



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

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Summary record of the 1515th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 25 April 2017, at 10 a.m.

Chair: Mr. Modvig

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Second periodic report of Afghanistan (CAT/C/AFG/2 and CAT/C/AFG/Q/2)

1. *At the invitation of the Chairperson, the delegation of Afghanistan took places at the Committee table.*
2. **Mr. Hamidi** (Afghanistan) said that he was grateful for the close cooperation between his country and the United Nations Assistance Mission in Afghanistan (UNAMA). The Government of Afghanistan was committed to eliminating torture, which conflicted with Islamic values. The Afghan people carried the legacy of almost 40 years of conflict and harsh regimes, which had engendered a disregard for human rights at the institutional level. However, progress had been made, particularly since the election of a democratic government in 2014, which had initiated a significant shift in the relationship between Afghan citizens and the State. While the Government was attempting to redress the chaos sown by Taliban and Soviet Communist rule and fulfil its human rights commitments, insurgents continued to wreak havoc in the country; only the previous week, the Taliban had carried out an attack on unarmed soldiers at prayer. It was in that context that the Government sought to uphold the rule of law, including for persons accused of serious crimes.
3. The Government had embarked on an aggressive social reform agenda with the aim of establishing effective and corruption-free public institutions in the areas of human rights, the rule of law, gender equality and social welfare. Actions included the adoption of the Afghan national plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security, the modernization of the Penal Code, and the development and implementation of legislation for the protection of women and children. In addition, the High Council on Governance, Justice and Anti-Corruption and the Anti-Corruption Criminal Justice Centre had been established, and personnel of the Major Crimes Task Force had been reinforced.
4. Following the February 2015 publication by UNAMA and the Office of the United Nations High Commissioner for Human Rights (OHCHR) of the *Update on the Treatment of Conflict-Related Detainees in Afghan Custody: Accountability and Implementation of Presidential Decree 129*, the Government had developed a national plan for the elimination of torture, under the leadership of the National Security Council and with the participation of all relevant stakeholders, including civil society. The national plan aimed to implement the Convention more effectively, introduce or amend human rights legislation, build institutional capacity, increase oversight of the treatment of detainees and ensure training for the security forces.
5. Despite the intensification of Taliban attacks over the previous year, progress had been made in implementing the plan. First, following a legislative and policy review the Cabinet had recently approved a proposal to withdraw the State party's reservations to the Convention and sign the Optional Protocol. Cooperation with the Subcommittee on Prevention of Torture following ratification of the Protocol would enhance transparency and accountability. Secondly, a human rights office had been established within the Office of the National Security Council, to perform the functions of the national preventive mechanism in terms of the Optional Protocol, and to monitor the treatment of detainees at every stage of the criminal procedure, in cooperation with various relevant international and national human rights bodies. Thirdly, a unit had been set up within the Office of the Attorney General to monitor interrogations, in order to prevent violations and ensure the prompt investigation and prosecution of any cases that came to light.
6. Furthermore, the Penal Code had been amended to include a proper definition of the term "torture" and to ensure that torture was explicitly prohibited at each stage of the criminal justice system; the corresponding bill would be presented to Parliament in the near future. The Criminal Procedure Code was being amended in order to prevent extended periods of pretrial detention. A legal process had been established whereby victims of torture could seek compensation from the Government. The principles of human rights and

the law of armed conflict were being incorporated into training at all levels of the Afghan National Army, National Police and National Directorate of Security. The Government was also building police officers' capacity to collect and preserve evidence, in order to reduce reliance on confessions. It planned to launch campaigns to raise awareness of torture and the damage it caused to society.

7. The recommendations of national and international human rights bodies, and in particular those of the Committee, would inform the further development of the national plan and subsequent amendment of national legislation. The Government was committed to implementing the Constitution and meeting its international obligations. There would be no impunity for those who had engaged in acts of torture.

8. **The Chair** (Country Rapporteur) said that the Committee was fully aware that the State party had been torn by armed conflict over the previous 40 years, making it difficult for the Government to exercise its responsibilities. The Government nonetheless had a legal responsibility to do its utmost to fight torture, and he was pleased that it wished to establish a dialogue with the Committee. Many steps had been taken to prevent and combat torture in the State party, such as the adoption of Presidential Decree No. 129 and of the national plan for the elimination of torture.

