



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

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Summary record of the first part (public)* of the 941st meeting

Held at the Palais Wilson, Geneva, on Wednesday, 5 May 2010, at 3 p.m.

Chairperson: Mr. Grossmann

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.941/Add.1.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention (agenda item 7) (*continued*)

Third periodic report of the Principality of Liechtenstein (CAT/C/LIE/3; CAT/C/LIE/Q/3; CAT/C/LIE/Q/3/Add.1) (*continued*)

1. *At the invitation of the Chairperson, the members of the delegation of Liechtenstein took places at the Committee table.*
2. **Mr. Langenbahn** (Liechtenstein) said that the existing Code of Criminal Procedure did not authorize the presence of a lawyer during police interrogations; only minors could have a person whom they trusted present. The draft of the new Code of Criminal Procedure, which should be adopted by parliament at the end of 2010, authorized the presence of a lawyer from the first interrogation. If, after the first interrogation, it was decided to detain a person, that person would receive an information sheet to inform them of their rights, particularly the right to choose and immediately contact a lawyer. If necessary, a lawyer would be assigned.
3. All police interrogations must be recorded in writing and must indicate the duration, reason for the interrogation and names of persons present. The person being questioned could make amendments to the document. They must sign it and, if they refused to do so, their refusal must be recorded. Interpretation was provided by independent interpreters. Interrogations were not currently recorded, apart from interviews with victims of sexual crimes.
4. The information sheet given to arrested persons also informed them of their right to contact a trustworthy person immediately. In specific cases, that right might be subject to restrictions, particularly when the trustworthy person was a suspect in the same case or it was suspected that they might prejudice the investigation or influence witnesses. In that case, it was sometimes possible to inform the trustworthy person of the arrest without allowing them to contact the arrested person. It was the responsibility of the investigating judge to decide who could contact the arrested person and whether their meetings would be recorded or not. In all cases, arrested persons had the right to contact a lawyer at any time from the moment of arrest.
5. Arrested persons were also informed of their right to be examined by a doctor. Unlike the previous act, the new Health Act did not contain an express provision on access to a doctor during police custody. The Liechtenstein authorities were aware of that and would ensure that it did not jeopardize the right of persons in police custody to consult a doctor. As the Vaduz Prison was of medium size, it did not have permanent medical staff. Medical examinations, particularly those to detect traces of violence, were performed by an independent doctor. Arrested persons could choose their own doctor, provided it did not significantly delay the investigation. Furthermore, police officers were obliged to contact the official doctor immediately if they felt it was necessary, even if the person concerned had not requested one.
6. All complaints against police officers must be submitted to the Director-General of the Police; complaints could also be lodged by the plaintiff with the Director-General or any other authority, in particular the Public Prosecutor. In general, the Chief of Police considered the facts and decided whether disciplinary proceedings were appropriate. All disciplinary proceedings were brought to the attention of the Minister of Home Affairs. If the complaint concerned a criminal offence, the Chief of Police and the Director were obliged to inform the Public Prosecutor before beginning the preliminary investigation.

7. With regard to the practice of covering the head of an arrested person, Mr. Langenbahn explained that police officers only did so in exceptional cases and only during specific arrests by the intervention unit, when it was felt that there was a risk of reprisals against a police officer or their family or if the arrested person tried to escape. As an alternative measure, ski goggles with black lenses had been used since 2007.

8. State employees could refuse to obey an order if to do so would involve committing a crime, and in particular the infliction of humiliating or inhuman treatment. Moreover, Liechtenstein's criminal legislation did not allow compliance with an order from a superior to be used to justify a crime.

