During its 62nd session (6 November - 6 December 2017) the Committee Against Torture (CAT) considered the State reports of Moldova, Cameroon, Bosnia and Herzegovina, Italy, Mauritius, Bulgaria, Timor-Leste and Rwanda. In accordance with Article 19 of the Convention Against Torture, every four years State parties submit a report to the CAT on any new measures taken to implement the Convention. These reports are reviewed in public sessions, during which the respective State party holds a constructive dialogue with the Committee members. The day before the consideration of the report, NGOs having submitted an alternative report can raise their concerns during a private NGO briefing with the CAT. At the end of each session, the CAT publishes its “Concluding Observations”, specific recommendations for each reviewed State and issues for them to follow up on within one year. During this session, the discussions covered a broad range of topics, from cases of torture to psychiatric hospitals, migrants’ treatment and human trafficking.
OMCT's training of 10 Russian journalists

OMCT and its SOS-Torture Network member organization Committee Against Torture from Nizhniy Novgorod, Russian Federation, organized from 6 to 10 November 2017 a training in Geneva for a group of Russian journalists who were attacked during their press-tour in Chechnya in March 2016. This violent event has made the journalists even more motivated to report on human rights violations and torture. The training took place during the first week of 62nd CAT session which gave them the opportunity to follow the CAT review of Moldova and to understand better the CAT's State reporting procedure ahead of the CAT's review of Russia next summer.

Panel discussion: Can the media help promote human rights?

On 9 November 2017, OMCT and the NGO Committee Against Torture from Nizhny Novgorod organized a panel discussion at the Maison des Associations in Geneva, on the media’s role in promoting human rights and fighting torture. Four panelists intervened during the discussion: Ms. Olga Sadovskaya, Deputy Director of the Committee Against Torture from Nizhny Novgorod and OMCT Executive Council member; Ms. Therese Obrecht Hodler, journalist and former President of Reporters sans frontières; Mr. Maksim Kurnikov, Regional Editor of radio Ekho Moskvy, and Mr. Egor Skovoroda, Editor at Mediazone, a Russian alternative media outlet founded by two members of the Russian feminist punk rock band “Pussy Riot”.

The panel, moderated by Mr. Gerald Staberock, OMCT Secretary General, was followed by a reception.

From left to right: Mr. Maksim Kurnikov, Ms. Olga Sadovskaya, Mr. Gerald Staberock, Mr. Egor Skovoroda and Ms. Therese Obrecht Hodler.
OMCT SUBMISSIONS

Alternative reports on Moldova

In preparation for the CAT review of Moldova, OMCT contributed to two joint reports on torture and ill-treatment in the Republic of Moldova. The first one, a joint submission prepared by the Promo-LEX Association, Rehabilitation Centre for Torture Victims (RCTV) “Memoria”, the International Rehabilitation Council for Torture Victims (IRCT) and OMCT, covered different issues including: impunity for torture and ill-treatment, the lack of independent investigation mechanisms, poor detention conditions and domestic violence. The second, a joint submission by Promo-Lex, the Media Centre from Tiraspol, and OMCT, focused on torture and ill-treatment in the Transnistria region, where Moldova’s lack of de facto authority over the territory results in widespread impunity for human rights violations. Read more.

Alternative report on Italy

OMCT supported the preparation of an alternative report by the Italian NGO “Associazione Antigone Onlus” on Italy’s compliance with the Convention. The report considered several issues, including Italy’s new law against torture, detention conditions, migrants’ rights and the violation of the principle of non-refoulement. Read more. Watch also our video interview during the CAT review with Susanna Marietti, Coordinator of the Rome-based NGO.

Webcast events in Moldova and Italy

OMCT supported two webcasts events. In Moldova, Promo-LEX and the Office of the High Commissioner for Human Rights (OHCHR) organized a live webcast event on 7 November 2017 to which representatives from international organizations, the Moldovan Government, civil society, human rights defenders, lawyers and journalists were invited. Prior to the screening, a panel discussion was held on the topic of mental health and torture with representatives of civil society and the Government. The webcast of the review was also posted on a Moldovan website that streams civil society and governmental events and press conferences. More than 20’000 viewers followed it online.