9. With regard to the definition and criminalization of torture, the current definition in the Penal Code did not cover all aspects of torture and did not specify the criteria of severe pain or suffering. He asked whether the Government would consider including in the Penal Code the definition of torture as stated in article 1 of the Convention. The Committee would appreciate receiving information about the extent to which the bill against torture that had been passed in March 2017 complied with the different provisions of the Convention, including the definition in Article 1; what minimum and maximum penalties it established; how it ensured that victims had access to reliable reporting mechanisms without fear of intimidation or reprisals; whether it prohibited virginity testing; whether it prohibited other cruel, inhuman or degrading treatment or punishment; and what time frame was envisaged for its adoption. He would appreciate the delegation's comments in response to the UNAMA/OHCHR report of February 2015, which described the insufficiency of measures taken for the effective application of Presidential Decree No. 129. He asked how many cases of torture under article 275 of the Penal Code had been tried during the reporting period and what the outcomes of those trials had been. He would also like to know whether the arrests, referred to in paragraph 17 of the State party's report, of law enforcement officers suspected of torture represented the total number of cases of torture identified during the reporting period and whether the cases had been investigated and the officers prosecuted and punished. Clarification would also be appreciated of the types of offences and the outcomes of the cases mentioned in paragraph 18 of the report.

10. He wondered whether all detainees in Afghanistan, including those detained for conflict-related offences, enjoyed the fundamental legal safeguards pertaining to the deprivation of liberty. In light of the fact that the implementation of fundamental legal safeguards was the single most important measure for the prevention of torture, he asked what steps had been and would be taken to guarantee prisoners' enjoyment of those rights. Did the law prohibit suspects in custody from communicating with defence lawyers? Details would be appreciated of the amendment to the Criminal Procedure Code introduced by Presidential Decree No. 76, which had extended the maximum duration of pretrial detention. He asked whether the criminal-case management system had been implemented and, if so, whether statistics could be provided regarding the actual duration of pretrial detention for security-related and other charges, during both the interrogation and the investigation phases.

11. With regard to legal aid, he wished to know how soon following arrest a person was entitled to legal counsel and whether the lawyer was present during the interrogation in all cases. Given the lack of lawyers to provide legal aid, how many suspects in need of legal aid were actually provided with such assistance, were there plans to improve access to lawyers for detainees, and what steps were being taken to increase the number of defence lawyers? Expressing concern at reports of rejections of allegations of torture in the absence of physical proof, and of the failure to document results of examinations that did reveal signs of torture, he asked what channels were available to detainees to request a medical

examination and what action would be taken to facilitate access to such examinations. He would welcome data on allegations of torture rejected by the Office of the Attorney General owing to insufficient evidence. Highlighting reports by UNAMA of incommunicado detentions, enforced disappearances and extrajudicial killings by the Afghan National Police in Kandahar, he invited the delegation to comment on reports of widespread arbitrary and illegal detention and on the measures taken to regulate incommunicado detention. In addition, he asked what steps the Government had taken to investigate those allegations.

12. The delegation should comment on the consistent reports by various bodies, including Human Rights Watch, the Afghanistan Independent Human Rights Commission and a coalition of non-governmental organizations, of widespread torture committed primarily by the Afghan National Police and the National Directorate of Security. He wondered why the numerous allegations of torture identified by national human rights oversight mechanisms were not more regularly referred to the Public Prosecutor's Office. In the light of the fact that certain Government officials supported some non-State actors, such as the Taliban and Hezb-e-Islami, on grounds of their shared ethnic identity, what action could the Government take to hold non-State actors to account for human rights violations?

13. In connection with reports of corruption within the police force, he wished to learn what the entry level salary for police officers was and what could be done to prevent them from seeking additional income through corruption. How did the Government ensure that police officers were held accountable for their use of force, and that excessive use of force was prosecuted and punished? It would be useful to have a full account of the mechanisms for appointment to the High Office of Oversight and Anti-Corruption and the financial and human resources allocated to it. Details of how proceedings could be initiated before the Office would be welcome, together with information on the mechanisms in place to ensure that corruption cases were investigated promptly and impartially. He would be grateful for additional information on which agencies had dealt with the 942 cases that had been identified and whether any of the cases had resulted in convictions. It was unclear whether the figure cited paragraph 77 of the State party's report related to the number of cases processed by the special corruption courts or simply to the courts' capacity.

14. The Committee would appreciate the delegation's comments on how private military security companies were monitored and whether there had been any allegations of torture made against those companies.

