



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

Distr.: General  
21 June 2021

Original: English  
English, French, Russian and  
Spanish only

## Committee against Torture

### List of issues prior to submission of the seventh periodic report of the Russian Federation\*\*

#### Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee’s previous recommendations

##### Issues identified for follow-up in the previous concluding observations

1. In its previous concluding observations (para. 54),<sup>1</sup> the Committee requested the State party to provide information on follow-up to the Committee’s recommendations on the investigation of acts of torture and ill-treatment, the case of Yevgeny Makarov, and human rights defenders and journalists (paras. 15, 17 and 29). Noting that a reply concerning the information sought by the Committee was provided on 13 August 2019,<sup>2</sup> and with reference to the letter dated 3 March 2020 from the Committee’s Chairperson to the State party, the Committee considers that the recommendation on the investigation of acts of torture and ill-treatment (para. 15) has not yet been implemented and that the recommendation on the case of Mr. Makarov (para. 17) has been only partially implemented. The follow-up information provided by the State party regarding human rights defenders and journalists (para. 29) is considered insufficient to assess implementation.

##### Articles 1 and 4

2. With reference to the Committee’s previous concluding observations (paras. 8–9), please indicate whether the State party’s criminal laws have been amended to criminalize torture as a specific offence that is consistent with article 1 of the Convention. Has the State party taken steps to ensure that acts amounting to torture are punishable by appropriate penalties commensurate with their grave nature, in accordance with article 4 (2) of the Convention? Please also provide information on the measures taken to ensure that such acts are not subject to any statute of limitations.

##### Article 2<sup>3</sup>

3. In the light of the previous concluding observations (paras. 10–11 and 18), please provide information on any new measures taken by the State party during the reporting period

\* Reissued for technical reasons on 7 September 2021.

\*\* Adopted by the Committee at its seventieth session (26–28 April 2021).

<sup>1</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to the previous concluding observations adopted by the Committee (CAT/C/RUS/CO/6).

<sup>2</sup> CAT/C/RUS/CO/6/Add.1.

<sup>3</sup> The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee’s general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman and degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to



to ensure that all detainees enjoy all legal safeguards, in law and in practice, from the outset of their deprivation of liberty. In particular, please provide information on any new measures taken:

(a) To ensure the rights of detainees to receive legal counsel without delay, notify a relative or any other person of their choice of the reasons for and place of their detention, request and receive an examination by an independent medical doctor in full confidentiality, and challenge, at any time during the detention, the legality or necessity of the detention before a judge or magistrate;

(b) To keep detention registers up to date;

(c) To ensure that detainees who lack sufficient resources to pay for the assistance of a lawyer have access to legal aid services;

(d) To monitor compliance by all public officials with fundamental legal safeguards, including through video monitoring of all places of deprivation of liberty and of interrogation rooms.

4. Further to the Committee's previous concluding observations (paras. 30–31), please provide information on the measures taken to combat gender-based violence, particularly with regard to cases involving the actions and omissions of State authorities or other entities that engage the State party's international responsibility under the Convention.<sup>4</sup> Please also provide updated information on the protection and support services available to victims of gender-based violence related to the actions or omissions of State authorities. Please include statistical data on the number of complaints of gender-based violence and the investigations, prosecutions, convictions and sentences resulting from those complaints since the consideration of the State party's previous periodic report. Please indicate whether the State party has taken any concrete steps to discourage the application of mediation or other alternative dispute resolution processes to cases involving allegations of criminal acts of violence against women.

5. Please provide information, disaggregated by the age, sex, ethnicity or nationality of the victims, on the number of complaints, investigations, prosecutions and sentences recorded in cases of trafficking in persons since the consideration of the State party's previous periodic report. Please also provide information on:

(a) Any new laws or measures that have been adopted to prevent and combat trafficking in persons;<sup>5</sup>

(b) The measures taken to ensure that victims of trafficking have access to effective remedies and reparation;

(c) The measures taken to ensure that non-custodial accommodation is provided, with full access to appropriate medical and psychological support, for potential victims of trafficking while identification processes are being carried out;

(d) The signature of agreements with the countries concerned to prevent and combat trafficking in persons.

