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19 September 2025

Committee Against Torture (CAT)  
Office of the United Nations High Commissioner for Human Rights  
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***Initial Shadow Report by the IAJ to the 83<sup>rd</sup> session of the CAT regarding the compliance of the United States of America with the UNCAT***

The IAJ hereby requests that the CAT initiate an Article 20 confidential inquiry concerning alleged torture and cruel, inhuman or degrading treatment or punishment (ill-treatment) linked to or facilitated by judicial processes in the United States. For this purpose, the IAJ provides a list of 24 factors that cause violations of the Convention (UNCAT). We also provide an Initial List of verified victims, and also an initial list of ‘persons most knowledgeable’ as anchors for information and sources of information supporting systemic practices which we report.

The IAJ requests that the investigation permit a ‘live feed’ of cases and investigations from the IAJ to be supplied to on-going CAT Article 20 investigation, because of the volume of cases being reported to the IAJ within the United States of America. In the short time that the IAJ has accepted complaints, the volume of complaints outstrips resources and slows coordination and scheduling of interviews, communications and evidence gathering. The cases indicate urgency and harm in progress.

## Executive Summary

IAJ submits this shadow report requesting commencement of a confidential inquiry under Article 20 CAT into whether torture and cruel, inhuman or degrading treatment are systematically practiced in the United States within, or facilitated by, judicial processes.

The request is grounded in Article 20(1) (“well-founded indications” threshold), CAT General Comment No. 2 (obligations include judicial measures, prompt and impartial examination of arguable claims, and exclusion of torture-tainted evidence), and CAT General Comment No. 3 (redress and rehabilitation duties).

IAJ operates consistently with the Paris Principles and the Istanbul Protocol (2022) and has begun methodologically documented national intake and screening of cases indicating recurrent patterns consistent with Article 20 concerns.

We respectfully request authorization of the Article 20 inquiry procedure and are taking steps to continuously provide confidential case files and forensic documentation due to the large volume of cases being reported to the IAJ, and the progressive proliferation of knowledge about the existence of IAJ and its public role.

## Definitions

- **Torture (UNCAT art. 1):** severe pain or suffering intentionally inflicted for a prohibited purpose, with involvement, consent, or acquiescence of a public official or person acting in an official capacity.
- **Ill-treatment (UNCAT art. 16):** ill-treatment short of torture; duties to prevent, investigate, and redress apply.
- **Systematic (CAT art. 20):** “well-founded indications” of recurring or patterned practices (not isolated incidents) sufficient to trigger a confidential inquiry.
- **Powerlessness / Institutional arbitrariness:** circumstances recognized in psychological-torture analysis where misuse of authority inflicts severe mental suffering (Istanbul Protocol 2022; UN Special Rapporteur guidance).

## Legal Basis and Committee Competence

**State party & competence.** The United States is a State party to the Convention against Torture. The U.S. did not lodge an Article 28(1) declaration excluding Article 20; therefore, the Committee’s Article 20 competence applies. Article 20 authorizes a confidential inquiry where there are well-founded indications that torture is systematically practiced. The Committee’s procedure provides for receipt of credible information, observations by the State party, and appropriate follow-up measures.

**Judicial-context obligations.** Consistent with CAT General Comment No. 2 and General Comment No. 3, obligations relevant to courts and court-adjacent processes include: taking effective judicial measures; ensuring prompt and impartial examination of arguable claims; excluding statements established to have been made as a result of torture (art. 15); and guaranteeing access to a judicial remedy and redress (art. 14).

## IAJ Institutional Role and Methods (Istanbul Protocol-Aligned)

**Mandate.** IAJ is an independent medico-legal and legal-policy body documenting allegations consistent with torture/ill-treatment and providing method-based analysis to competent authorities.

**Intake & screening.** Since August 4, 2025, IAJ has operated a secure intake with informed consent and confidentiality safeguards. Simply stated, the screening proceeds in two stages:

- (i) a credibility & arguability threshold aligned with Istanbul Protocol (2022) indicators and trauma-informed interviewing;
- (ii) case-building for independent verification (chronologies, documentary exhibits, medico-legal evaluation).

Current numbers (as of Sept. 17, 2025, 23:59 PDT): 114 registrants performing submissions and 25 third-party reports; Opportunity to initially assess 17 cases, every one of which meet the initial credibility and threshold intake and are undergoing full investigation.