15. It would be helpful to learn when the authorities intended to establish marriage registration centres and what the benefits of the centres were expected to be. The Committee would welcome information on the measurable impact of the programmes to eliminate forced and child marriages. Further details concerning the prevalence of the practice of *baad* (giving away girls as a form of dispute resolution) would be useful.

16. He would be interested to hear whether judges were guaranteed security of tenure. Had any judges been disqualified and if so, on what grounds? He wished to learn how many of the 217 women working in the judiciary were prosecutors or judges. He would appreciate the delegation's comments on whether female judges were permitted to do the same work as male judges. Details would be welcome on the steps taken to ensure independence and accountability throughout the State party, and on how the Government intended to address the infiltration of rural courts by the Taliban.

17. The Committee would be grateful for information about the Government's plans to ensure that all detainees received a medical examination on admission to a detention facility, and that female detainees in particular had access to appropriate medical treatment.

18. It would be interesting to hear about the three most important recommendations made by the Afghanistan Independent Human Rights Commission and the status of their implementation. Details of the government funding provided to the Commission for 2015, 2016 and 2017 would be welcome. The Committee would like to hear the delegation's response to reports that Dr. Sima Simar, the chair of the Commission, had received death threats.

19. It would be helpful to receive statistics on the cases of human rights violations identified by the human rights unit of the Ministry of the Interior and to learn about the outcome of any action taken by the unit.

20. Lastly, he would welcome the delegation's comments on the decision to return 31 detainees to the Islamic Republic of Iran, which was not a party to the Convention and where torture was allegedly widespread.

21. **Mr. Hani** (Country Rapporteur) said that it would be helpful to learn whether all ministerial departments and law enforcement agencies, including the Afghan National Army, were represented in the mechanisms in place to monitor the implementation of recommendations made by the human rights bodies of the United Nations, and whether human rights institutions and civil society organizations were invited to participate in the follow-up process.

22. The Committee would appreciate the delegation's comments regarding the State party's apparent readiness to ratify the Optional Protocol to the Convention and to withdraw its reservations to articles 20 and 22 of the Convention, including the expected time frame for those processes.

23. With regard to article 10 of the Convention, further information would be welcome on the number and percentage of magistrates, law enforcement agents and officials involved in detention who had attended the Government's human rights training programme. Had the highest-ranking officials also attended the programme? He wished to learn about the measures being taken to ensure that the training programme was extended throughout the State party, including to those regions with the highest reported rates of torture. It would be useful to receive an objective evaluation of the application of Presidential Decree No. 129 and a description of the practical steps taken to reduce the risk of torture and ill-treatment. The Committee would like to have a full account of the Government's training programmes on non-coercive methods of investigation and its awareness-raising initiatives to discredit torture in public culture.

24. In connection with article 11, he would be interested to hear about the measures taken by the Government to ensure that the Afghanistan Independent Human Rights Commission was able to fulfil its mandate with full independence and to conduct visits to detention facilities throughout the State party, including those run by the armed forces or by international forces. The Committee would welcome the delegation's comments on how the authorities intended to address the lack of information and training on the prohibition of torture and on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

25. Additional information would be useful on the content and duration of the legal consultations with prison officers referred to in paragraph 177 of the State party's report. He would appreciate the delegation's comments on the persistently high rates of systematic torture despite the high number of legal consultations conducted. It would be helpful to receive an objective evaluation of the effectiveness of the bodies for surveillance of misuse of authority cited in paragraph 178 of the State party's report, and to hear about the steps that would be taken to address their apparent deficiencies. The Committee would be grateful for statistics on prison overcrowding in the State party, disaggregated by type of prison and category of prisoner. He would appreciate an update regarding the situation at Bagram Air Base prison.

26. The Committee wished to receive further information about the virginity tests that some female prisoners were subjected to and which went against the spirit of the Convention. A more detailed explanation would be useful regarding the alternatives to imprisonment referred to in paragraphs 180 to 184 of the State party's report. It would be helpful to hear why some of those alternatives were not being applied.

27. The Committee would be grateful for details of the steps taken to tackle the use of abusive interrogation techniques that had been described in the UNAMA/OHCHR report. He would like to hear the delegation's comments regarding the amendments made to the Code of Criminal Procedure to allow security agents to detain terrorism suspects for up to 70 days.