9. The Committee had asked whether the recommendations formulated by the national preventive mechanism, the mechanism provided for under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been implemented. The national preventive mechanism had recommended, in particular, increasing the employment opportunities available to prisoners in Vaduz National Prison. Implementation of that recommendation had been difficult on account of the small number of people held there and the lack of appropriate facilities. Nevertheless, a solution had been found, as reported by the Corrections Commission in its first quarterly report for 2010. The national preventive mechanism had also recommended that the police should question detainees in the prison, rather than in the adjacent police building. However, that was not currently practical because the prison did not have the necessary premises. On the other hand, the national preventive mechanism's recommendation that more detailed information should be kept on transfers from the police building had been implemented immediately. Moreover, a recommendation that the detention centre should be separated from the police had been submitted to two prison experts, whose views would be taken into account when a decision was taken. With regard to the national preventive mechanism's recommendation that prison staff should follow complementary training courses and receive psychological support, he explained that, in addition to the course available for all civil servants, prison staff could attend courses offered by the Swiss Prison Staff Training Institute in Fribourg, Switzerland. As there were only six prison staff in all, including the Chief, it was possible that, in any given year, no one would find a course that would be useful to them. Civil servants were, generally speaking, well trained and were obliged to attend a training course only to fill specific gaps in their knowledge. Furthermore, the Corrections Commission had not detected any shortcomings in the skills of prison staff. The provision of psychological support could be useful, and any decision taken in that area would take into account the recommendations of experts in the field. In its first quarterly report for 2010, the national preventive mechanism had noted that psychological support services had been introduced in accordance with its recommendation. Finally, the Government was studying the possibility of implementing another of the national preventive mechanism's recommendations regarding the distribution of medication by medical staff.

10. **Mr. Zimmermann** (Liechtenstein) said that Liechtenstein's new Execution of Sentences Act was largely based on the corresponding Austrian law, so that a person sentenced in Liechtenstein who was serving their sentence in Austria would be subject to the same regime in Liechtenstein. The Chief of Vaduz Prison was informed every month, and whenever else necessary of the situation of prisoners serving their sentences in Austria. That measure allowed the Liechtenstein authorities to ensure that those prisoners' rights were respected just as if they were being detained in Liechtenstein. In any case, the Liechtenstein authorities had never received any allegations from non-governmental organizations or prisoners regarding ill-treatment in Austrian prisons. He provided disaggregated data on the number of persons sentenced in Liechtenstein who had been imprisoned in Austria over the previous 10 years, according to which there had been 5 in 2005 (3 from Liechtenstein, 1 Albanian and 1 Serb), 2 in 2006 (both from Liechtenstein), 1

in 2007 (from Liechtenstein), 9 in 2008 (5 from Liechtenstein, 1 German, 1 Austrian, 1 Albanian and 1 Serb), 13 in 2009 (6 from Liechtenstein, 3 Serbs, 1 German, 1 Austrian, 1 Romanian and 1 American) and 11 in 2010 (6 from Liechtenstein, 1 Austrian, 1 Romanian, 1 Turk and 2 Serbs).

11. Regarding the incorporation into the Execution of Sentences Act of the provisions of the Optional Protocol to the Convention concerning the national preventive mechanism, he said that the Corrections Commission had felt that, in practical terms, since the legal system of Liechtenstein was monistic in character, there was no need to amend the law in order to allow that mechanism to play its role. With regard to the appointment of the members of the Corrections Commission, under the provisions of article 17 of the Execution of Sentences Act at least two members of the Commission should not come from the civil service. However, no members of the Commission were civil servants. Taking into account the different criteria for appointment, it had also been difficult to find suitable candidates for membership of that body. As part of its inspection activities, the Commission had visited Vaduz National Prison several times. It had also inspected the police solitary confinement and custody cells; other places where persons were detained would be visited again during 2010.

12. Pretrial detention required a court decision and was only ordered for a specific duration. The initial term was 14 days, at the end of which the investigating judge had to interview the person concerned to determine whether there was any reason to keep them in detention. If there was no reason, they had to be released immediately; if there was reason to keep them in detention, then the term was extended to one month. At the end of that period, the term could, after a second interview, be extended to two months. Although it caused an increased workload, the procedure ensured that pretrial detention was not prolonged unduly. With regard to the pretrial detention of minors, limits had been placed on the duration as part of the revision of the Juvenile Court Act. Article 19 of the Act stated that pretrial detention of a minor could be ordered only if it was not possible to enforce a less strict method of detention, such as placement with the child's family or with a trustworthy family or in a suitable institution. The duration of detention was limited to three months in cases of punishable offences but could be extended to 1 year in cases of felonies liable to a sentence of more than five years' prison. If no trial had been started within those time frames, the minor must be released.