Similarly, NGO Antigone organized a live webcast of the CAT’s two review sessions of Italy. The event took place in Antigone’s offices in Rome, and was followed by a public discussion on the outcomes of the session, in particular the ongoing reform of Italian prison law.
**SUMMARIES OF THE CAT STATE REVIEWS**

**Moldova**

**Impunity for torture and ill-treatment, inter-prisoner violence**

During the consideration of the third periodic review of Moldova, the Committee expressed its concern about the low rate of criminal investigations into allegations of torture and ill-treatment during pre-trial detention. Yet reports show that most cases of torture and cruel, inhuman and degrading treatment are attributed to law enforcement personnel, who are also said to incite violence among inmates. The Committee also pointed to the death of Mr. Andrei Braguta, who died allegedly of pneumonia shortly after having been beaten by police officers and other inmates.

Moreover, conditions of detention remain worrying given the high rate of overcrowding, rise in the number of deaths in custody, absence of a mechanism to examine inmates’ complaints and insufficient legal safeguards to protect them, including the presence of a lawyer at all hearings.

Though the State party criminalized domestic violence in 2010, the number of recorded cases of domestic violence had increased and often not resulted in investigation and prosecution, the Committee highlighted. The CAT therefore urged the State party to establish an independent complaint mechanism for victims and provide mandatory training to the competent authorities so as to ensure that all allegations of violence are indeed registered. The Committee also voiced its concern that in Moldova many victims are being trafficked for the purpose of sexual exploitation and forced labour.

Other issues discussed included inadequate healthcare in the penitentiary system; corruption of public officials; non-refoulement; redress for victims of torture and ill-treatment; ill-treatment of persons in psychiatric institutions.

**Issues for follow-up:**
- Ensure that the allegations surrounding Andrei Braguta’s death, including the alleged complicity of officials in his beating and denial of prompt care, allegations of medical negligence, and reported failure by many officials to report evidence of his treatment to the appropriate authorities, are investigated and prosecuted;
- Ensure and monitor detainees' legal safeguards and subject any official who fails to provide them to disciplinary or other appropriate punishment;
- Enable the Council on Prevention of Torture to carry out its mandate independently and effectively, including through the formalization of a clear, transparent and participatory selection and appointment process, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights, and provide it with a sufficient budget and administrative and staffing resources.

Read more:
- **Concluding Observations**
- **Meeting Summaries**
- **Webcast**

**Cameroon**

**Torture and severe human rights violations in the context of the fight against Boko Haram**

In Cameroon, the arbitrary detention and killing of hundreds of suspected terrorists, the harassment of journalists and human rights defenders and the use of violence against demonstrators in the Anglophone area generate a climate of fear and repression. In its **Concluding Observations** regarding what was Cameroon’s fifth periodic report, the Committee expressed its concerns about several human rights violations.
Firstly, in the name of the fight against terrorism, hundreds of people accused of supporting Boko Haram were subjected to torture, extrajudicial killings and enforced disappearances. In 2014, the Cameroonian defence security forces killed more than 70 people and arrested more than 200, half of whom have since disappeared.

Between 2013 and 2017, hundreds of suspected terrorists have been detained, often incommunicado, in more than 20 non-official detention centres, where they were subjected to torture and held in inhuman conditions, which led to the death of dozens of them. The delegation of Cameroon denied these severe human rights violations – though documented by several NGOs – affirming for instance that one of the rooms in which the alleged torture took place “was actually a bakery”. In its Concluding Observations, the Committee asked Cameroon to ensure that the prohibition of torture is respected in every circumstance, to put an end to the practice of secret detention and to investigate all allegations of torture and mistreatment.

Secondly, tens of thousands of Nigerians, including children, were forcibly returned to their country without being granted access to the asylum procedure, according to credible sources. The Committee stressed that this constitutes a breach of the principle of non-refoulement, and urged Cameroon to put an end to mass expulsions.

Lastly, in Cameroon, LGBTI people are often victim of arbitrary arrests, “corrective rape”, blackmail, exertion and killings. The Government, which dismissed any allegations of discrimination against LGBTI people, reasserted that in Cameroon homosexuality is a crime sanctioned with imprisonment.