### Preliminary Patterns Alleged (Subject to Verification)

Complaints converge on recurring practices plausibly within CAT obligations in judicial contexts, include but not limited to:

1. Policy-based exclusion of human-rights principles and human-rights-treaty compliance within the judicial process, law enforcement and child-welfare-related processes;
2. Policy-based coercive parent-child separations without Due-Process, psycho-social safeguards, or human rights constraints; failure to protect and assist the family, including protection of children and parents from economic and social exploitation;
3. Policy-based denial of urgent medical accommodations during proceedings, including deprivation of life-saving medical treatment, necessary healthcare, opportunity for recovery and rehabilitation, through control of bodily autonomy by public officials and by virtue of jurisdictional or physical custody; unlicensed practice of medicine by public officials; human or medical experimentation; deprivation of the enjoyment of the highest attainable standard of physical and mental health;
4. Policy-based cruel, unusual, inhuman and degrading punishment and retaliation for non-conformity with the expectations of public officials and authority figures, which are unsupported by the Constitution and human rights treaties; including proliferation of prohibited acts by or against third parties; excessive penalties and punishment;
5. Policy-based reckless disregard under color of authority;
6. Policy-based knowing and willful infliction of extreme emotional distress, including punishment that is calculated or likely to induce severe pain and suffering;
7. Policy-based coercion and intimidation to produce information at the expense of injury, and to accede to deprivation of non-derogable rights;
8. Policy-based structural accessibility failures modifying protected rights and impeding effective participation by persons with disabilities and pro se litigants; systemic deprivation of discrimination safeguards and right to redress; systemic absence of equality and access to justice;
9. Policy-based deprecation, redefinition and withholding of constitutional Due-Process;
10. Retaliatory measures for protected petitioning (e.g., recusal/ethics motions);
11. Policy-based refolement to repeat offenders without possibility of protection, relief or remedy; practical absence of effective mechanisms to disqualify perpetrators, or prevent or punish prohibited acts by identified individuals;
12. Policy-based deliberate judicial, case-management and investigation practices that frustrate review, including fact distortion;
13. Misuse of judicial discretion and doctrines (e.g., immunities, non-reviewability) in ways plausibly facilitating ill-treatment and torture;
14. Weaponization of court rules, deadlines, records access, procedures and hearings, calculated to cause injury and to require laborious and lengthy action by the victim to obtain redress while holding the victim under the psychological pain of finality; systemic absence of redress; unconstitutional and inhuman restraints on speech and expression;
15. Concealment of torture and ill-treatment as lawful sanctions;
16. Legal fictions (such as “discretion” or “non-reviewability”) used to mask torture;
17. Delegation and evasion of official duties, calculated to require laborious and lengthy action by the victim to obtain redress while holding the victim under the psychological pain of finality;
18. Policy-based absence of protection from torture and ill-treatment, and unavailability of relief, remedy and punishment of perpetrators;

19. Systemic immunization of perpetrators by public officials and courts; including immunization for attempts and complicity; concerted, harmonious and aggravating conduct evidencing collusion in prohibited acts;
20. Absence of education and training on human rights treaties and treaty-prohibited conduct;
21. Policy-based suppression, and failure-to-implement treaty-compliant independent and impartial investigation of prohibited acts; failure to investigate;
22. Policy-based absence of prevention mechanisms, including protection of the integrity of the person; facilitating prohibited acts;
23. Systemic policies fostering and rewarding exploitation, violence, abuse, deprivation of liberty and security of the person;
24. Policy-based failure to prosecute torture and ill-treatment as a hate crime, or as any recognized criminal offense.

Each factor/category will be documented with case-by-case references including chronologies, medical-legal findings, testimonies and corroborative evidence, and public-record exhibits.

### Judicial-Context Duties under CAT (for Adjudication & Court Administration)

- **Effective judicial measures (GC No. 2):** States must prevent torture/CIDT through legislative, administrative, and judicial actions; ensure prompt, impartial examination of arguable claims; and provide access to judicial remedies.
- **Exclusionary rule (UNCAT art. 15):** Statements established to have been made as a result of torture shall not be invoked as evidence in any proceedings (except against an alleged torturer).
- **Redress (UNCAT art. 14; GC No. 3):** Ensure access to a judicial remedy and an enforceable right to redress, including rehabilitation, satisfaction, and guarantees of non-repetition.
- **Istanbul Protocol (2002):** Adopt training, documentation standards, trauma-informed interviewing, and record-keeping practices for judges, clerks, and auxiliary services.

### Confidentiality, Safety, and Data Protection

IAJ will provide the Committee confidential 'live access' to case files and medical-legal reports with the consent of complainants, and will apply witness-safety protocols (secure channels, de-identification where necessary, and trauma-informed interviewing). Public-facing summaries will not disclose identifying or sensitive medical data unless the complainant consents to it, for example in the public benefit.

