



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

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## Committee against Torture

### List of issues prior to submission of the fourth periodic report of Serbia\*

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

1. In its previous concluding observations,<sup>1</sup> the Committee requested the State party to provide information on the follow-up to the Committee's recommendations on the definition of torture, the national human rights institution, and impunity for acts of torture and ill-treatment.<sup>2</sup> Noting that replies concerning the information sought by the Committee were provided on 14 February 2023,<sup>3</sup> and with reference to the letter dated 26 June 2023 from the Committee's Rapporteur for follow-up to concluding observations,<sup>4</sup> the Committee considers that the recommendation included in paragraph 12 of the previous concluding observations has been partially implemented, that the recommendation contained in paragraph 8 has not been implemented, and that the State party has not provided enough information on the measures taken to implement the recommendation set out in paragraph 20 (a).

#### Articles 1 and 4

2. With reference to the Committee's previous concluding observations<sup>5</sup> and the State party's follow-up replies,<sup>6</sup> please provide updated information on the legislative measures taken or being taken to amend articles 136 and 137 of the Criminal Code to incorporate a definition of torture that covers all of the elements contained in article 1 of the Convention and which applies to any act by which severe pain or suffering is intentionally inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity and which is punishable by appropriate penalties, taking into account its grave nature, in accordance with article 4 (2) of the Convention.<sup>7</sup> Please indicate whether a timetable has been set for this amendment. Please also provide information on the criminal provisions applicable when acts of torture are committed for the purpose of punishing a person for an act that he or she or a third person has committed or is suspected

\* Adopted by the Committee at its eighty-first session (28 October–22 November 2024).

<sup>1</sup> CAT/C/SRB/CO/3, para. 45.

<sup>2</sup> Ibid., paras. 8, 12 and 20 (a) respectively.

<sup>3</sup> See CAT/C/SRB/FCO/3.

<sup>4</sup> See

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FSRB%2F53090&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FSRB%2F53090&Lang=en).

<sup>5</sup> CAT/C/SRB/CO/3, paras. 7 and 8.

<sup>6</sup> CAT/C/SRB/FCO/3, paras. 3–6. See also the letter dated 26 June 2023 from the Rapporteur for follow-up to concluding observations, available at [tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FSRB%2F53090&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FSRB%2F53090&Lang=en).

<sup>7</sup> CCPR/C/SRB/CO/4, paras. 26 and 27.



of having committed. Please indicate the provisions of the Criminal Code and the penalties applicable to offences of attempted acts of torture.<sup>8</sup>

#### Article 2<sup>9</sup>

3. Please specify whether the State party intends to ensure that no mitigating circumstances are applicable to the crime of torture, including that no exceptional circumstances whatsoever may be invoked as a justification for torture, in accordance with article 2 (2) of the Convention, and that in no case may an order from a superior officer or public authority be invoked as a justification for torture, in accordance with article 2 (3) of the Convention. Please provide information on the measures taken to repeal the statute of limitations for the crime of torture, in order to preclude any risk of impunity in relation to the investigation of acts of torture and the prosecution and punishment of perpetrators.

4. In the light of the Committee's previous concluding observations,<sup>10</sup> please provide information on the measures taken by the State party to ensure that all detainees enjoy in practice all fundamental legal safeguards from the outset of their deprivation of liberty, in particular the rights: (a) to be promptly informed of the reasons for their arrest, the nature of the charges against them and their rights, both orally and in writing, in a language that they understand; (b) to have ready access to an independent lawyer of their choice without delay and in full confidentiality, or to free and adequate legal aid for those who do not have sufficient means to pay for legal representation; (c) to notify a relative or any other person of their choice of their detention and whereabouts; (d) to request and receive a confidential medical examination by an independent doctor, free of charge, or a doctor of their choice, and to have their medical record immediately brought to the attention of a prosecutor whenever the findings may indicate torture or ill-treatment; and (e) to have their detention systematically and accurately recorded in a register at the place of detention and in a central register of persons deprived of their liberty, which their lawyers can access at any time, with their clients' consent.<sup>11</sup> Please indicate the control measures taken, including disciplinary sanctions, to ensure that law enforcement or other officials respect, in practice, from the moment of deprivation of liberty, all fundamental legal safeguards of detained persons. Please specify whether steps have been taken to remove all "non-standard-issue objects" (e.g. bicycle locking cables, wooden floor tiles, baseball bats and so on) from all police premises where persons may be held or questioned.<sup>12</sup> Please inform the Committee of the percentage of places of deprivation of liberty and of interrogation rooms that include a video monitoring system, as well as the efforts undertaken to include them in all such places.