### Article 3

6. Please provide detailed information on any important new normative and institutional developments in the areas of asylum and the protection of refugees. Further to the Committee's previous concluding observations (paras. 42–43), please describe the measures taken during the period under review to ensure that no one was returned to a country in which he or she was at risk of being tortured. What steps are being taken to guarantee effective access to the procedure for determining refugee status? Please indicate the measures taken to

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prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also chapter V of the same general comment.

<sup>4</sup> A/HRC/39/13, paras. 147.56–147.57, 147.239–147.247 and 147.252.

<sup>5</sup> Ibid., paras. 147.130, 147.209–147.213 and 147.268–147.270; and CRC/C/OPSC/RUS/CO/1, para. 20.

ensure that procedural safeguards against refoulement are in place, including access to free legal aid. Please clarify whether individuals facing expulsion, return or extradition are informed that they have the right to seek asylum and to appeal a deportation decision, and whether such an appeal has a suspensive effect. What steps are being taken to ensure that persons subject to a deportation order have their cases reviewed by a competent authority? Please also provide detailed information on the measures taken to identify vulnerable persons seeking asylum in the Russian Federation, including victims of torture or trauma, and to ensure that their specific needs are taken into consideration and addressed in a timely manner.

7. Please provide the number of asylum applications received during the period under review, the number of successful applications and the number of asylum seekers whose applications were accepted because they had been tortured or might be tortured if returned to their country of origin. Please provide updated information on the type of appeal mechanisms that may exist, and on any appeals that have been made and their outcome. Please include information, disaggregated by sex, age and country of origin, on the number of persons who have been returned, extradited or expelled since the consideration of the State party's previous report. Please provide details on the grounds on which they were sent back, including the list of countries to which individuals were returned. Has the State party put in place mechanisms to monitor the situation of vulnerable individuals and groups in receiving countries after their deportation?

8. Please indicate the number of returns, extraditions and expulsions carried out by the State party during the reporting period on the basis of diplomatic assurances or the equivalent thereof. Please also provide information on any instances in which the State party has offered such diplomatic assurances or guarantees, and the measures that have been taken in such cases with regard to subsequent monitoring.

#### **Articles 5–9**

9. Please provide information on any new legislation or measures that have been adopted to implement article 5 of the Convention. Please inform the Committee of any extradition treaties concluded with other States parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such treaties. Please indicate what measures have been adopted by the State party to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*). Please clarify what treaties or agreements on mutual legal and judicial assistance the State party has entered into, and whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment. Please provide examples.

#### **Article 10**

10. With reference to the Committee's previous concluding observations (paras. 19 (b) and 44–45), please provide updated information on educational programmes developed by the State party to ensure that all law enforcement officials, prison staff, judges, prosecutors, court officials and military personnel are fully acquainted with the provisions of the Convention and are aware that breaches will not be tolerated and will be investigated, and that any offenders will be prosecuted. Please also provide details on the programmes used in the training of police officers and other law enforcement officials in non-coercive investigating techniques. Please indicate whether the State party has developed a methodology to assess the effectiveness of training and educational programmes in reducing the number of cases of torture and ill-treatment and, if so, please provide information on that methodology. Please also indicate the measures taken to give effect to the provisions of article 10 (2) of the Convention. Lastly, please provide detailed information on the training programmes for judges, prosecutors, forensic doctors and medical personnel dealing with detained persons on detecting and documenting physical and psychological sequelae of torture, including whether the programmes contain specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

**Article 11**

11. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any interrogation rules, instructions, methods and practices or arrangements for custody that may have been introduced or updated since the consideration of the previous periodic report. Please indicate the frequency with which they are reviewed. Please also indicate whether audio and video recordings of interrogations are now standard procedure in the State party (para. 11 (d)). In the light of the Committee's previous concluding observations (para. 19 (c)), please provide information on the steps taken to ensure that all enforcement officials on duty are equipped with visible identification badges. Please also provide information on the measures taken to monitor and prevent ethnic profiling and ethnically motivated abuse by law enforcement officials.<sup>6</sup>