Other matters of concerns discussed during the sessions were the provision of legal aid; the violent repression of protests in the Anglophone area; the criminalization of torture; impunity for acts of torture and ill-treatment; the independence of the judiciary system; military tribunals; detention conditions; the National Commission on Human Rights and Freedoms; harassment of human rights defenders and journalists; gender violence.

Issues for follow-up:
1. Stop all practice of torture and ill-treatment and carry out prompt investigations on existing cases, put an end to all cases of secret and incommunicado detention, allow human rights observers’ access to official and non-official detention centres;
2. Put an end to the practice of forced expulsion towards Nigeria, ensure access to effective asylum procedures, improve living conditions in refugee camps;
3. Investigate allegations on the excessive use of force in the Anglophone area, avoid the application of anti-terrorism legislation against peaceful demonstrators;
4. Accelerate the process of ratification of the Optional Protocol to the Convention against Torture and establish a national preventive mechanism.

Read More:
- Concluding Observations (French)
- Meeting Summaries
- Webcast

Bosnia and Herzegovina
Insufficient prosecution of war crimes and ill-treatment of prisoners

In its consideration of Bosnia and Herzegovina’s sixth periodic report, which was submitted one and a half years late, the Committee regretted that, since its previous Concluding Observations, little progress had been made with regard to the redress for victims of war crimes. Despite several efforts to establish a national reparation mechanism since 2012, the country still had not created a unified framework for redress and reparation. Thereby, victims of war crimes are left having to undergo complex and lengthy proceedings, which fail to offer adequate protection to witnesses and risk to discriminate against victims of non-Serb ethnicity.
In Bosnia and Herzegovina, many perpetrators of war crimes of sexual violence are granted reduced sentences and only have to pay a fine for their crime. The Committee further noted the high number of pending war crime cases, and the fact that many decisions on victims’ compensation have not been implemented. Therefore, it urged the Government to expedite its prosecution and processing of war crime cases and to take all necessary measure to facilitate the victims’ right to redress.

Moreover, the Committee expressed its concern with regard to numerous allegations of ill-treatment and torture such as “repeated slaps, punches, kicks and blows with a truncheon” reported by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), in 2011, 2012 and again in 2015. Furthermore, detention conditions in the country appear to be very poor, with certain prisons not having access to natural light, adequate ventilation and proper sanitary systems.

Other issues discussed by the CAT included the definition of torture; access to fundamental legal safeguards; the Ombudsman and the national preventive mechanism (NPM); the special detention regime; the establishment of a central register of missing persons; refugees’ rights and the principle of non-refoulement; juvenile justice; domestic and gender-based violence; human trafficking; violence against LGBTI persons.

Issues for follow-up:
1. Conduct prompt investigations on all allegations of torture and ill-treatment, including through the use of video recording equipment;
2. Enable victims of torture and ill-treatment, including victims of wartime sexual violence, to exercise their right to redress;
3. Ensure that the Ombudsman has sufficient resources and that a national preventive mechanism is promptly established.

Read more:
- Concluding Observations
- Meeting Summaries
- Webcast

**Italy**

**Migrants’ ill-treatment and mass repatriations**

During the review of the fifth and sixth combined periodic reports of Italy, the Committee discussed a broad number of issues ranging from police mistreatment to the chronic problem of prison overcrowding. However, two main issues dominated the debate: the new law against torture and the treatment of recent influxes of migrants and asylum seekers.

While noting that Law No. 110 of 14 July 2017 introduced the crime of torture as a specific offence in the Penal Code, the Committee considered the definition is contrary to the Convention's prescriptions as it fails mention the purpose of the act and the official capacity of the perpetrator, it is based on an unnecessarily narrow definition of act of torture and it is subject to a statute of limitations of 18 years. As a consequence, it urged the Government to bring the definition of torture in line with article 1 of the Convention and to ensure that such crime is not subject to any statute of limitations.