5. Bearing in mind the Committee's previous concluding observations<sup>13</sup> and the State party's follow-up replies,<sup>14</sup> please provide information on the visits to places of detention carried out during the period under review by the various national and international bodies that have a mandate to monitor and oversee places of detention, as well as on the measures that the State party has taken in response to the recommendations made by these bodies. Please provide information on the steps taken to allow the Protector of Citizens to conduct regular, unrestricted and unannounced visits to all places of deprivation of liberty, to

<sup>8</sup> CAT/C/SRB/CO/3, para. 20.

<sup>9</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 (1) by States parties, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to 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 general comment No. 2 (2007).

<sup>10</sup> CAT/C/SRB/CO/3, paras. 13 and 14.

<sup>11</sup> CCPR/C/SRB/CO/4, paras. 28 and 29; and CCPR/C/SRB/Q/4, para. 14.

<sup>12</sup> CAT/C/SRB/QPR/3, para. 19.

<sup>13</sup> CAT/C/SRB/CO/3, paras. 11 and 12.

<sup>14</sup> CAT/C/SRB/FCO/3, paras. 7–17. See also the letter dated 26 June 2023 from the Rapporteur for follow-up to concluding observations, available at [tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FSRB%2F53090&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FSRB%2F53090&Lang=en).

communicate confidentially with any persons deprived of their liberty during these visits, to report publicly and without delay on its findings and to ensure effective follow-up to its recommendations. Please also clarify whether the human rights non-governmental organizations and institutions that are mandated to monitor places of detention are granted access to such places in practice and under what conditions. Please describe the steps taken to give the necessary weight to the conclusions of the Protector of Citizens on individual complaints, including by communicating such conclusions to the Public Prosecutor's Office in cases where torture or ill-treatment is found to have occurred. Please provide updated information, including statistical data, disaggregated by year and by the age group (minor or adult), sex and ethnic origin or nationality of the victims, on the complaints examined by the Protector of Citizens in relation to alleged torture or ill-treatment, and specify how many such cases have been submitted to the competent authorities for prosecution, including the details of such cases.<sup>15</sup>

6. Further to the Committee's previous concluding observations,<sup>16</sup> please provide updated information on the measures taken to prevent and combat all forms of violence against women, including femicide and domestic and sexual violence, especially those cases involving actions or omissions by State authorities or other entities that engage the international responsibility of the State party under the Convention. In particular, please indicate the steps taken to amend article 178 of the Criminal Code to bring the definition of rape into line with international standards. Please provide updated information, including statistical data, disaggregated by the age and ethnic origin or nationality of the victims, on the number of complaints of gender-based violence, on the investigations and prosecutions and the convictions and sentences imposed on perpetrators, and on any redress provided to victims. Please describe the measures taken to create effective conditions and procedures for victims to report incidents of domestic and sexual violence without fear of reprisal or stigmatization. Please indicate the steps taken to ensure the timely and effective issuance, implementation and maintenance of emergency protection orders for women at risk and to increase the number of specialized shelters in the country.<sup>17</sup>