### Request Under Article 20

In light of well-founded indications of recurrent patterns consistent with the systematic practice threshold in Article 20, IAJ respectfully requests that the Committee:

- a) Open a confidential inquiry under Article 20
  - a. Hold the investigation open and continue to evaluate emergent cases reported by the IAJ and other NGOs

- i. The IAJ reports that, upon initial review, reporting victims fall into general categories, and generally know little about human rights treaties, with almost all are unaware of UNCAT's broader applicability:
    1. Victims who were punished and retaliated against for applying the human rights treaties for protection, relief, remedy and punishment; including victims who exhausted domestic pathways for protection, relief, remedy and punishment;
    2. Victims who were prevented from applying the treaty for protection, relief, remedy and punishment
    3. Victims who were authoritatively advised not to seek protection, relief, remedy and punishment under human rights treaties; or were fed misinformation about them;
    4. Victims who found no outcome is possible after they tried to use treaty-based pathways to protection, relief, remedy and punishment, including attempted contact with the United Nations
    5. Victims who did not know human rights treaties and mechanisms, but tried the domestic pathways to achieve equivalent protection, relief, remedy and punishment
  - b. Structure the inquiry to be iterative: modify the list of the 24 initial factors as other associated factors and axes of violations are identified by emergent systemic patterns of torture and ill-treatment. Then review prior cases for the presence of newly-identified factors supporting systemic practices.
- b) Invite the United States to submit observations
- a. The IAJ notes the PAG's efforts to enact reform to obviate the necessity for an Article 20 investigation by the CAT, and for any referrals to Special Procedures. A summary of the PAG's effort to avoid intervention by the CAT include actions:
    - i. by the PAG, through litigation, meeting with systemic obstruction, punishment and retaliation;
    - ii. by the PAG, through dialogue with the Justices of the U.S. Supreme Court (the original and only federal court identified in the U.S. Constitution), evaded by the Court and so far, ignored;
    - iii. by the PAG, through dialogue with the chief judge of the Ninth Circuit (federal courts created by Congress) with jurisdiction over the PAG's cases, so far ignored;
    - iv. by the PAG, through an educational letter to the chief judge of the Fourth Circuit
    - v. by the PAG, requests to 2 presidents for an executive order to establish the IAJ as a national mechanism, so far ignored;
    - vi. by the PAG, requesting assistance from a former Congressman author of the Americans with Disabilities Act. After assistance from his public-benefit organization, the PAG received a strong indication that the judicial process will not permit reform through legislation or litigation;
    - vii. By the PAG, letter to the State Department for dialogue for an Article 20 investigation
  - b. The IAJ notes the ineffectiveness of domestic mechanisms to prevent and abate this type of systemic torture and ill-treatment, including:
    - i. by numerous complainants reporting attempts around the country by the People to enact legislative reforms<sup>1</sup> over a period of years, with a brief indication of these efforts<sup>2</sup> as follows:
      1. Ksl News Utah, [Mothers and teens urge Utah lawmakers to pass family court reform](#)
      2. "AZ Free" News, [Arizona Lawmakers Continue Hearings Into Family Court System](#)
      3. Youtube channel of Jessica Saxton (complainant) [@jessica\\_saxton](#)
    - ii. by the U.S. Commission on Civil Rights identifying the U.S. Supreme Court scrutiny standard on disability rights as being incorrect, without any result;

<sup>1</sup> Note that under constitutional Separation of Powers, the legislative branch of government cannot dictate the judicial process. The judiciary must 'police' their own judges and courts and processes

<sup>2</sup> The indication of reform is provided not as evidence of the refusal of the U.S. to legislate to address the deficiencies in UNCAT compliance identified in the 2014 Concluding Observations of the CAT. The brief sampling is provided to indicate that the complainants who are reporting systemic Family Court violations, for example, raise human rights issues that are actionable under human rights treaties, but cannot be actioned under treaties after ordinary people make efforts to address violations of human rights through the courts. Widespread requests for legislative reform is indicative of an issue that has no other remedy except a new law. This confirms anecdotally the representations that no human rights treaty is 'of use' to stop human rights violations within the judicial process

- iii. The Amendment to the Americans with Disabilities Act that severely criticizes the U.S. Supreme Court
  - iv. 'Whistleblower' testimony without result
- c) Authorize in-camera engagement with IAJ's protected materials and witnesses, subject to safety protocols;
- d) Request non-retaliation guarantees for complainants and witnesses; and
- e) Encourage interim measures in U.S. judicial administration consistent with the Istanbul Protocol (2022) and Article 15 safeguards pending the inquiry's outcome.