Secondly, the Committee expressed its concern with regard to several aspects relating to the treatment of asylum seekers and migrants. In particular, the readmission agreement signed with Sudan in August 2016, which allowed for the sudden repatriation of dozens of Sudanese, may constitute a breach of the principle of non-refoulement and the prohibition of collective expulsions. On a similar note, the Committee also raised concerns with regard to the recent memorandum of understanding with Libya, in particular in light of the OHCHR press release reporting “thousands of migrants being detained in ‘horrific’ conditions inside Libya”. Moreover, the Committee underlined that migrants' detention pending deportation should only be used as an exceptional measure and that NGOs should
be allowed access to reception centres. Lastly, the Committee was concerned by the sharp rise in the number of trafficked Nigerian women and girls, and asked Italy to ensure their effective protection, including by granting them access to shelters and psychosocial assistance.

Other issues discussed by the Committee included national and regional preventive mechanisms for the prevention of torture; national human rights institutions; fundamental legal safeguards; conditions of detention; the special detention regime; deaths in custody; excessive use of force by the police; gender-based violence.

Issues for follow-up:
1. Ensure that all migration management agreements, and in particular the one with Libya, are consistent with international human rights and refugee law;
2. Authorize non-governmental organizations to access and monitor immigration detention facilities;
3. Undertake prompt investigation and ensure prosecution of all instances of police brutality and excessive use of force.

Read More:
- Concluding Observations
- Meeting Summaries
- Webcast

**Mauritius**

**Excessive use of pre-trial detention and confessions obtained under duress**

The Committee considered the fourth periodic review of Mauritius.

The Committee expressed its concern at the State party’s excessive use of pre-trial detention, which in some cases has lasted up to three years. The Committee urged the State party to limit pre-trial detention to exceptional circumstances and limited periods and to strengthen its efforts to promote the use of alternative and non-custodial measures. Time spent in pre-trial detention should also be deducted from the sentence. The Committee further voiced its concern about reported cases of ill-treatment committed by law enforcement officials which, in some cases, have led to death. Very few of these cases have been referred to the Public Prosecutor or Attorney General, despite the many complaints lodged. What is more, the Committee was concerned about the over-reliance on confessions, some of them obtained under duress.

While welcoming changes in the State party’s domestic legislation such as the Protection from Domestic Violence Act, which was amended in 2016 to widen the definition of domestic violence, the Committee pointed out that marital rape had yet to be criminalized; the provision excusing manslaughter in case of adultery had not been repealed (see Article 242 Criminal Code) and perpetrators of trafficking-related crimes had not been prosecuted under the relevant Combating of Trafficking in Persons Act.

Lastly, the Committee remained alarmed at the absence of legislation on asylum seekers and refugee rights in Mauritius.

Other issues raised included incorporation of the absolute prohibition of torture and appropriate penalties in domestic legislation; juvenile justice; conditions of detention; the independence of oversight and complaint bodies; redress and reparation for victims of torture and ill-treatment; training of law enforcement officials; violence against women police officers; impunity for the death in custody of Mr. Ramdoolar Ramlogun.

Issues for follow-up:
- Investigate all reports of extraction of confession allegedly obtained under duress and prosecute anyone responsible; ensure that such testimony is not allowed to be entered as
evidence and permit appeal courts to review the admissibility of evidence; improve methods of investigation, including by training police officers on non-coercive interrogations methods; install video and audio recording facilities in police stations to monitor interrogations procedures;
- Improve material conditions in prisons;
- Investigate and prosecute all complaints of torture and ill-treatment by law enforcement officials.

Read more:
- Concluding Observations
- Meeting Summaries
- Webcast

Bulgaria
Abuses and ill-treatment in detention centres, violation of migrants’ rights

In its consideration of the sixth periodic report of Bulgaria, the Committee welcomed Bulgaria’s recent ratification of several international instruments, including the Convention on the Rights of Persons with Disabilities in 2012. Nonetheless, several issues remained unsolved since the past review. For instance, under Bulgarian legislation, the first 24 hours of detention are considered to fall under administrative law and are outside the scope of criminal proceedings. Thereby, arrested persons do not have adequate access to legal safeguards and are often not informed about their right to speak with a lawyer.

Moreover, the Committee was concerned about reports that one in every three people arrested is subjected to physical abuses in police stations, including through the use of truncheons and electrical discharge weapons, and that responsible police officers are seldom prosecuted. Detainees belonging to the Roma community are twice as likely to be victims of violence.

Additionally, the Committee regretted that persons with disabilities are often subject to unnecessary non-consensual institutionalization, characterized by poor material conditions and excessive use of chemical constraints.

