

INSTITUTE FOR THE ADVANCEMENT OF JUSTICE & HUMAN RIGHTS

United States Universal Periodic Review — Fourth Cycle, 53rd Session

21 September 2026

Permanent Mission of the Republic of Malawi to the United Nations Office and other international organizations in Geneva

Attention: The Permanent Representative, and the officer responsible for the Human Rights Council and Universal Periodic Review

1, rue de Pré-de-la-Bichette, (2nd Floor), 1202 Geneva · mission.malawi@mwgva.ch

Re: United States UPR — independent investigation and effective remedy for alleged judicial and court-connected torture, ill-treatment and discriminatory denial of access to justice

Excellency / Dear Permanent Representative and colleagues:

The Institute for the Advancement of Justice & Human Rights respectfully invites the Mission, as it decides whether to participate in the fourth-cycle review of the United States on 10 November 2026, to examine the enclosed Civil-Society Advocacy Brief and to use only those propositions and recommendations that the delegation independently finds substantiated.

The Institute is an independent truth-finding organization. It requests critical examination, not endorsement. The brief was not filed as a stakeholder submission and is not part of the official UPR record; it is advocacy material circulated directly after the filing deadline. The Institute remains completely corrigible on facts, citations, legal mechanics, scope, attribution and characterization of authority.

The question is institutional and universal: when alleged torture, cruel, inhuman or degrading treatment, disability discrimination, denial of access to justice or related severe harm arises through judicial or court-connected conduct, which sufficiently independent United States institution can investigate the allegation, determine institutional responsibility, secure accountability and facilitate effective remedy and reparation?

The Institute does not ask any mission to adjudicate an individual complaint. It asks delegations to test whether the United States can identify an effective mechanism that remains available when judicial-conduct systems, immunities, jurisdictional rules and procedural barriers operate together. Under presently administered domestic law, those components have distinct functions. Under the Institute's separate international-law analysis, their combined operation cannot be permitted to eliminate every effective avenue of investigation, accountability and redress.

For the Permanent Mission of the United States, this communication is provided for notice and a fair opportunity to identify contrary facts, correct the record and respond to the proposed questions. Receipt, silence, discussion or partial agreement by any mission will never be represented as endorsement.

Respectfully,

Cyrus Hazari

Institute for the Advancement of Justice & Human Rights

info@iaj.institute · iaj.institute

All-missions briefing note

1. Decision requested

Decide whether to ask one or more of the questions below and whether to use, adapt or challenge the proposed recommendations during the United States review. No delegation is asked to adopt the Institute's characterization without independently testing the evidence and law.

2. Why the communication is universal

The third-cycle Working Group report recorded 347 recommendations following statements by 116 delegations. The Institute's review found no recommendation addressing treatment by domestic courts, family courts or child protective authorities; judicial accountability, judicial immunity, self-represented litigants and disability accommodation within proceedings did not appear. The Institute presents that absence as a visibility and accountability problem, not as criticism of any delegation.

Nine States recommended a Paris Principles national human rights institution; two recommended related implementation or coordination mechanisms; and six recommended ratification of the Optional Protocol to the Convention against Torture. The United States has established neither the recommended national institution nor OPCAT ratification. Mission-specific prior positions are used only where separately verified.

3. Institutional finding and legal boundary

The Institute does not claim that no United States statute can reach any judicially connected wrong. Particular criminal or civil provisions may reach particular predicate acts. Its narrower structural finding is that no identified institution has a comprehensive, treaty-specific and sufficiently independent mandate to receive these allegations across federal and State systems, coordinate potentially applicable law, investigate institutional responsibility, and secure the accountability and redress required by the Convention against Torture.

Torture and other cruel, inhuman or degrading treatment or punishment remain distinct legal classifications. Neither disability-accommodation denial, procedural unfairness, harmful judicial action nor family separation is automatically torture or ill-treatment. Classification requires proof of the applicable elements through prompt, impartial and independent investigation.

4. Suggested questions to the United States

1. Identify every institution independent of the federal and State judiciaries that can receive and investigate allegations of torture or ill-treatment arising through judicial, family-court, child-protective or court-connected conduct, and specify its jurisdiction, evidence-gathering powers, referral authority and available remedies.
2. Provide national, disaggregated data on such complaints, investigations, substantiated findings, disciplinary or criminal referrals, remedies and reparations; if no such data exist, explain how the State evaluates compliance with articles 12, 13 and 14 of the Convention against Torture.
3. Explain which effective avenue remains when judicial, prosecutorial or sovereign immunity, abstention or jurisdictional doctrines, complaint-system design and procedural bars operate together to prevent investigation, adjudication, accountability or reparation.

4. Explain how persons with disabilities obtain timely individualized accommodation and independent review in every federal and State court, and what protection applies when compelled participation foreseeably risks severe medical or psychological harm.

5. Proposed recommendations

The precise time-bound recommendations and their legal qualifications appear in part VII and the annex of the enclosed Advocacy Brief. The following shorter formulations are offered for delegation use:

1. Establish an independent national human rights institution meeting the Paris Principles, with a mandate covering all human rights, every branch of government and federal, State and local systems, including authority to receive complaints, investigate individual and systemic violations, obtain evidence, refer matters, publish findings and facilitate effective redress.
2. Ensure prompt, impartial investigation independent of the institution and officials implicated whenever reasonable grounds exist to believe that torture or other cruel, inhuman or degrading treatment has arisen through judicial, family-court, child-protective, administrative or court-connected conduct; publish annual disaggregated complaint and outcome data.
3. Ensure that immunity and procedural doctrines do not, in their combined operation, eliminate every effective avenue of investigation, accountability, proportionate sanction, State responsibility, remedy and reparation; employ all presently available authorities while permanent reform is undertaken.
4. Provide immediately the individualized disability and procedural accommodations already required; establish binding decision periods and expedited independent review; and close the gap between the presently differing State, federal-executive and federal-judicial accommodation regimes and the applicable international standard.
5. Resume full cooperation with the universal periodic review, address the domestic enforceability limitations arising from the United States Convention against Torture declarations and understandings, recognize the Committee's individual-communications competence under article 22, and proceed toward OPCAT ratification and an effective national preventive mechanism.

6. Safeguards

- The Working Group report records recommendations made by States; it does not convert those recommendations into Human Rights Council findings.
- The United States addendum records the reviewed State's positions; it does not establish the adequacy of the mechanisms described.
- The Institute's structural and jurisprudential conclusions are its own independent determinations and are separately identified from settled domestic doctrine and established international law.
- No mission's receipt, silence, meeting, question or partial use may be described as endorsement of the Institute or its findings.

Primary-source record and enclosure

1. [Working Group report — United States, A/HRC/46/15 \(15 December 2020\)](#)
2. [United States addendum and responses, A/HRC/46/15/Add.1 \(4 March 2021\)](#)
3. [OHCHR United States UPR page — fourth-cycle review information](#)
4. [UN Geneva Blue Book No. 124 — mission and contact control](#) UN Geneva Blue Book No. 124 (updated 3 August 2026) — source for mission designation and contact details
5. [Paris Principles — General Assembly resolution 48/134](#)
6. [Convention against Torture — official OHCHR text](#)
7. [Optional Protocol to the Convention against Torture — official OHCHR text](#)

Enclosure: Institute for the Advancement of Justice & Human Rights, Universal Periodic Review—United States of America, Fourth Cycle—Fifty-third Session of the Working Group: Civil-Society Advocacy Brief (7 August 2026; version 10.2; SHA-256: 1a1b9f1d6871ea4a8a7966e577e7b24eeeb49ecc3c1ce53f11fccd4f3d141b2).