

INSTITUTE FOR THE ADVANCEMENT OF JUSTICE & HUMAN RIGHTS

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

2 October 2026

H.E. Ms. Eunice M.T. Luambia

Ambassador Extraordinary and Plenipotentiary; Permanent Representative

Permanent Mission of the Republic of Zambia

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Copy: Ms. Mulima Lisimba, First Secretary (Legal Affairs)

Your Excellency:

Re: Renewal of Zambia's 2020 recommendations to the United States

Please consider renewing and sharpening Zambia's institutional recommendation in the United States review on 10 November 2026, while extending its international-standards concern from formally authorized force to other exercises of official coercive power that can produce severe harm.

The Institute for the Advancement of Justice & Human Rights is an independent truth-finding organization. It asks for critical examination, not endorsement. The enclosed Civil-Society Advocacy Brief was not filed as a stakeholder submission and is not part of the official UPR record; it is advocacy material structured for use by delegations and civil society.

The brief identifies a specific institutional question: when alleged torture, cruel, inhuman or degrading treatment, discriminatory denial of access to justice, or related severe harm arises through judicial or court-connected conduct, which sufficiently independent United States institution has the comprehensive mandate and effective powers to investigate, determine institutional responsibility, secure accountability and facilitate reparation?

Under presently administered domestic doctrine, judicial-conduct systems, judicial immunity, other immunities, jurisdictional rules and procedural barriers perform different lawful functions. Under the Institute's separate international-law analysis, however, their combined operation must also be tested against the United States' international obligations. The Institute concludes that the combined structure can foreclose every effective avenue required by those obligations. That is the Institute's independent determination, not a description of settled United States doctrine.

The proposed recommendations below preserve the distinction between torture and other ill-treatment, require proof of the applicable elements, and focus on independent investigation and effective institutional design. They do not ask the Mission to adjudicate any individual allegation.

Respectfully,

Cyrus Hazari

Director

Institute for the Advancement of Justice & Human Rights

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Mission briefing note — Zambia

Decision requested

Decide whether to use one or more of the proposed recommendations below, in the Mission’s own words or substantially as drafted, during the fourth-cycle review of the United States on 10 November 2026.

1. Prior recommendation and United States response

Recommendation 26.92	Zambia recommended that the United States “Take steps aimed at creating a national human rights institution.”
Recommendation 26.222	Zambia also recommended that the United States “Ensure that state legislatures introduce, or review and amend, statutes that authorize the use of lethal force to ensure they are in line with international law standards.”
United States response	The United States did not support recommendation 26.92 and stated that it had no current plan to establish a single national human rights institution. It supported 26.222 in part (Addendum, paragraph 10), subject to the limitations stated in paragraph 2 for recommendations that call for action beyond the power of the Federal Executive Branch, and by cross-reference to recommendation 26.219, which it supported insofar as it recommends compliance with United States international human rights obligations and domestic law (paragraph 7).

2. Mission-specific basis

Zambia’s 2020 recommendations join two functional questions: who independently protects human rights, and whether domestic legal authorization is aligned with international standards governing grave official harm. The same questions arise when immunity, internal complaint structures and procedural barriers operate together to leave no effective independent investigation or remedy for alleged judicially inflicted torture or ill-treatment.

3. The institutional gap identified by the Institute

The Institute’s investigation does not claim that no United States law can reach any judicially connected wrong. Individual civil and criminal provisions may reach particular predicate acts. The narrower finding is that no institution identified by the United States 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.

The Convention itself is not directly enforceable domestically through articles 1–16 because the United States declared those provisions non-self-executing. Judicial immunity forecloses personal damages liability within its doctrinal scope; complaint systems remain judiciary-controlled or judiciary-linked; and other bars can further narrow relief. The Institute therefore asks whether an effective alternative forum actually functions. If none does, the combined structure is not merely forum allocation; it becomes institutionalized impunity under the Institute’s analysis.

The Institute remains corrigible on facts, citations, legal mechanics, scope and attribution. It does not weaken a substantiated determination merely because domestic doctrine labels each component legitimate when considered separately.

4. Proposed recommendations

1. Create, through federal law and in accordance with the Paris Principles, an independent national human rights institution whose jurisdiction extends to every branch and level of government, including the judiciary, and whose powers include accessible complaints, independent investigation, evidence gathering, referral, public findings and support for effective redress.
2. Review federal and State laws, doctrines and procedures governing serious official harm to ensure that legal authorization, immunity, jurisdictional rules or procedural barriers do not defeat the absolute prohibition of torture and other cruel, inhuman or degrading treatment or eliminate every effective avenue of independent investigation, accountability and reparation.
3. Establish a permanent federal–State–local implementation and follow-up mechanism that publicly tracks human-rights recommendations, identifies responsible authorities and deadlines, reports disaggregated outcomes and enables participation by affected persons, including persons with disabilities and those compelled to appear without counsel.

5. Interpretive safeguard

The proposed second recommendation does not equate every immunity or procedural rule with impunity. It asks whether an effective alternative forum and remedy actually remain. The Institute’s determination is that immunity may allocate a forum legitimately only where independent investigation, accountability and redress continue to function. Disability-accommodation denial, procedural unfairness, harmful judicial action, family separation, the treatment of migrants and human experimentation without consent are not automatically torture or other ill-treatment.

6. Requested next step

If the Mission is willing to consider the proposal, the Institute would welcome one short discussion with the responsible human-rights officer before the review. It can provide pinpoint sources and narrowly framed answers to any challenge. The Institute will not represent silence, receipt or a meeting as agreement or endorsement.

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 — current Zambia mission entry](#)
5. [Paris Principles — General Assembly resolution 48/134](#)
6. [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; enclosed PDF SHA-256: 1a1b9f1d6871ea4a8a7966e577e7b24eeeb49ecc3c1ce53f11fccd4f3d141b2).

Attribution control: the Working Group report records State recommendations, not Human Rights Council findings; the addendum records United States positions; the remaining analysis and proposals are IAJ determinations that the Mission must test independently.