The Committee furthermore discussed several issues in relation to the rights of migrants and asylum seekers in Bulgaria. The Committee was concerned about reports that at the border, migrants are often forcibly prevented from entry in the country, subjected to physical violence by police officers and stripped of their belongings and money by vigilante groups. Irregular migrants are systemically detained for up to 18 months, often in poor material conditions and without consideration for their vulnerable situation. Moreover, more than 2,500 persons were allegedly forcibly expelled in 2016, in violation of the principle of non-refoulement. In this regard, the Committee recommended the Government to ensure the rapid identification of persons in vulnerable situations and to fully comply with its obligations under article 3 of the Convention.

Other matters of concern included the provision of adequate resources to the Office of the Ombudsman; the effectiveness of the NPM; domestic and gender-based violence; trafficking in persons; redress for victims of torture.

Issues for follow-up:
- Address the excessive use of force and impunity for acts of torture and ill-treatment by inter alia (i) regulating the use of force by police officers, including through the use of CCTV, (ii) ensuring that all reports of torture and ill-treatment by public officials are promptly investigated (iii) ensuring that all persons under investigations are suspended from their duties;
- Strengthen the Office of the Ombudsman and take measures to improve the effectiveness of the NPM’s monitoring functions;
- Address the situation of asylum seekers and migrants by (i) avoiding registering unaccompanied children apprehended upon irregular entry as being “accompanied” by adults.
they are not related to; (ii) preventing ill-treatment of asylum seekers by law enforcement officers and promptly investigate all cases of excessive use of force, and (iii) ensuring identification persons in vulnerable situation.

Read More:
- Concluding Observations
- Meeting Summaries
- Webcast

Timor-Leste

Accountability for past human rights violations

For the first time, the Committee reviewed Timor-Leste, regretting that its initial report was submitted with a delay of over 11 years.

The Committee expressed its concern about the absence of any concerted efforts to bring to justice those responsible for the gross human rights violations committed during the Indonesian occupation and post-referendum period (1975-1999), which included the killing or disappearance of some 18,600 people, more than 11,000 allegations of torture and at least 1,000 cases of sexual violence. The State party was encouraged to take measures to investigate and prosecute cases of enforced disappearances and to consider ratifying the International Convention for the Protection of All persons from Enforced Disappearances, in particular in light of the 4,500 children from Timor-Leste who were forcibly displaced to Indonesia during the Indonesian occupation.

The State party repeatedly asserted that no cases of torture were recorded during the period under review. In light of the many allegations of torture, ill-treatment and use of force involving police and security forces, the Committee interpreted this declaration to mean that those abuses are committed with impunity.

The Committee further voiced its concern at the prevalence of violence against women and the ensuing low reporting and conviction rates as well as the limited assistance provided to victims. Rape and incest have yet to be criminalized and in 2009, abortion became a criminal offence (see Article 141 Criminal Code), including in cases of rape, incest and foetal impairment.

Moreover, the Committee expressed concern at the limited psychiatric services available for persons with disabilities. As a result, many are forced to stay at home, at times confined and restrained in degrading conditions by family or community members.

Other issues discussed included the definition and criminalization of torture; fundamental legal safeguards; conditions of detention and internal prison complaint mechanisms; coerced confessions; corporal punishment of children; asylum and non-refoulement.

Issues for follow-up:
- Address gross human rights violations, including torture, committed during the Indonesian occupation and post-referendum period (1975-1999);
- Follow up on the progress of investigations concerning recent allegations of torture and ill-treatment by the police and military, in particular cases in Lalulai, Oecusse and Maliana;
- Ensure that all complaints of torture and ill-treatment are promptly and impartially investigated by an independent body.

Read more:
- Concluding Observations
- Meeting Summaries
- Webcast
Upon consideration of the second periodic review of Rwanda, the Committee expressed its alarm at reports documenting the continuing practice of illegal detention in military facilities and unofficial locations, as well as at allegations of ill-treatment and torture occurring therein, including allegations of confessions or testimonies having been extracted under torture and used as a basis for conviction.