7. Please provide updated information, including statistical data, disaggregated by the age, sex, and ethnic origin or nationality of the victims, on the complaints, investigations, prosecutions, convictions and sentences recorded in cases of trafficking in persons during the period under consideration. Please also provide information on measures taken to combat internal and external trafficking in persons, in particular trafficking of women and children for forced labour and sexual and other forms of exploitation. In particular, please indicate the steps taken: (a) to effectively investigate and prosecute cases of trafficking in persons under article 388 of the Criminal Code and ensure that the sentences imposed on perpetrators are commensurate with the gravity of the crime; (b) to ensure the effective implementation of the Programme to Combat Trafficking in Persons (2024–2029); (c) to ensure that victims of trafficking have access to effective remedies and reparation, as well as to adequate victim and witness protection programmes; and (d) to ensure that non-custodial accommodation is provided, with full access to shelters and appropriate legal, medical and psychosocial support, for potential victims of trafficking while identification processes are being carried out. Please describe the measures taken to respond to allegations of trafficking for the purposes of labour exploitation and other human rights violations of Vietnamese workers in the Linglong Tire Factory.<sup>18,19</sup>

<sup>15</sup> [CCPR/C/SRB/CO/4](#), paras. 8 and 9; [CCPR/C/SRB/Q/4](#), para. 2; and [E/C.12/SRB/CO/3](#), paras. 14 and 15.

<sup>16</sup> [CAT/C/SRB/CO/3](#), paras. 43 and 44.

<sup>17</sup> [CCPR/C/SRB/CO/4](#), paras. 22 and 23; [CCPR/C/SRB/Q/4](#), para. 10; and [CEDAW/C/SRB/CO/4](#), paras. 23 and 24.

<sup>18</sup> See communication OTH 2/2022 (all communications mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>).

<sup>19</sup> [CCPR/C/SRB/CO/4](#), paras. 30 and 31; [CCPR/C/SRB/Q/4](#), para. 15; [CEDAW/C/SRB/CO/4](#), paras. 25 and 26; [E/C.12/SRB/CO/3](#), paras. 40 and 41; [CERD/C/SRB/CO/2-5](#), paras. 18 and 19; and [CRC/C/SRB/CO/2-3](#), paras. 62 and 63.

### Article 3

8. With reference to the Committee's previous concluding observations,<sup>20</sup> please provide updated information on the measures taken to ensure, in practice, that no person is returned to a country where there are substantial grounds for believing that he or she would be in danger of being subjected to torture. Please respond to reports that many individuals seeking, or in need of, international protection, are apprehended at the land border or detained in the transit zone of the Nikola Tesla international airport, denied their right to have access to the territory and to asylum procedures and to have their protection claims examined, and returned to their countries of origin, in violation of the principle of non-refoulement. Please indicate whether individuals facing expulsion, return or extradition are informed that they have the right to seek asylum and to appeal a deportation decision. If so, please indicate whether such an appeal has suspensive effect. Please detail the steps taken to ensure that all asylum-seekers are afforded procedural safeguards, including free legal aid and interpretation services, at all stages of the asylum procedure. Please describe the measures adopted to ensure that asylum applications by persons from "safe countries of origin" and "safe third countries" are individually examined with due consideration of their personal situation. Please provide detailed information on the plans and procedures in place to identify and immediately refer vulnerable asylum-seekers, including victims of torture, trafficking in persons and gender-based violence, as well as unaccompanied minors or children separated from their families and persons with disabilities, to the appropriate services and to ensure that their specific needs are taken into consideration and addressed in a timely manner.<sup>21</sup>