### Authorities (Official/Judicially Noticeable)

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), Dec. 10, 1984, 1465 U.N.T.S. 85 (arts. 1, 2, 12, 13, 14, 15, 16, 20).
- United Nations Treaty Collection entry for UNCAT — United States: instrument of ratification and declarations (no Article 28(1) exclusion of Article 20 recorded).
- CAT, General Comment No. 2: Implementation of article 2 by States parties, CAT/C/GC/2 (24 Jan. 2008) (judicial measures; prompt & impartial examination; exclusion of torture-tainted statements).
- CAT, General Comment No. 3 (2012) on the implementation of article 14 by States parties, CAT/C/GC/3 (13 Dec. 2012) (access to a judicial remedy; redress & rehabilitation).
- OHCHR — Article 20 Inquiry Procedure (official description of competence, steps, and confidentiality).
- Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2022 revision) (current medico-legal standard).

### Annex A (Methods & Data)

Electronic intake began August 4, 2025 and will remain open to accept all human rights complaints

A "registrant" is any person who registers an account and provides the IAJ with either:

- Human Rights Complaint(s)
- Request(s) for model ruling(s) on disability accommodation
- Violation(s) reports(s): report by a third party disclosing their knowledge or information about a victim of human rights violations
- Communications that need to be continued as conversation threads related to human rights violations

### *Screening:*

- All human rights complaints accepted.
- All requests for model rulings on disability accommodations in the judicial process accepted.
- Selection bias for qualification as a UNCAT complaint:

- A human rights violation, supported by an offer of substantive evidence, 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, meeting the requirements of Articles 1 or 16.
- In a disability discrimination context: A human rights violation, supported by an offer of substantive evidence, 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, meeting the requirements of CRPD Article 15.
- In a civil or political rights context: A human rights violation, supported by an offer of substantive evidence, 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, meeting the requirements of ICCPR Article 7.

### *Initial Assessment:*

- Intake interview
- Initial identification of evidence and assessment of relevance and potential for sufficiency, Istanbul Protocol indicators
- Credibility
- Arguability
- State of mind
- History
- Third party victims, witness identification
- Evaluation of submissions to date
- Initial verification plan

### *Investigation:*

- Recursive solicitation of information, evidence, testimonies, records,
- Completion of questionnaires and forms to establish facts, condition and impact, including
  - Detailed report of incidents with focus on identification of any Article 1 or 16 violations
  - Identification of common tactics used by actors of specific classes in Article 1 or 16 violations
  - Time-domain Impact Analysis: General impact identification, torture checklist, retraumatization and assessment, functional and cognitive assessments, Clinical Psychological Evaluation questionnaires
  - Vulnerabilities assessment post-torture and ill-treatment
  - Overall Functioning Assessment for comparative assessment of injury
  - Disabilities
  - Detailed identification of available evidence: Actors, Torture, Discrimination, Accountability, Rehabilitation
  - Identification of prior human rights complaints, investigations, relief, remedy, punishment, reform
  - Risk Assessment
- Review of existing Medical records and Professional Evaluations
- Harvesting documents from the complainants and others related to the complaint and investigation
- Interviews
- Medical
- Psychological
- Legal
- Research

- Evaluation of systemic factors

### *Aggregated Metrics*

- By demographics
- By geography and jurisdiction
- By tactics
- By factors
- By nature of harm suffered
- By violation type
- By remedy, relief, punishment
- By status
- By pattern of exhaustion of remedies
- By statistical and predictive models of prohibited conduct

### *Safeguards*

- Consent model
- Trauma safeguards
- Confidentiality levels
- Data security protocols
- Inter-communications
- Complete independence by policy and practice

### *Limitations*

- Investigation resource addition to match the rate of electronic submissions
- Complainant progress with submission of information and verification status
- Complainant access to their own records
- Complainant unavailability due to on-going harm, personal security, death
- Lack of recognition as an NHRI by the United States government

### Annex B (Initial **verified** cases for Article 20 investigation)

The IAJ initially submits the individuals identified in the separate “Initial List of verified victims of systemic violations”, whose treatment supports an Article 20 investigation into the factors described herein. Some of the names on the Initial List are not publicly listed on the IAJ website for safety or prevention of retaliation. These initial cases demonstrate verified systemic presence (recurrence) of the identified factors.



The full initial list of verified victims is provided confidentially to prevent retaliation. We request tracking of their identities by U.N. Human Rights bodies. Contact and other information for their safety is available from the IAJ, and by 'live access'.

To organize "live access", please contact us.

Respectfully submitted,

The IAJ Directorate

IAJ PRELIMINARY SHADOW REPORT TO THE 83<sup>RD</sup> SESSION OF THE COMMITTEE AGAINST TORTURE

DATE: September 19, 2025

IAJ Document Version Control Log

Document ID: IAJ-CAT-20250919-002-PUB  
Initial Release Date: 2025-09-19

Version History

Version	Date	Author(s)	Summary of Changes
v1.0	2025-09-19	IAJ	Initial release

Classification: CAT (Committee Against Torture)  
Access Level: Public Release