13. With regard to the admissibility of statements before the courts, article 151 of the Criminal Code stated that promises, fraudulent misrepresentation, threats or coercive measures could not be used to obtain confessions or other information. All acts of torture committed to obtain a confession fell within the scope of that provision, and any violation constituted a procedural defect and could lead to an appeal to the Court of Appeal, or, if the appeal was rejected, to the Supreme Court. There was no provision in the Criminal Code that addressed the torture of witnesses, but it was important to bear in mind that the Convention was directly applicable to Liechtenstein. Finally, it was important to mention a distinctive feature of Liechtenstein's judicial system: all rulings based on a statement obtained through torture were liable to appeal before the Constitutional Court.

14. **Mr. Ritter** (Liechtenstein) said that, in 2009, Liechtenstein had experienced a massive influx of refugees from Eritrea and Somalia owing to political instability in those countries. He recalled that the Liechtenstein parliament had ratified the Schengen/Dublin Agreement in 2009 and that Liechtenstein had signed an agreement relating to its integration into the Schengen area, although the agreement had not yet been ratified by the European Union. From the information collected by the authorities of Liechtenstein through interviews with refugees, which had revealed the existence of an efficient information-sharing and targeted-action network, it was apparent that the network was responsible for the massive influx. Nevertheless the relevant authorities in Liechtenstein examined each

asylum request in accordance with the Refugee Act, which had been drafted in close collaboration with the Office of the United Nations High Commissioner for Refugees. The Act contained a provision that allowed asylum-seekers to remain in Liechtenstein until the end of the process. Asylum-seekers were not placed in detention, but were housed in the refugee centre, where they had access to different services (health insurance, German language lessons, food vouchers and pocket money). However, because the number of Eritrean and Somali asylum-seekers had exceeded the capacity of the centre, as an interim measure, single male refugees had had to be housed in shelters meant for the people of Liechtenstein during emergencies. That type of housing had been gradually replaced by temporary housing.

15. The delegation was not aware of any cases where asylum-seekers had had difficulty obtaining legal assistance. However, it could not be ruled out that, owing to the exceptionally high number of asylum-seekers, there might have been a temporary lack of lawyers and that a number of people had been unable to receive legal assistance from the start of the process.

16. The Refugee Act stated that an asylum-seeker could be expelled to a third country as a preventive measure only if it was possible, permissible and reasonable; that was the case if the third country concerned was under a treaty obligation to consider the asylum request; if the person concerned had already spent time in that country or if relatives or other persons to whom the asylum-seeker had close links or were living there. In the cases of the Eritrean and Somali refugees, investigations had shown that a large number of them had previously applied for asylum in another European country, or had lived there for some time after being allowed entry on humanitarian grounds. A preventive expulsion decision could be appealed against within 24 hours with suspensive effect. The competent authority must deliver its decision within 48 hours. The appellant had free access to a lawyer, as during the previous stages of the process. The final appellate body was the Administrative Court.

17. The principle of non-refoulement applied to all such decisions. The list of safe transit countries included countries of the European Union, the European Free Trade Association, as well as Serbia, Montenegro and the former Yugoslav Republic of Macedonia. If there were serious reasons to believe that an asylum-seeker would be persecuted on their return, an individual assessment of their request would be made, even if the country was on the list. The same applied if the country of transit could not be identified. It was possible to admit persons temporarily on humanitarian grounds if return to their country of origin was not possible, permissible or reasonable, even if the criteria for the right to asylum had not been met. Refugees could obtain a residence permit after 5 years and the right of abode after 10 years. If they wanted to become a naturalized citizen before the required 30 years of residence, refugees could apply to the local authorities for naturalization.