9. In the light of the Committee's previous concluding observations,<sup>22</sup> please provide information on the measures taken by the State party to secure the civil structure of the Asylum Office by placing it outside the Border Police Directorate and to provide it with sufficient financial and human resources to ensure timely and fair processing of asylum claims. Please indicate the steps envisaged to amend the Law on Asylum and Temporary Protection to ensure independent, fair and efficient judicial review at the second instance by the Administrative Court. Please describe the measures taken to provide adequate training to all relevant officials, including border guards and immigration officials, on international refugee law and international human rights law, in particular on the principle of non-refoulement, and to establish an independent border monitoring mechanism to ensure that border authorities are acting in line with the principle of non-refoulement and the prohibition of collective expulsion. Please inform the Committee about the measures taken to ensure that all allegations of pushbacks and ill-treatment or physical abuse of asylum-seekers and migrants in an irregular situation are promptly, thoroughly and independently investigated and that perpetrators, if found guilty, are punished appropriately.<sup>23</sup>

10. Please provide updated data, disaggregated by the year, sex, country of origin or nationality, and age group (minor or adult) of persons seeking asylum, on the number of: (a) asylum applications received during the period under review; (b) successful applications for asylum, refugee status or other forms of humanitarian protection, specifying how many applications were accepted on the grounds that the applicants had been tortured or were at risk of torture if returned or expelled; (c) appeals against decisions regarding expulsion; (d) successful appeals, specifying the number of decisions regarding return or expulsion, as applicable, that were reviewed on the grounds that the applicants had been tortured or were at risk of torture if returned or expelled; and (e) persons extradited, expelled or returned, the grounds on which they were sent back and the countries to which they were returned. 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, and specify the content that the State party requires of any such assurances or guarantees and what measures have been taken in such cases with regard to subsequent monitoring. Please

<sup>20</sup> CAT/C/SRB/CO/3, paras. 33 and 34.

<sup>21</sup> CCPR/C/SRB/CO/4, paras. 32 and 33; CCPR/C/SRB/Q/4, para. 16; E/C.12/SRB/CO/3, paras. 32 and 33; CERD/C/SRB/CO/2-5, paras. 26 and 27; and CRC/C/SRB/CO/2-3, paras. 56 and 57.

<sup>22</sup> CAT/C/SRB/CO/3, paras. 33 and 34.

<sup>23</sup> CCPR/C/SRB/CO/4, paras. 32 and 33; CCPR/C/SRB/Q/4, para. 16; E/C.12/SRB/CO/3, paras. 32 and 33; CERD/C/SRB/CO/2-5, paras. 26 and 27; and CRC/C/SRB/CO/2-3, paras. 56 and 57.

also indicate any instances where the State party has offered such diplomatic assurances or guarantees, and the measures taken in such cases with regard to subsequent monitoring. With reference to the Committee's previous concluding observations,<sup>24</sup> please provide updated information on the measures taken to implement the Committee's decision under article 22 of the Convention in the case of *Ayaz v. Serbia*.<sup>25</sup>

#### Articles 5–9

11. Bearing in mind the Committee's previous concluding observations,<sup>26</sup> please provide updated information on the steps taken by the State party to fully cooperate with the International Residual Mechanism for Criminal Tribunals by either arresting and surrendering all persons charged by the Residual Mechanism, in particular alleged perpetrators of torture and ill-treatment, including senior police officials, military personnel and political officials, or by prosecuting them, in compliance with its obligation to extradite or prosecute (*aut dedere aut judicare*) individuals.<sup>27</sup> In particular, please indicate whether measures have been taken to comply with the surrender order issued by the Residual Mechanism in the case of Petar Jojić and Vjerica Radeta.

#### Article 10

12. With reference to the Committee's previous concluding observations,<sup>28</sup> please provide up-to-date information on any educational and training programmes developed by the State party to ensure that all law enforcement officials, prison staff, immigration and border control officers and members of the military are fully acquainted with the provisions of the Convention and the absolute prohibition of torture and are made aware that breaches will not be tolerated, that allegations of torture and ill-treatment will be investigated and that offenders will be prosecuted. Please indicate whether these training courses are mandatory or optional, how often they are conducted, how many law enforcement officials, prison staff, members of the military and immigration and border control officers have already completed them, what percentage of all such officials have completed them and what measures have been taken to train the remaining officials. 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 further indicate whether the State party has developed any 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 detailed information on that methodology. Please provide information on the programmes aimed at training judges, prosecutors, forensic doctors and other medical personnel who deal with persons deprived of their liberty to detect the physical and psychological consequences of torture, ensure the effective documentation of torture and verify the admissibility of confessions. Please indicate whether these programmes include specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised. Lastly, please also indicate the measures taken to give effect to the provisions of article 10 (2) of the Convention.