28. Concerning articles 12 and 13, more information would be welcome on inter-prisoner violence and the involvement of prison guards in illegal trading of drugs in prisons, and on the measures to be taken to tackle those problems. He would welcome information on any government initiatives aimed at stemming radicalization both inside and outside prisons. It would be helpful to receive statistical data on judicial and administrative investigations in connection with cases of torture or ill-treatment. There were concerns regarding the low numbers of complaints that had resulted in convictions. The Committee would welcome the delegation's comments on the measures the authorities intended to take to increase the number of torture cases that were dealt with before the courts.

29. He wondered whether the delegation could enlighten the Committee on the State party's efforts to initiate a process of transitional justice. In addition, he would welcome a comment on the National Stability and Reconciliation Act, which seemed designed to ensure that impunity would prevail. The appointment of a number of officials with troubling pasts to senior positions in the security services constituted a threat to the rule of law in the State party.

30. He wished to know whether UNAMA and the Afghanistan Independent Human Rights Commission could make visits to Bagram Airfield and other military facilities in the State party. In that connection, he asked what measures the Government had taken to ensure that the Convention was respected on military bases occupied by forces operating under the umbrella of the North Atlantic Treaty Organization.

31. The delegation should indicate what measures had been taken to provide access to rehabilitation for victims of torture, to ensure that any statements made as a result of torture were not invoked as evidence in any proceedings, and to combat the practice of *bacha bazi*, which often involved the sexual slavery and abuse of boys. In addition, it would be interesting to know what efforts had been made to prevent the recruitment of children by armed groups, and to demobilize and rehabilitate those who had already been recruited. Confirmation that the expected amendments to the Criminal Code would include a prohibition of corporal punishment would be welcome.

32. **Mr. Bruni** said that he wished to know what the President of the State party had found when, shortly after his election, he had visited Pul-e-Charkhi Prison in Kabul. He wondered what steps had been taken to improve the conditions of detention in the prison, which had been described in the press as a filthy nightmare, and whether the High Office of Oversight and Anti-Corruption had addressed the corruption that had caused the prison to remain unfinished.

33. He would welcome a description of the cells occupied by prisoners in solitary confinement. It would be interesting to learn, for example, how large they were, what their sources of light were, whether their occupants were allowed outside during the day and how long prisoners could be kept in solitary confinement. In addition, he wondered whether sick prisoners in solitary confinement were given medical care and whether the persons in solitary confinement for reasons related to terrorism were awaiting trial for their alleged crimes or had been convicted.

34. He asked whether the General Directorate of Human Rights and Women's and Children's Affairs could make unannounced visits to the country's prisons, including those where accused terrorists were held. In the same connection, he wondered why the military deputy of the Office of the Attorney General, rather than a civilian authority, was responsible for monitoring places of detention. The frequency of the deputy's monitoring activities in 2013, as indicated in the State party's report (para. 177), seemed slightly exaggerated. Lastly, he wondered what the position of the Government was with regard to the assessment made by the Office of the Prosecutor of the International Criminal Court, to the effect that there was a reasonable basis to believe that war crimes or crimes against humanity, including torture, had been committed in Afghanistan by the Taliban forces and the affiliated Haqqani Network, Afghan government forces, and military forces and intelligence personnel deployed to Afghanistan by the United States of America.

35. **Mr. Heller Rouassant** said that he would welcome an indication of the Government's views of the preliminary examination activities undertaken by the Office of the Prosecutor of the International Criminal Court, as described in the report published by

the Office in November 2016. He wondered whether the Government would cooperate with an investigation into the situation in the country, in the event that the Office decided to request authorization to begin one, and how it had responded to the allegations of torture and other crimes against humanity mentioned in the Office's report. Lastly, he wondered whether the Government took a favourable view of the recommendation that the members of the Afghanistan Independent Human Rights Commission should be given access to the members of the anti-government forces detained by international forces operating in the State party.

36. **Ms. Belmir** said that she was concerned by the ineffectiveness and slow pace of judicial reform in the State party. It was not clear that the informal system of justice in the State party, which often took the place of its ineffective formal system, enabled the people of Afghanistan to seek and obtain justice.

37. Regarding conditions of detention, she asked whether persons in solitary confinement enjoyed fundamental legal safeguards. She wondered what was the purpose of placing in solitary confinement prisoners of so many different categories, from those with infectious diseases or mental illness to terrorists. Lastly, she would welcome a comment from the delegation on the State party's efforts to bring its system of juvenile justice into line with the Convention.

