



Missió Permanent del Principat d'Andorra
a l'Oficina de les Nacions Unides a Ginebra

Réf. 25/20

NOTE VERBALE

The Permanent Mission of the Principality of Andorra to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and, with regard to its letter of 10 March 2020, in which a reference was made to General Assembly resolution 73/304, entitled: "Towards torture-free trade: examining the feasibility, scope and parameters of possible common international standards", has the honour to attach herewith the responses to the questions distributed.

The Permanent Mission of the Principality of Andorra to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights (OHCHR) the assurances of its highest consideration.

Genève, 04 May 2020

**Office of the United Nations
High Commissioner for Human Rights
(OHCHR)**

Responses to the questionnaire:

1) First of all, the Principality of Andorra abolished the death penalty in 1993 when it approved its first written Constitution. Its article 8.3 clearly states that death penalty is prohibited. Therefore, no goods which have no practical use other than for the purpose of death penalty or could be misused for the same purpose are available in the Principality.

2) Of our knowledge, there have not been until today any investigation, prosecution and/or convictions for breaches of national regulations on the trade in goods described in paragraph 8.

3) We agree with the proposed categorization of goods used in paragraph 8.

4) We believe there should not be an exhaustive list of goods under each category since new gadgets or goods for the purpose of torture can appear at any time and many goods of common use can also be used as a good for the purpose of torture (example, a bucket of water). We believe the important issue is not the good itself but the use someone does of it. Not the means but the aim. Almost anything can be used to torture someone. It would be an impossible task to list them and the creation of a mechanism to regularly update the list will not be efficient, since by its definition, all mechanisms are too bureaucratic.

5) Yes, the proposed common international standards should prohibit trade in those goods.

6) Yes, the proposed common international standards should provide for strict control of trade of those goods.

7) The proposed common international standards should regulate all activities aiming at the promotion, in a wider sense, of those goods. Any activity linked to those goods should be prohibited and penalized.

8) Only experts can reply to this question.

9) An international Convention would be the first step, although countries that produce and manufacture those goods will never sign it. However, when there is an international instrument and an International Organization and like-minded countries start pressuring on its signature and ratification, later than sooner, there is a wide consciousness among citizens in general that that issue should be banned or prohibited. There are many examples (Landmine Convention). But an international convention is the first step.