#### Article 11

13. 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 since the consideration of the third periodic report. Please indicate the frequency with which these rules, instructions, methods, practices or arrangements are reviewed and report on the procedures in place for reviewing them.

14. Please provide annual statistics for the period under review, disaggregated by place of detention, and the sex, age, and ethnic origin or nationality of the detainee, on the total

<sup>24</sup> CAT/C/SRB/CO/3, paras. 31 and 32.

<sup>25</sup> CAT/C/67/D/857/2017.

<sup>26</sup> CAT/C/SRB/CO/3, paras. 27 and 28.

<sup>27</sup> CCPR/C/SRB/CO/4, paras. 24 and 25; and CCPR/C/SRB/Q/4, para. 12.

<sup>28</sup> CAT/C/SRB/CO/3, paras. 35 and 36.



capacity and occupancy rates of all detention facilities, stating the number of remand and convicted prisoners at each facility. Please indicate whether the separation of pretrial detainees from convicted prisoners, minors from adults and men from women is respected in all places of detention and specify in which facilities, if any, detainees are not yet separated in this way.

15. With reference to the Committee's previous concluding observations,<sup>29</sup> please provide detailed information on measures taken to improve conditions of detention in police stations, prisons and other places of detention. In particular, please indicate the steps taken to reduce overcrowding in places of detention, including through the use of alternatives to imprisonment both before and after trial, and to improve sanitation, the healthcare provided to detainees, including psychiatric care, and the quality of prisoners' medical records. Please inform the Committee about the measures taken to ensure that detainees have access to educational, recreational, vocational, physical and intellectual activities. Please describe the efforts made to address the special needs of: (a) children in conflict with the law, including with regard to rehabilitation and education services; (b) women deprived of their liberty, in particular pregnant women and women held in detention with their children; (c) persons with disabilities; (d) lesbian, gay, bisexual, transgender and intersex persons; and (e) older persons. Please provide further details on the State party's legislation and practice on solitary confinement and indicate its maximum and average duration. Please describe the steps taken to ensure that solitary confinement is not imposed on children and adolescents in conflict with the law or on persons with psychosocial or intellectual disabilities when their conditions would be exacerbated by such a measure. Please specify whether solitary confinement and other isolation regimes are subject to any independent oversight mechanism or external supervision.

16. Please provide data regarding deaths in custody during the period under consideration, disaggregated by year, place of detention, the sex, age, and ethnic origin or nationality of the deceased, and the cause of death. Please provide detailed information on the number and outcome of investigations conducted in such cases, specifying whether forensic medical assessments, including autopsies, were performed, and on the number of deaths suspected of having been caused by assaults committed or tolerated by public officials involving the excessive use of force or failure to provide detainees with needed medical attention and timely treatment. Please also provide information on the number of sentences pronounced, the criminal and disciplinary penalties imposed and the steps taken to prevent the recurrence of such acts. Please indicate whether relatives of deceased persons received compensation in any such cases. Please describe the steps taken to reduce the incidence of inter-prisoner violence in penitentiary institutions, including efforts to recruit and train a sufficient number of prison personnel, to investigate all incidents of violence and to ensure that prison officials are held accountable in cases where they failed to take reasonable measures to prevent and respond to such violence. Lastly, please provide information on the measures taken to implement the Committee's decision under article 22 of the Convention in the case of *Jovic, Cubrilov and Cubrilov v. Serbia*.<sup>30</sup>