38. **Mr. Touzé** said that he wished to know what specific measures the State party had taken to combat impunity since 2010. It would be interesting to learn more about the two members of the National Directorate of Security who, according to the recent report of the Office of the Prosecutor of the International Criminal Court, had been prosecuted for conduct related to the treatment of detainees. In view of the evidence contained in the Office's report, and since the Government had ignored the Office's repeated requests to provide it with information on national proceedings against alleged perpetrators of crimes, he wondered whether combating impunity was really one of the State party's priorities.

39. **Ms. Racu** said that she would welcome additional information on the minors, some as young as 11 or 12 years, who were apparently being held in detention facilities at Bagram Airfield. In particular, she wished to know how many such minors there were, what material conditions they were being held in, whether the Afghanistan Independent Human Rights Commission or other independent institutions monitored those conditions, and whether the detained minors had access to medical care and education.

40. **Mr. Zhang** noted that the Afghan Parliament had approved a National Stability Law, which declared amnesty for the previous opposition and had led to the political participation of parties and groups that had been involved in three decades of conflict. As a result, no war criminal had been convicted by the Afghan courts. When a complaint was filed, the courts could issue an order, but the executive authority was responsible for implementing the order. The judiciary was entitled to address cases brought against the legislative and executive authorities only if the acts in question allegedly violated the Constitution. The judiciary had received no complaints to date under the National Stability Law.

41. In the State party's report (para. 277), the Government urged the Committee to bear its serious security concerns in mind when reviewing the situation. While the Committee was aware of the delicate balance to be struck between the maintenance of security and the protection of human rights, it wished to know what action was being taken by the Government to bring perpetrators of torture to justice.

42. **Ms. Pradhan-Malla** said that the Committee had been informed that the ratio of female to male prisoners was quite high. She therefore requested gender-disaggregated data regarding detainees, including children. She also wished to know how many women were employed as officials in detention facilities and as police officers. She asked whether the State party held training courses on the prevention and prosecution of torture, whether the curriculum included cases of sexual violence, and whether there was a mechanism to monitor and evaluate the impact of the courses. According to the Ministry of Women's Affairs, 4,541 cases of violence against women had been reported in 2015. She commended the enactment of the Law on the Elimination of Violence against Women, which

criminalized diverse forms of violence, and enquired about its impact. She asked whether women had been empowered to recognize violence as a crime and to seek access to justice.

43. The report mentioned various barriers to justice, such as corruption, a culture of impunity, informal justice mechanisms and a lack of legal awareness. She asked whether the State party was taking measures to address such barriers.

44. With regard to honour killing, the Committee had been informed that virginity tests were still being conducted in the State party. Moreover, they were allegedly conducted in some cases before a male doctor or in a public location. Such conduct undermined a woman's dignity and was equivalent to a combination of physical and mental torture. It was also unclear from the outcome whether hymen rupture was due to rape, adultery or some other cause. She asked whether steps were being taken to recognize such conduct as a form of torture. Lastly, she asked whether running away from one's family was still deemed to be a crime in the State party.

45. **Ms. Gaer** welcomed the State party's undertaking to submit its future reports to the Committee on time. Although it had received support in preparing the current report from the Danish Institute of Human Rights and UNAMA, it admitted in paragraph 276 that the report might not have provided all the necessary information because of the lack of specific structures to register and record cases of torture. Yet according to the findings of the Afghanistan Independent Human Rights Commission presented in paragraph 209 of the report, 50 cases of torture had been registered on average each year, and 113 cases of torture had been registered in legal and provincial offices in 2011 and 2012. UNAMA had also issued a report containing statistics. She asked whether the State had provided the statistics to UNAMA or vice versa. If UNAMA was the source, she enquired about the reasons for the State's lack of statistical capacity.

46. At a recent briefing of the United Nations Security Council, the Chair of the Afghanistan Independent Human Rights Commission had expressed concern about the amnesty granted to Mr. Hekmatyar and his commanders. The Convention prohibited the granting of amnesty for the crime of torture. She asked whether the Government had undertaken an initial investigation and whether the amnesty might be reviewed either by the Afghan authorities or by an external body such as the International Criminal Court.

47. The UNAMA report on protection of civilians in armed conflict, issued in 2016, had attributed more than 61 per cent of civilian casualties in recent years to the Taliban and other non-State actors. She asked whether UNAMA had received that information from the State party or vice versa.

48. Noting that many countries had foreign armed forces in the State party, she asked whether such forces routinely handed over persons they apprehended to the domestic authorities, and whether they requested assurances that the arrestees would not be tortured.