12. With regard to the Committee's previous concluding observations (paras. 38–39), please provide statistical data, disaggregated by sex, age and ethnic origin or nationality, on the number of pretrial detainees and convicted prisoners and the occupancy rate of all places of detention. Please describe the measures taken to reduce prison overcrowding and improve the material conditions in all places of detention, including any measures to increase the use of alternatives to imprisonment both before and after trial. Please also inform the Committee of the measures taken to address concerns about inadequate access to food and water, inadequate conditions of hygiene, lack of sanitation and insufficient ventilation and heating. What measures have been taken to ensure that prisoners are transported in conditions that comply with international human rights standards?

13. In the light of the Committee's previous concluding observations (paras. 38 and 39 (a)), please provide information on the efforts made by the State party to ensure adequate health-care services and medical staff capacity in prisons, and to meet the particular needs of women and minors in detention.<sup>7</sup> In this regard, please provide information on the concrete measures taken to ensure that children born in prison and their mothers are provided with adequate material and hygienic conditions and have access to appropriate medical care and educational programmes. Please indicate whether protocols are in place to meet the needs of other groups of prisoners with particular needs, such as persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex persons, including in terms of safety, security, and prevention of and protection against coronavirus disease (COVID-19).

14. Please indicate whether the State party has taken measures to bring its legislation and practice on solitary confinement into line with international standards. Please provide data on the use of solitary confinement during the period under review, including its duration. Please indicate whether this prison regime is subject to any oversight mechanism or external supervision.

15. Please provide information on whether the authorities monitor inter-prisoner violence, on the number of complaints that have been made or registered, and on whether investigations are conducted and the outcome of such investigations. Please describe any preventive measures that have been taken in this regard. Further to the Committee's previous concluding observations (paras. 38 and 39 (b) and (c)), please provide statistical data regarding deaths in custody during the period under consideration, disaggregated by place of detention, sex, age, ethnic origin or nationality, and cause of death. Please provide information on the manner in which those deaths were investigated, the results of the investigations and the measures taken to prevent similar cases from occurring in the future. Please indicate whether relatives of the deceased persons received compensation in any of the cases. Please also provide detailed information on the measures taken to combat the spread of infectious diseases and implement programmes for the prevention of suicide and reduction of self-harm in places of detention.

16. With regard to the Committee's concluding observations (paras. 22–23) and the State party's follow-up replies,<sup>8</sup> please provide information on the visits to places of detention carried out by the public oversight commissions and other monitoring bodies during the

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<sup>6</sup> A/HRC/39/13, para. 147.75.

<sup>7</sup> *Ibid.*, para. 147.134.

<sup>8</sup> CAT/C/RUS/CO/6/Add.1, paras. 1–38. See also the letter dated 3 March 2020 from the Committee's Chairperson to the State party.

period under review and on the measures taken by the State party in response to the recommendations made by these mechanisms. Please describe the measures taken to ensure that the public oversight commissions have the budget, infrastructure and resources that they need to fully execute their mandate.<sup>9</sup> What measures have been taken to guarantee that the membership of the commissions complies with the requirements set out in the applicable legislation? Please indicate whether independent monitors have unhindered access to all places of detention, including psychiatric institutions, without prior notice, and the ability to speak with detainees in private (para. 41 (c)). Please clarify whether non-governmental organizations are authorized to carry out activities inside prisons and to verify and monitor respect for the rights of persons deprived of their liberty. Further to the Committee's previous concluding observations (paras. 24–25), please indicate whether the State party intends to ratify the Optional Protocol to the Convention and, if so, the status of the ratification process.

