



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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COMMITTEE AGAINST TORTURE

Thirty-second session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)\* OF THE 615th MEETING

Held at the Palais Wilson, Geneva,  
on Tuesday, 18 May 2004, at 3 p.m.

Chairperson: Ms. GAER  
(Vice-Chairperson)

later: Mr. MARIÑO MENÉNDEZ

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\* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.615/Add.1.

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 19 OF THE CONVENTION (agenda item 7) (continued)

Conclusions and recommendations concerning the third periodic report of Germany  
(CAT/C/49/Add.4; CAT/C/CR/32/4)

1. At the invitation of the Chairperson, Mr. Steiner (Germany) took a place at the Committee table.
2. Mr. YU Mengjia (Country Rapporteur) read out the conclusions and recommendations of the Committee (CAT/C/CR/32/4) on the third periodic report of Germany (CAT/C/49/Add.4).
3. Mr. Mariño Menéndez took the chair.
4. Mr. STEINER (Germany) thanked the Committee for its thorough consideration of Germany's periodic report. The Government would study the Committee's recommendations in detail and would endeavour to provide the statistics requested. He believed that a misunderstanding may have resulted in the Committee's concern regarding criminal charges having been laid for punitive or dissuasive purposes. The delegation had informed the Committee of one specific case, in which a court had ordered a party not to make public certain allegations of ill-treatment, since they could not be proven. Counter-charges had not been discussed with the Committee. Regarding subjects of concern, subparagraph (d), all international legal obligations undertaken by Germany were binding at the Länder level. Administrative obligations, on the other hand, had been found to have varying degrees of efficiency, depending on the administrative level at which they were implemented. Länder administrations could not be forced to comply with legislation intended to improve the efficiency of the national administration.
5. The CHAIRPERSON, thanking the German representative, said that the dialogue between Germany and the Committee was ongoing and further discussion would take place in the near future.
6. Mr. YU Mengjia said he wished to clarify that subparagraph (b) of section C, subjects of concern, related to allegations of counter-charges made by law-enforcement agents as punitive or dissuasive measures against allegations of ill-treatment.
7. Mr. Steiner (Germany) withdrew.

The public part of the meeting rose at 3.40 p.m.