

LIMITATIONS - GENERAL - GENERAL PROHIBITION ON LIMITATIONS

III. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Switzerland, CERD, A/57/18 (2002) 46 at para. 249.

249. The Committee wishes to emphasize that despite the federal structure of the State party, which may render more difficult the full application of the State party's obligations under the Convention in all parts of its territory, the Federal Government has the responsibility of ensuring the implementation of the Convention on its entire territory and must ensure that cantonal authorities are aware of the rights set out in the Convention and take the necessary measures in order to respect them.

ICCPR

- Switzerland, ICCPR, A/57/40 vol. I (2002) 44 at para. 76(6).

(6) The Committee is concerned that the application of the State party's obligations under the Covenant in all parts of its territory may be hampered by the federal structure of the State party. It reminds the State party that under article 50 of the Covenant the provisions of the Covenant "shall extend to all parts of federal States without any limitations or exceptions".

The State party should take measures to ensure that the authorities in all cantons and communities are aware of the rights set out in the Covenant and of their duty to ensure respect for them.

CAT

- Israel, CAT, A/57/44 (2002) 27 at para. 51.

51. The Committee is fully aware of the difficult situation of unrest faced by Israel, particularly in the Occupied Territories, and understands its security concerns. While recognizing the right of Israel to protect its citizens from violence, it reiterates that no exceptional circumstances may be invoked as justification of torture (art. 2, para. 2, of the Convention).

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- Russian Federation, CAT, A/57/44 (2002) 42 at para. 90.

90. The Committee appreciates the frank explanations provided by the delegation regarding the difficulties still faced by the State party in overcoming the inheritance of a system characterized by "arbitrariness and impunity" and in building and strengthening democratic institutions and the rule of law. It notes that these challenges are compounded by "acts of terrorism" and threats to security. Nonetheless, the Committee reiterates that, in accordance with article 2 of the Convention, "no exceptional circumstance whatsoever... may be invoked as a justification of torture".

- Saudi Arabia, CAT, A/57/44 (2002) 48 at para. 99.

99. The Committee welcomes the following:

...

(c) The State party's expression that its domestic law provides that no exceptional circumstances, including superior orders, may be invoked as a defence to a charge of torture, the reassurance that statements obtained by torture are inadmissible in proceedings, and the oral assurance that confessions are revocable at any point of proceedings...

...

- Uzbekistan, CAT, A/57/44 (2002) 54 at para. 114.

114. The Committee is aware of the difficulty of overcoming the inheritance of a totalitarian system in the transition towards a democratic form of governance, and that this is compounded by instability in the region. Nonetheless, the Committee stresses that such circumstances cannot be invoked as a justification of torture.

- Egypt, CAT, A/58/44 (2002) 22 at para. 40.

40. The Committee is aware of the difficulties that the State party faces in its prolonged fight against terrorism, but recalls that no exceptional circumstances whatsoever can be invoked as a justification for torture, and expresses concern at the possible restrictions of human rights which may result from measures taken for that purpose.

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- Spain, CAT, A/58/44 (2002) 29 at para. 59.

59. The Committee is aware of the difficult situation confronting the State party as a result of the serious and frequent acts of violence and terrorism which threaten the security of the State, resulting in loss of life and damage to property. The Committee recognizes the right and the duty of the State to protect its citizens from such acts and to put an end to violence, and observes that its lawful reaction must be compatible with article 2, paragraph 2, of the Convention, whereby no exceptional circumstances whatsoever may be invoked as a justification of torture.

- Chile, CAT, A/59/44 (2004) 28 at para. 55.

55. The constitutional arrangements made as part of the political agreement that facilitated the transition from military dictatorship to democracy jeopardize the full exercise of certain fundamental human rights, according to the State party's report. While being aware of the political dimensions of these arrangements and their shortcomings, and noting that several Governments have previously submitted constitutional amendments to the Congress, the Committee stresses that internal political constraints cannot serve as a justification for non-compliance by the State party with its obligations under the Convention.

- Colombia, CAT, A/59/44 (2003) 33 at para. 65.

65. The Committee is aware of the difficulties with respect to human rights and international humanitarian law arising from the current complex situation in the country, especially in a context characterized by the activities of illegal armed groups. The Committee nonetheless reiterates that, as stated in article 2 of the Convention, no exceptional circumstances whatsoever may be invoked as a justification of torture.

- Yemen, CAT, A/59/44 (2003) 64 at para. 144.

144. The Committee, while aware of the difficulties that the State party faces in its prolonged fight against terrorism, recalls that no exceptional circumstances whatsoever can be invoked as a justification for torture. It stresses in particular that the reactions of the State party to such threats must be compatible with article 2, paragraph 2, of the Convention and within the limits of Security Council resolution 1373 (2001).

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- Uganda, CAT, A/60/44 (2005) 39 at para. 91.

91. The Committee acknowledges the difficult situation of internal armed conflict in northern Uganda. However, it points out that no exceptional circumstances whatsoever may be invoked as a justification of torture.