17. Please provide updated data on the number of asylum seekers and migrants in detention awaiting administrative deportation in the State party. Please also indicate the measures taken by the State party during the reporting period to ensure that the detention of asylum seekers and migrants is used only as a last resort, where necessary and for as short a period as possible, and to further implement alternatives to detention in practice.

18. Further to the Committee's previous concluding observations (paras. 40–41), please provide information on the number of persons deprived of their liberty in psychiatric hospitals and other institutions for persons with intellectual or psychosocial disabilities, including care homes. Please indicate the measures taken by the State party to ensure that all persons are guaranteed, in law and in practice, effective safeguards concerning their involuntary internment and psychiatric and medical treatment in psychiatric institutions (paras. 32–33). Please provide information on any new legislation or measures that have been adopted on the use of means of restraint in health and social care settings. Please also comment on reports that raise serious concerns about current practices involving the use of means of mechanical and chemical restraint, affecting patients in psychiatric establishments and residents in social care establishments.

### Articles 12 and 13

19. In the light of the Committee's previous concluding observations (paras. 12–15 and 18–19 (a)) and the State party's follow-up replies,<sup>10</sup> please indicate what concrete measures the State party has taken to ensure that all instances of torture and ill-treatment, including excessive use of force during peaceful demonstrations and protests, are promptly, effectively and impartially investigated.<sup>11</sup> What measures have been taken to strengthen the capacity of the subdivision of the Investigative Committee tasked with investigating crimes committed by law enforcement officials? Please provide updated information on the measures taken to ensure that officials suspected of having committed acts of torture or ill-treatment are immediately suspended from duty for the duration of the investigation. Please also include examples of relevant cases and/or decisions.

20. Please provide statistical data, disaggregated by sex, age, ethnic origin or nationality, and place of detention, on complaints of acts of torture, ill-treatment and excessive use of force recorded during the reporting period. Please include information on investigations, disciplinary and criminal proceedings, convictions and the disciplinary or criminal sanctions applied. In particular, please provide detailed information on the outcome of the investigations and disciplinary and/or criminal proceedings concerning the alleged torture of Mr. Makarov in a prison in Yaroslavl in 2017 (paras. 16–17),<sup>12</sup> the alleged torture and sexual assault of Igor Salikov during a search of his house by officers of the Federal Security Service in May 2018, and the alleged abduction and torture, including sexual violence, of Salman Tepsurkayev on police premises in Grozny, Chechnya, in September 2020. Please also

<sup>9</sup> A/HRC/39/13, para. 147.133.

<sup>10</sup> CAT/C/RUS/CO/6/Add.1, paras. 1–38. See also the letter dated 3 March 2020 from the Committee's Chairperson to the State party.

<sup>11</sup> A/HRC/39/13, paras. 147.110 and 147.113.

<sup>12</sup> CAT/C/RUS/CO/6/Add.1, paras. 39–42. See also the letter dated 3 March 2020 from the Committee's Chairperson to the State party.

indicate the measures taken by the State party to investigate reports of ongoing torture and other ill-treatment, including sexual violence, in places of detention in Irkutsk Province, following the events at Penal Colony No. 15 (IK-15) in Angarsk in April 2020.

21. With regard to the Committee's previous concluding observations (paras. 26–27), please indicate whether the State party plans to set up an independent and impartial body to investigate allegations of acts of torture and ill-treatment by law enforcement personnel. Please also provide information on the measures taken to establish an effective complaints mechanism for persons deprived of their liberty. Please describe any efforts by the State party to ensure that victims and witnesses of human rights violations, including torture, and members of their families are effectively protected and assisted.

22. With reference to the Committee's previous concluding observations (paras. 46–47), please indicate the measures taken to ensure that all allegations relating to human rights violations perpetrated by public officials in the northern Caucasus, including torture, arbitrary detention, enforced disappearance and extrajudicial killings, are investigated and addressed.<sup>13</sup> Please also comment on reports indicating that to date no meaningful progress has been made by the State party in effectively investigating cases of enforced disappearance and extrajudicial killings perpetrated between 1999 and 2006 by its security forces within the region.

