



## Contribution of FIACAT and ACAT Netherlands to the Universal Periodic Review procedure

### Situation of Human Rights in Netherlands 1<sup>st</sup> session, 7 to 18 April 2008

**FIACAT and ACAT Netherlands main concerns regarding the situation of torture and ill-treatment in the Netherlands :**

#### **Risk of violation of the non-refoulement principle when applying the Dutch accelerated asylum procedure (Aliens Act 2000)**

The accelerated procedure is not fail-safe. In 2006 the *Evaluation Commission Aliens Act 2000* published its first reports regarding the asylum procedure.

One of the main conclusions was that the 48-hour accelerated procedure does not entail sufficient safeguards and the time pressure is too high.

Secondly, the Commission deemed the regular procedure to be too lengthy and recommended to merge both procedures into one single rapid and efficient procedure.

Under the Dutch policy, medico-legal reports are generally not taken into account in the asylum decision-making process. Such reports can only help to interpret the asylum story and identify any barriers impeding the asylum seeker from giving a coherent account of his or her experiences. The Committee against Torture (CAT) recommended the Netherlands to reconsider its position on the role of medical investigations and integrate medical reports as part of the asylum procedure (Conclusions and Recommendations on the Netherlands, May 2007).

#### **Detention of terrorist suspects**

According to the Code of Criminal Procedure, article 66(3), when a case concerns a suspicion of a terrorist crime, it is possible to prolong the duration of the command of arrest or imprisonment, after a period of 90 days, during a maximum of **two years**, with periods which does not exceed a term of ninety days.

In that case the process of a claim of prolongation will take place in public.

#### **Minors in detention**

Minors are detained apart from adults in jails except if they are illegal immigrants waiting expulsion. In this case, minors between 16 and 18 are held in the same detention facilities as adults.