



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

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COMMITTEE AGAINST TORTURE

Thirtieth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 551st MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 30 April 2003, at 3 p.m.

Chairman: Mr. BURNS

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.551/Add.1.

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The meeting was called to order at 3.10 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

Draft document on the outcome of the meeting of the working group on the implications of the entry into force of the Optional Protocol, held on 24 April 2003 (CAT/C/30/Misc.4/Rev.1)

1. The CHAIRMAN recalled that, at its twenty-ninth session, the Committee had decided to hold an additional meeting of a working group on the implications of the entry into force of the Optional Protocol to the Convention. The draft document before the Committee set out the conclusions reached by that working group at its meeting on 24 April 2003. It also reflected the views of the working group for communications received under article 22 of the Convention which had met prior to 24 April 2003. Its contents, therefore, should come as no surprise to the members of the Committee, except perhaps to Mr. Camara, who had not been present at either of the meetings. He, personally, was satisfied with the text as it stood, subject to some minor editorial changes.
2. The draft document focused on the working relationship between the Committee and the subcommittee that was to be established to carry out the functions laid down in the Optional Protocol. As the Optional Protocol to the Convention was unlikely to enter into force for some time, however, the contents of the draft document, if adopted, were unlikely to take immediate effect. He invited the members of the Committee to comment on any of the elements contained in the draft document.
3. Ms. GAER said that the working group had decided to include a paragraph in the draft document requesting other United Nations treaty bodies and mechanisms dealing with torture or related matters, including the subcommittee once it was established, to bring immediately to the Committee's attention any information that revealed the existence of systematic use of torture in a State party to the Convention bound by article 20. The Committee's practice had hitherto been to act only when it received information from non-governmental organizations (NGOs).
4. The CHAIRMAN said he was perfectly satisfied with that proposal. However, there was a small drafting correction that should be made. On first reading, he had misinterpreted the sense of the paragraph.
5. Mr. MARIÑO MENÉNDEZ expressed his overall satisfaction with the draft document. However, he suggested that the second paragraph under the section heading "In general" should be amended to read: "The Subcommittee should consider sharing with the Committee, upon its request, confidential information transmitted to or emanating from it, with the consent, as appropriate, of the author and/or the State party concerned." It was important to highlight the fact that information should be exchanged both ways between the Committee and the subcommittee.
6. The CHAIRMAN said that Mr. Mariño Menéndez had made a good point. The aim was by no means to develop a one-way information exchange.

7. Ms. GAER said that she was in favour of adopting the proposed amendment. She had initially proposed that the Committee should adopt a series of rules and requirements governing its relationship with the subcommittee, but the working group had felt that a more collegial formulation would be more appropriate, given that the subcommittee had not yet been established.
8. The CHAIRMAN said he took it that the Committee wished to adopt the amendment proposed by Mr. Mariño Menéndez.
9. It was so decided.
10. The CHAIRMAN asked whether the Committee would prefer to adopt the draft document in the form of a resolution or simply issue it as an official statement concerning what it perceived to be the correct guidelines governing the relationship of the Committee with the subcommittee.
11. Mr. MARIÑO MENÉNDEZ suggested that the document, which had no immediate legal implications, should be issued as a set of guidelines.
12. The CHAIRMAN said that he liked that suggestion. He did not think it necessary to refer directly, in the title, to the meeting held on 24 April 2003 or to mention, in the preambular paragraph, the names of the members of the Committee who had participated in the meeting. He asked Ms. Gaer if she would be prepared to give further consideration to the issue and formulate an appropriate title for the document.
13. Mr. RASMUSSEN said that it would be helpful to indicate in the preambular paragraph why the meeting of the working group had been held.
14. Mr. MAVROMMATIS said he was not convinced as to the appropriateness of the word “guidelines”.
15. Ms. GAER said that the Committee had to decide whether it wished to adopt the draft document as a report of the working group or as a Committee document. In the latter case, a line should be included stating that the Committee had adopted the text on the recommendation of the working group.
16. The CHAIRMAN said he was in favour of adopting the latter approach. The Secretariat had indicated, however, that it would prefer not to mention the working group in the text, saying that it would be sufficient to refer to “the Committee”. He requested the Secretariat to make the necessary editorial changes to the text.
17. The draft document, as orally amended by Mr. Mariño Menéndez, was adopted, subject to some editorial changes to be made by Ms. Gaer and the Secretariat.

The public part of the meeting rose at 3.30 p.m.