49. The Committee had received ample information from non-governmental organizations (NGOs) regarding the phenomenon of *bacha bazi*, and the Afghanistan International Human Rights Commission had published a report in 2014 on its causes and consequences. According to an article in *The Nation* on 22 February 2017, the State party intended to impose strict penalties for *bacha bazi*. Agence France-Presse had apparently seen a draft of the amended provisions of the Criminal Code penalizing such conduct, which stated that victims of *bacha bazi* could not be prosecuted. As the victims actually required rehabilitation, she wondered what type of redress that the State party planned to offer. Noting that Shah Mirza Panjsheri, Police Chief of the Dasht-e-Archi district, had been dismissed for attending a *bacha bazi* party, she asked whether he had been charged with kidnapping, rape or trafficking. According to the State party's report, the Government planned to conduct programmes to eradicate the phenomenon, to raise public awareness and to protect victims. She asked whether any criminal prosecutions had been instituted to date.

50. The Committee had been informed in an NGO shadow report about the propagation of extremist ideologies in schools. The NGOs had recommended that the State party investigate, prosecute and punish all perpetrators, including non-State actors. She would appreciate the delegation's comments on that recommendation, as well as an assessment of how the State party was monitoring the problem of domestic violence. Lastly, noting that

hotlines had been activated to receive complaints of human rights violations committed by the police, she asked whether any police officers had been convicted as a result.

51. **Mr. Hani** said that, according to Human Rights Watch, an amendment to the Code of Criminal Procedure allowed the Afghan authorities to detain anyone suspected of crimes against internal or external security, or believed to be likely to commit such a crime, for a renewable period of one year. He invited the State party to comment on that provision.

52. Annex 6 to the State party's report contained recommendations received from governmental and non-governmental institutions. He asked whether the Government had acted on the following recommendations: that it should request States whose military forces were serving in Afghanistan to familiarize the forces with the provisions of the Convention before dispatching them to Afghanistan; that a government mechanism should be established to provide compensation to victims of torture for physical and psychological injuries; that sadism should be recognized as torture and that the Government should seek to eliminate it; and that a national discourse on the consequences of torture should be launched. The last-mentioned recommendation forged an interesting link between the prevention of torture and the promotion of democracy.

53. **The Chair**, referring to the need to substantiate and document alleged cases of torture at an early stage, said that the State party should request the Afghanistan Independent Human Rights Commission to conduct investigations when its members encountered such cases in detention facilities. The Commission could use cameras and recording equipment to document cases at an early stage, and the resulting evidence was unlikely to be dismissed as unfounded by the judiciary. It would also constitute a cost-effective means of documenting cases of torture and ill-treatment.

54. **Mr. Bruni** said that the State party had acknowledged in its report that the prison population had increased exponentially and that it was currently difficult to comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners. According to World Prison Brief data, the Afghan prison population had increased from 5,262 prisoners in 2004 to 26,519 in 2014. He asked whether the figures were accurate and enquired about the grounds for the exponential increase. The report mentioned that the Government intended to construct new prisons. He asked whether construction had begun since the submission of the report. It also mentioned the possibility of alternatives to imprisonment, but added that the regulations in that regard had not been finalized. He asked whether the regulations had since been finalized and whether any non-custodial initiatives had been launched.

55. **Ms. Gaer** said that the Ambassador and Permanent Representative of Afghanistan to the United Nations had informed the Security Council in March 2017 that there had been 59 incursions by Pakistani military forces since the beginning of the year. She asked whether the State party monitored the casualties inflicted by such forces and whether special measures were taken on behalf of the victims.

56. **Ms. Belmir** said that a large number of Afghan citizens had fled abroad or been internally displaced. She asked whether the Government had developed a strategy to tackle the issue independently or in cooperation with its partners.

57. **The Chair**, noting that six death penalties had been carried out in the State party in 2016, said that he wished to know whether any initiatives had been launched at the governmental or presidential level to introduce a moratorium on the death penalty or to amend the applicable legislation.

58. The Committee had been informed that perpetrators of torture displayed hostility to organizations that revealed cases of torture and ill-treatment. He asked whether human rights NGOs had been subjected to reprisals or intimidation and whether the Government had protected them and enabled them to continue their work.

59. **Mr. Hamidi** (Afghanistan) said that the Government was determined to amend the legislation and to fight corruption, impunity and torture. However, such goals could not be fully achieved in the short term, notwithstanding the Government's strong political will.

The meeting rose at 12.45 p.m.