17. Please indicate the measures taken by the State party to ensure that the detention of asylum-seekers and migrants in an irregular situation is only used as a last resort, where it is justified as reasonable, necessary and proportionate and is used for as short a period as possible, and to implement alternatives to detention in practice. In this regard, please include statistical data for the reporting period, disaggregated by year, sex, age, and ethnic origin or nationality, on the number of asylum-seekers and migrants in detention, the average and maximum time of detention and the use of alternatives to detention. Please report on the procedures in place to identify victims of torture to ensure that such individuals are not detained within the context of asylum procedures. Please indicate the steps taken to introduce independent processes, both when a decision is taken to detain and during detention, to identify people who may face a particular risk of harm as a consequence of their detention. Please provide information on measures taken to ensure that children and families with children are not detained solely because of their immigration status.

<sup>29</sup> Ibid., paras. 15–18.

<sup>30</sup> CAT/C/72/D/939/2019.

18. In the light of the Committee's previous concluding observations,<sup>31</sup> please provide information on the number of persons deprived of their liberty in psychiatric hospitals and other institutions for persons with psychosocial or intellectual disabilities. Please describe the steps, including legislative measures, taken to move away from the involuntary hospitalization and forced institutionalization of persons with psychosocial or intellectual disabilities and indicate whether other forms of care are being used, such as community-based rehabilitation services and outpatient care programmes. Please specify the measures taken to ensure that instruments of restraint and force are used in accordance with the law, under appropriate supervision, for the shortest time possible and only when strictly necessary and proportionate. Please explain the steps taken to prohibit and prevent medical treatment and medical interventions, including sterilization, of persons with psychosocial or intellectual disabilities without their free, prior and informed consent. Please indicate the measures taken to investigate effectively, promptly and impartially all complaints of ill-treatment of persons with psychosocial or intellectual disabilities to bring those responsible to justice and to provide redress to victims.<sup>32</sup>

19. With reference to the Committee's previous concluding observations,<sup>33</sup> please provide information on the measures taken to establish specialized juvenile court facilities and procedures with adequate human, technical and financial resources, and to ensure that specialized judges continue to receive appropriate training. Please update the Committee on efforts made to promote alternatives to detention for children in conflict with the law and to ensure that detention is used as a last resort and for the shortest possible period of time and is reviewed on a regular basis with a view to withdrawing it. Please indicate the steps taken to promptly and thoroughly investigate all cases of abuse and ill-treatment of children deprived of their liberty and impose appropriate penal and disciplinary sanctions on the perpetrators. Please specify the measures taken to improve living conditions in detention centres for children and adolescents, including with regard to access to education and health services, and to ensure that adequate rehabilitation programmes and recreational activities are offered, that the staff have received appropriate training and that regular inspections are carried out. Please clarify whether qualified and free legal aid is provided to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings.<sup>34</sup>

### Articles 12 and 13

20. With reference to the Committee's previous concluding observations<sup>35</sup> and the State party's follow-up replies,<sup>36</sup> please provide information on the measures taken to ensure that all complaints of torture and ill-treatment, including excessive use of force, committed by law enforcement officers, prison staff, military personnel or other public officials are promptly investigated in an impartial manner by an independent body and that perpetrators are prosecuted and, if found guilty, punished with penalties commensurate with the gravity of the crime committed. Please indicate the steps taken to ensure that there is no hierarchical or institutional link between investigators and suspected perpetrators of acts of torture or ill-treatment. Please also provide more detailed information regarding which authorities are competent to initiate and carry out investigations, at both the criminal and disciplinary levels, and describe how those authorities interact with the Public Prosecutor's Office during investigations. In this regard, please also specify:

(a) Whether the State party has set up a dedicated, effective, accessible and independent system of confidential complaints that can be lodged with an independent body in all places of detention;

<sup>31</sup> CAT/C/SRB/CO/3, paras. 25 and 26.

<sup>32</sup> CRPD/C/SRB/CO/1, paras. 25–28 and 33–38.