23. Further to the Committee's previous concluding observations regarding accountability for abuses committed in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation (hereinafter "Crimea") (paras. 48–49),<sup>14</sup> please indicate what measures the State party has put in place to ensure that all allegations of torture and other abuse against Crimean Tatars, pro-Ukraine activists and affiliates of the Mejlis by members of the Federal Security Service and the "Crimean self-defence forces" are fully investigated and addressed. Please include information regarding the nature of the offences, the charges, the types of convictions and the penalties. Please also comment on recent reports indicating, inter alia, that human rights violations involving torture and other ill-treatment perpetrated by law enforcement agencies continue in Crimea and that there are concerns about inadequate conditions of detention, which could amount to inhuman or degrading treatment or punishment.<sup>15</sup> Please also provide updated information on the measures taken to allow access to Crimea for international human rights monitors.<sup>16</sup>

24. Please comment on information before the Committee according to which a Russian-speaking man who filmed the torture and killing of a prisoner in the Syrian Arab Republic has been identified as a member of the Wagner Group – a private military organization of the Russian Federation – and former police officer from the Stavropol region in the south of the Russian Federation.

#### **Article 14**

25. With reference to the Committee's previous concluding observations (paras. 52–53), please provide information on redress and compensation measures, including the means of rehabilitation, ordered by the courts and actually provided to victims of torture or their families since the consideration of the State party's previous report. This information should include the number of requests for compensation that have been made, the number granted and the amounts ordered and actually provided in each case. Please also provide information on any ongoing reparation programmes, including treatment of trauma and other forms of rehabilitation, provided to victims of torture and ill-treatment, and the material, human and budgetary resources allocated for their effective functioning.

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<sup>13</sup> A/HRC/39/13, paras. 147.109 and 147.111–147.112.

<sup>14</sup> See General Assembly resolutions 68/262, 71/205, 72/190, 73/263 and 74/168.

<sup>15</sup> A/HRC/44/21, paras. 12–27. See also Office of the United Nations High Commissioner for Human Rights (OHCHR), "Human rights in Crimea, Nicaragua and Venezuela: statement by Michelle Bachelet, United Nations High Commissioner for Human Rights", 2 July 2020.

<sup>16</sup> A/HRC/39/13, paras. 147.39–147.40 and 147.307.

## Article 15

26. With regard to the Committee's previous concluding observations (paras. 12, 14, 15 (b), 20–21 and 34–35), please provide information on the measures taken to ensure respect in practice for the principle of the inadmissibility of evidence obtained through torture and ill-treatment. Please also indicate whether judges have refused to admit evidence in any cases during the reporting period on the grounds that it was obtained through torture or ill-treatment.

## Article 16

27. In the light of the Committee's previous concluding observations (paras. 28–29, 46 and 47 (b)) and the State party's follow-up replies,<sup>17</sup> please provide information on the measures taken to protect human rights defenders, journalists, lawyers and political opponents from threats, acts of violence and even killings, and to promptly and impartially investigate such cases and prosecute and punish the perpetrators.<sup>18</sup> Please comment on reports of arbitrary detention, wrongful prosecution, harassment and attacks, including poisoning, against human rights defenders, journalists, lawyers and political opponents during the period under review.<sup>19</sup> Please provide information on the steps taken to discipline or criminally prosecute the perpetrators of such acts. Please also provide information on any measures taken by the State party to facilitate the work of persons seeking to bring to light cases of alleged violations of the Convention, and to ensure that they are not subjected to reprisals. In the light of the Committee's previous concluding observations (para. 28), in which the Committee expressed concern at consistent reports that the "foreign agent law" and the "undesirable foreign and international organizations law" were often used as a means of administrative harassment against human rights organizations, please indicate whether the State party has taken any concrete steps to bring these laws into line with its international human rights obligations.<sup>20</sup>

28. Please provide information on any measures taken to combat racially motivated crimes against persons from minority groups and non-citizens of the Russian Federation. With reference to the Committee's previous concluding observations (paras. 32–33), please indicate what concrete measures have been taken by the State party to combat violence against individuals based on their sexual orientation or gender identity,<sup>21</sup> and in particular to thoroughly investigate the persecution in Chechnya.<sup>22</sup> Please include information on the relevant training given to law enforcement officers and the judiciary in detecting and combating hate-motivated crimes, including those motivated by sexual orientation or gender identity. Please also include detailed information on the measures taken to repeal the law prohibiting "propaganda of non-traditional sexual relations".