18. If, at the end of the assessment process, neither refugee status nor temporary admission on humanitarian grounds had been granted, the right to stay in Liechtenstein, granted by the Refugee Act, expired. The person then had to leave the country, failing which a detention order would be issued. Liechtenstein resorted to that measure only rarely and tried to ensure that detention periods were as short as possible. Between 2005 and 2008, the average detention period had been 3.7 days.

19. In the case of the Somali and Eritrean refugees, the Liechtenstein authorities had provided them with financial support to contribute to the cost of their journey in order to help them return to the transit country.

20. **Mr. Dominik Marxer** (Liechtenstein) said that his country attached the highest importance to the Convention on the Rights of Persons with Disabilities. In February 2009,

the Government had established an interdisciplinary working group to examine the legislative and any other measures required to enforce the Convention and its Optional Protocol. The Government was waiting for the working group to present its final report at the end of 2010 before deciding on its next steps.

21. The Victims Assistance Office had been established under the Victims Assistance Act, which had come into force on 1 April 2008. Currently it had only one staff member, who was a qualified social worker. If the Office was unable to provide assistance itself, it redirected persons to relevant institutions, with which it has close ties.

22. Under the Victims Assistance Act, all victims had the right to assistance. That provision applied to victims of torture or other cruel, inhuman or degrading treatment or punishment, as well as to their families and to persons who had been ill-treated while attempting to help the victims and their families. The type of assistance granted depended on whether the crime had been committed in Liechtenstein or abroad. In the first case, assistance was provided unconditionally; in the second, assistance was provided only if the victim had been a resident of Liechtenstein at the time of the crime and at the time of the request for assistance. Refugees who had been tortured in another country before their arrival in Liechtenstein were therefore not covered by the provisions of the Act.

23. Regarding monitoring of the situation of disabled persons in prisons, psychiatric establishments and other institutions, the national preventive mechanism established under the Optional Protocol to the Convention, was empowered to monitor regularly the treatment of persons deprived of their liberty in all places of detention as defined in article 4 of the Optional Protocol and, if necessary to strengthen the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment.

24. Article 13 of the Social Assistance Act guaranteed the right of persons receiving compulsory treatment to be heard by a judge. They also received free legal services.

25. National legislation contained no specific provision requiring persons' consent to compulsory treatment. However, the issue was covered by a number of agreements that the Government had signed with relevant institutions in Switzerland and Austria. Furthermore, the doctors responsible were also subject to the medical profession's national disciplinary regulations.

26. **Mr. Ritter** (Liechtenstein) explained that paragraph 104 of the written replies focused on the Violence Protection Act, which mainly contained procedural provisions, while paragraph 105 of the written replies, which related to the Criminal Code, listed the different offences that could be committed in the home. Since those offences could also be committed in other environments, cases of domestic violence were not distinctly recorded in the statistics for offences penalized by the Criminal Code. The measures that could be taken under the Violence Protection Act, as listed in the table in paragraph 104 of the written replies (expulsion, prohibition on entry), applied to violence committed at the victim's home. The delegation would provide statistics on the Violence Protection Act, broken down by the nationality of the victims and aggressors, at a later date. Since 2001, the Liechtenstein Women's Home had also collected statistics: 17 persons had been admitted in 2007, 13 of whom were residents of Liechtenstein, and 13 persons had been admitted in 2008, 6 of whom were residents of Liechtenstein.

27. The Government had approved the proposal to amend the legislation to make acts of sexual violence in the home an offence prosecuted *ex officio*. A broad consultation had been undertaken with the stakeholders, who had until 25 June 2010 to submit their comments.