<sup>33</sup> CAT/C/SRB/CO/3, paras. 23 and 24.

<sup>34</sup> CRC/C/SRB/CO/2-3, paras. 64 and 65.

<sup>35</sup> CAT/C/SRB/CO/3, paras. 19 and 20.

<sup>36</sup> CAT/C/SRB/FCO/3, paras. 18–20. See also the letter dated 26 June 2023 from the Rapporteur for follow-up to concluding observations, available at [tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FSRB%2F53090&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FSRB%2F53090&Lang=en).

(b) Whether the Public Prosecutor's Office is required to initiate an ex officio investigation wherever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed and to request that alleged victims undergo a forensic medical examination;

(c) Whether alleged perpetrators are automatically relieved of their duties while the criminal and/or disciplinary investigation is being conducted, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, commit reprisals against the alleged victim or obstruct the investigation.<sup>37</sup>

21. Please provide annual statistical data for the period under consideration, disaggregated by type of offence and by the sex, age group (minor or adult) and ethnic origin or nationality of victims and by the services to which the persons accused of committing acts of torture belong, on: (a) the number of complaints received by prosecutors or other competent authorities regarding offences such as actual or attempted acts of torture or ill-treatment or complicity, participation or acquiescence in such acts; (b) the number of complaints that have led to criminal or disciplinary investigations, and the number of cases dismissed; (c) the number of ex officio investigations opened into the above-mentioned offences; (d) the number of prosecutions carried out; and (e) the number of convictions secured, including the penal and disciplinary sanctions imposed, specifying the length of any prison sentences.

22. Please indicate the steps taken to expedite investigations of past human rights violations committed during the conflicts in the 1990s, including torture or ill-treatment, as well as prosecutions of all perpetrators of war crimes, with a particular focus on mid- and high-ranking officials. Please update the Committee on the progress made in the implementation of the National Strategy for the Prosecution of War Crimes (2021–2026). Please explain how the State party has addressed deficiencies in the system of witness protection. Please update the Committee on measures taken to strengthen cooperation with prosecutors' offices in neighbouring countries and territories regarding the prosecution of war crimes. Please describe any efforts to provide comprehensive reparations to all victims and survivors and to abolish the requirement for victims of conflict-related sexual violence to prove significant physical injuries, which may lead to revictimization. Please respond to reports of the denial of war crimes and the glorification of war criminals by State officials and politicians, and describe the measures taken to ensure accountability for perpetrators. Please indicate the steps taken to ensure that State officials respect court decisions in relation to such crimes.<sup>38</sup>

23. Further to the Committee's previous concluding observations,<sup>39</sup> please describe the measures taken to guarantee the effective functioning and full independence of the judiciary, including steps to prevent any political interference with and pressure on judges, prosecutors and members of the High Judicial Council and the High Prosecutorial Council, so as to ensure proper administration of justice, particularly in cases related to torture and ill-treatment. In particular, please indicate the measures taken to ensure effective implementation of the safeguards for judicial and prosecutorial independence contained in recently adopted constitutional and legislative reforms. Please also report on the steps taken to revise the procedures and criteria for the selection, appointment, promotion, suspension, disciplining and removal of judges and prosecutors and to ensure that prosecutors have a majority of votes on the High Prosecutorial Council, with a view to guaranteeing that they fulfil their functions independently and accountably.<sup>40</sup>

#### Article 14

24. With reference to the Committee's previous concluding observations,<sup>41</sup> please indicate whether the State party has taken measures to ensure in practice that victims of torture or ill-treatment committed in the State party or abroad may seek and obtain prompt,

<sup>37</sup> CCPR/C/SRB/CO/4, paras. 26 and 27; and CCPR/C/SRB/Q/4, para. 13.

<sup>38</sup> CCPR/C/SRB/CO/4, paras. 24 and 25; and CCPR/C/SRB/Q/4, para. 12.

<sup>39</sup> CAT/C/SRB/CO/3, paras. 39 and 40.