Another issue of concern was the extensive use of administrative detention in so-called “transit centres”, where persons suspected of prostitution, drug addiction, petty crime and homelessness are arbitrarily detained for prolonged periods. The detainees – including children – are regularly beaten and subjected to harsh conditions, with several persons having allegedly died. The Committee urged the State party to abolish the current system of detention in “transit”, to release all persons detained in these centres, and to investigate and prosecute all allegations of ill-treatment and deaths having occurred therein and to provide adequate redress to victims.

The human rights climate prevailing in the country was deemed alarming, with reports that political opponents, human rights defenders and journalists have increasingly disappeared, been harassed, and charged with broadly defined offences.

The Committee regretted the fact that the Subcommittee on Prevention of Torture (SPT) had to suspend a visit to the State party in 2017 due to obstructions to access some places of detention and fear of reprisals against people interviewed. The Committee also noted with concern the State party’s withdrawal of the declaration under article 34(6) of the Protocol to the African Charter on Human and Peoples’ Rights recognizing the competence of the African Court to receive cases from individuals and NGOs.

Other issues raised included the definition and criminalization of torture; the status and application of the Convention against Torture; fundamental legal safeguards; excessive pre-trial detention; conditions of detention, including disciplinary sanctions and deaths in custody; the independence of the National Human Rights Commission serving as NPM; extrajudicial killings and enforced disappearances of petty offenders; redress for victims of torture; non-refoulement and detention of asylum seekers; human trafficking; training provided to authorities.

In its last remarks, the Committee expressed its frustration at Rwanda’s replies, which consisted either in complete denial, silence, or vague future commitments.

Issues for follow-up:
- Ensure that no one is detained incommunicado or in unofficial places; investigate the existence of secret non-official detention places, identify those exercising their effective control and bring them to account;
- Investigate and prosecute all allegations of ill-treatment and torture in military detention facilities;
- Ensure that detainees enjoy all fundamental legal safeguards;
- Establish an independent oversight mechanism to facilitate the submission of complaints by victims of torture and ill-treatment;
- Provide the SPT with unrestricted access to all places of detention during future visits, including to military facilities; assist and facilitate the resumption of the suspended visits.

Read more:
- Concluding Observations
- Meeting Summaries
- Webcast
63rd session of the CAT: 23 April – 18 May 2018
Consideration of State party reports: Belarus, Czech Republic, Norway, Qatar, Senegal, and Tajikistan
Lists of Issues Prior to Reporting: Andorra, Azerbaijan, Denmark, Jordan, and Liechtenstein
> 29 January 2018: Deadline for NGO submissions for the List of Issues Prior to Reporting
> 26 March 2018: Deadline for NGO submissions for the state report reviews

64th session of the CAT: 23 July – 10 August 2018
Consideration of States: Chile, Mauritania, the Russian Federation, and Seychelles (in the absence of a report)
> 25 June 2018: Deadline for NGO submissions for the state report reviews

65th session of the CAT: 12 November – 7 December 2018
Consideration of State party reports: Canada, Guatemala, Maldives, Netherlands, Peru and Viet Nam
Lists of Issues Prior to Reporting: France, Israel, Philippines, and Turkey
Lists of Issues: South Africa
> 25 June 2018: Deadline for NGO submissions for the List of Issues and List of Issues Prior to Reporting
> 15 October 2018: Deadline for NGO submissions for the state report reviews
OMCT Blog: Engaging with the UN Committee Against Torture

Our blog “Nothing can Justify Torture, engaging with the Committee Against Torture” aims to provide greater awareness on the CAT and the Convention Against Torture and to increase mobilization of NGOs against torture making a more effective use of the CAT procedures.

If you are working on the Convention Against Torture or the CAT (Committee members, representatives from NGOs, academics, journalists…), we encourage you to share your experience and learning by submitting an article. Please contact cbb@omct.org for more information.

Recent blog posts include:

- OMCT: “Torture on the Back Burner”
- OMCT: “Committee Against Torture's inquiry highlights systematic torture in Egypt: Interview with local human rights defender Mohamed Lofty”
- OMCT: “The role of the CAT in combating violence against women: Reviewing #UNCAT62’s outputs”

Live Webcast of the CAT sessions

During the sessions, the live stream is available at webtv.un.org. Sessions are also archived and can be viewed at a later date.

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Nothing can justify torture under any circumstances