29. With regard to the Committee's previous concluding observations (paras. 36–37), please provide information on the number of non-combat deaths in the armed forces, and on hazing and other mistreatment of conscripts by officers and fellow soldiers during the period under review. Please also provide information on the outcome of any investigations conducted in that regard and on compensation and rehabilitation provided to victims and/or their families.

30. Please indicate the measures taken by the State party to prohibit corporal punishment of children in all settings.<sup>23</sup>

31. Please indicate the measures taken by the State party to guarantee respect for the physical integrity and autonomy of intersex persons and to ensure that no one is subjected

<sup>17</sup> CAT/C/RUS/CO/6/Add.1, paras. 43–51. See also the letter dated 3 March 2020 from the Committee's Chairperson to the State party.

<sup>18</sup> A/HRC/39/13, paras. 147.127–147.128 and 147.169–147.173.

<sup>19</sup> See OHCHR, "UN human rights chief calls for independent investigation into poisoning of Alexei Navalny", 8 September 2020; and OHCHR, "Russia: release human rights defender Oyub Titiev, urge UN experts", 7 March 2019.

<sup>20</sup> A/HRC/39/13, paras. 147.62–147.65, 147.183–147.184, 147.186–147.190 and 147.192–147.194. See also the letter dated 3 March 2020 from the Committee's Chairperson to the State party.

<sup>21</sup> A/HRC/39/13, paras. 147.96 and 147.123–147.124 and 147.127.

<sup>22</sup> *Ibid.*, 147.97–147.98 and 147.124–147.126 and 147.128–147.129.

<sup>23</sup> *Ibid.*, paras. 147.279–147.280.

during infancy or childhood to non-urgent medical or surgical procedures intended to decide the sex of the child. Please indicate the number of intersex children who have undergone sex assignment surgery during the reporting period.

### **Other issues**

32. Please indicate whether the State party has reconsidered its position regarding the possibility of abolishing the death penalty.<sup>24</sup>

33. Taking into account the Committee's previous concluding observations (paras. 34–35), please provide updated information on the measures taken by the State party to respond to threats of terrorism.<sup>25</sup> Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State party has ensured that those measures are compatible with all its obligations under international law, especially the Convention.<sup>26</sup> Furthermore, please indicate what training is given to law enforcement officers in this area; the number of persons who have been convicted under legislation adopted to combat terrorism; the legal remedies and safeguards available in law and in practice to persons subjected to anti-terrorism measures; and whether there have been complaints of the non-observance of international standards in applying measures to combat terrorism and, if so, what the outcome was.

34. Given that the prohibition of torture is absolute and cannot be derogated from, including within the framework of measures related to states of emergency and other exceptional circumstances, please provide information on any steps taken by the State party during the COVID-19 pandemic to ensure that its policies and actions comply with its obligations under the Convention. In addition, please specify the measures taken in relation to persons deprived of their liberty and in other situations of confinement, such as homes for the elderly, hospitals or institutions for persons with intellectual and psychosocial disabilities.

### **General information on other measures and developments relating to the implementation of the Convention in the State party**

35. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the previous report to implement the provisions of the Convention or the Committee's recommendations, including institutional developments, plans or programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State party may consider relevant.

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<sup>24</sup> Ibid., paras. 147.11–147.17 and 147.106–147.108.

<sup>25</sup> Ibid., paras. 147.65–147.67.

<sup>26</sup> Ibid., para. 147.105.