<sup>40</sup> CCPR/C/SRB/CO/4, paras. 34 and 35; CCPR/C/SRB/Q/4, para. 17; E/C.12/SRB/CO/3, paras. 8 and 9; and CERD/C/SRB/CO/2-5, paras. 11 and 12.

<sup>41</sup> CAT/C/SRB/CO/3, paras. 29 and 30.



fair and adequate compensation and as full rehabilitation as possible, including in cases where the civil liability of the State party is involved. Please provide statistical data on redress and compensation measures, including means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or ill-treatment or to their families during the period under review. Please include data on the number of applications for State compensation for torture and ill-treatment, the number of time-barred claims owing to the courts' inaction, the number of applications granted and the range of awards in successful cases. Please clarify whether the State party has taken legislative and administrative measures to ensure that victims of torture and ill-treatment have access to effective remedies and can obtain redress in cases in which the perpetrators have not been identified or found guilty of an offence. Please also provide information on any ongoing rehabilitation programmes for victims of torture and ill-treatment and on the resources allocated to them.

### Article 15

25. Please provide information on the measures taken to ensure respect, both in law and in practice, for the principle of inadmissibility of evidence obtained through torture. Provide up-to-date statistics on the number of: (a) cases in which defendants have alleged that their confessions were extracted under torture; (b) cases dismissed by the courts owing to the introduction of evidence or testimony obtained through torture or ill-treatment; and (c) cases that have been investigated and the outcome of those investigations, specifying whether forensic medical examinations of alleged victims were carried out, the sentences handed down to those found guilty and the redress and compensation granted to victims.

### Article 16

26. With reference to the Committee's previous concluding observations,<sup>42</sup> please respond to the numerous allegations of threats, harassment, intimidation, smear campaigns and physical and verbal attacks against human rights defenders, journalists, civil society activists and opposition leaders, and the reported impunity for such acts. Please describe the safeguards in place to prevent the use of strategic lawsuits or anti-money-laundering and terrorism legislation to unduly target or restrict the activities of such individuals and groups. Please indicate the measures taken to ensure their effective protection and to provide a safe and favourable environment for their work. Please provide statistical data for the reporting period on the number of related complaints, the outcome of any investigations opened following those complaints and the sentences and penalties handed down.<sup>43</sup>

27. Please describe the measures taken to combat hate crimes, including crimes committed on the basis of race, ethnicity, religion, sexual orientation or gender identity, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. Please provide updated statistical data, disaggregated by the age, sex and ethnic origin or nationality of the victims, on the complaints, investigations, prosecutions, convictions and sentences recorded in cases of hate crimes. Please provide information on the measures taken to effectively implement and enforce existing legal and policy frameworks on combating hate crimes and continue providing effective training to law enforcement officials, judges and prosecutors on investigating hate crimes and on the State party's guidelines for prosecuting hate crimes.<sup>44</sup>

### Other issues

28. With reference to the Committee's previous concluding observations,<sup>45</sup> please provide updated information on the measures taken by the State party to respond to threats of terrorism. Please describe whether those measures have affected human rights safeguards in

<sup>42</sup> Ibid., paras. 41 and 42.

<sup>43</sup> [CCPR/C/SRB/CO/4](#), paras. 38 and 39; [CCPR/C/SRB/Q/4](#), para. 20; and [E/C.12/SRB/CO/3](#), paras. 16 and 17.

<sup>44</sup> [CCPR/C/SRB/CO/4](#), paras. 14 and 15; [CCPR/C/SRB/Q/4](#), para. 6; and [CERD/C/SRB/CO/2-5](#), paras. 15 and 16.

<sup>45</sup> [CAT/C/SRB/CO/3](#), paras. 37 and 38.

law and in practice and, if so, how they have affected them. Please also describe how the State party has ensured that counter-terrorism measures are compatible with all its obligations under international law, especially the Convention. 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 counter-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.

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

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

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