCCPR.aspx>.
⁸³ Concluding Observations, *supra* note 1, at ¶26.
⁸⁴ *Id.* at ¶26(a).
⁸⁵ *Id.* at ¶26(b).
⁸⁶ *Id.* at ¶26(c)&(d).
⁸⁷ *Id.* at ¶27.
⁸⁸ *Id.*
⁸⁹ *Id.*
⁹⁰ *Id.*
⁹¹ *Id.*
⁹² *Id.* at ¶28.
⁹³ *Id.* at ¶28(a).
⁹⁴ *Id.* at ¶28(c).
⁹⁵ *Id.* at ¶28(b).
⁹⁶ *Id.* at ¶29.
⁹⁷ *Id.*
⁹⁸ *Id.*
⁹⁹ *Id.*
¹⁰⁰ *Id.* at ¶30.
¹⁰¹ *Id.* at ¶30(a)-(c).
¹⁰² G.A. Res. 57/199, U.N. Doc. A/RES/57/199 (Dec. 18, 2002), *available at* <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx>.
¹⁰³ Concluding Observations, *supra* note 1, at ¶31.
¹⁰⁴ *Id.* at ¶32, *see also* Columbia Law School Human Rights Institute & International Association of Official Human Rights Agencies: *The Need for Comprehensive Federal Outreach and Mechanisms to Support State and Local Implementation of the Convention*, *available at* www.ushrnetwork.org/sites/ushrnetwork.org/files/21-general-iaorh.pdf.
¹⁰⁵ *Id.* at ¶33.
¹⁰⁶ *Id.* at ¶34.