28. The foreign dancers who currently worked in the seven nightclubs in Liechtenstein lived in the country for a maximum of seven months per year on the basis of a special

short-stay permit. The Government had issued a decision on the admission of nightclub dancers and musicians setting out detailed regulations for their protection: dancers must have health and accident insurance, receive appropriate accommodation and the minimum salary applicable to the hotel industry, and participate in the “AIDS prevention in the sex industry” project; in order for a dancer to obtain a permit, she must have worked in Switzerland immediately before her arrival in Liechtenstein; and, depending on the quota set, each nightclub could employ a maximum of five foreign dancers and one foreign musician per month. The National Police and the Immigration and Passport Office regularly carried out inspections of those nightclubs in order to check the residence status and working and living conditions of the dancers. They also looked for signs of human trafficking. Training courses had been organized to increase police officers’ awareness of that issue. Furthermore, employers were obliged to allow their employees to attend an information session organized by the authorities on the prevention of human trafficking, during which information was provided on employment, social insurance, victims’ rights and immigration legislation. Attendance at that information session was a prerequisite for obtaining a short-stay permit. If that prerequisite was not met, the authorities could refuse to issue the permit and impose a fine on the employer. Liechtenstein was party to the Palermo Protocol and had actively participated in negotiations relating to the Council of Europe Convention on Action against Trafficking in Human Beings, and had started to amend its national legislation in order to ratify and implement the provisions of the Convention.

29. As a step towards ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, parliament had adopted a number of amendments to the Criminal Code to establish penalties for committing or encouraging racist acts and spreading racist ideas. An amendment to article 33 established racist or xenophobic motives as aggravating circumstances to a crime. Since committing a crime for those motives was but one of several aggravating circumstances listed in the article, no specific statistics were available on hate crimes.

30. The sociological study on right-wing extremism in Liechtenstein had shown that right-wing supporters were generally young people who were well-integrated into society, and that fear of losing national identity because of the high proportion of foreign nationals in the country was one of the main reasons for joining a right-wing movement. On the basis of that study, the Government had adopted an action plan which, among other initiatives, included the launch of new awareness-raising campaigns on the dangers of right-wing extremism, the development of assistance programmes for members of right-wing movements who wished to leave them and the long-term monitoring of right-wing extremism in Liechtenstein.

31. Liechtenstein had not accepted recommendation 13 of the Universal Periodic Review because of its vague wording. Nevertheless, since the introduction of registered partnerships for homosexual couples, the Government had adopted a proposal to amend a body of legislation in order to eliminate discrimination against such couples. That proposal had been subject to a broad consultation among stakeholders, who had until 16 July 2010 to submit their observations.

32. Liechtenstein drew a distinction between legally-binding instruments that had been duly ratified and standards that had been adopted by intergovernmental conferences. Although it had implemented a national preventive mechanism, in accordance with the Optional Protocol, none of the legal instruments to which Liechtenstein was a party contained an obligation to establish a national human rights institution in accordance with the Paris Principles. The Ombudsman for Children, the Victims Assistance Office, the Disability Association and the Office for Equal Opportunity were independent specialized institutions that complemented each other. The idea of merging them into one national

human rights institution would be contrary to the principles of specialization and allocation of targeted resources which benefited victims.

33. It had been suggested that the absence of cases of torture in Liechtenstein could be due to the fact that there was no specific provision establishing torture as a separate offence. It was important also to note that there had never been a case of ill-treatment, even though ill-treatment was criminalized by specific provisions. Furthermore, in contrast to the definition of torture contained in the Convention, those provisions did not require the acts to have inflicted severe mental or physical pain or suffering for the perpetrator to be punished. Those provisions made it possible for the relevant authorities to investigate any ill-treatment, and for the public to monitor, and if necessary, to challenge actions or inaction by the State that violated the Convention. The provisions thus had a greater preventative effect than a specific provision on torture that would require the presence of two additional qualifying elements for those acts to be considered crimes.

34. **Mr. Roland Marxer** (Liechtenstein) confirmed that, in order for laws to enter into force, they must be sanctioned by the Reigning Prince and countersigned by the Prime Minister. The election of judges was prepared by a special body composed of representatives of parliament, the same number of representatives appointed by the Prince, the Prince himself, and the Minister of Justice, which recommended candidates to parliament for election. If parliament had chosen a candidate, the Prince must then appoint that candidate. If parliament rejected a candidate and could not reach an agreement with the special body within one month, parliament would designate another candidate and set a date for their election by the public. The Prince was obliged to a candidate elected by the people. As for monitoring of the Prince's powers, he could only exercise his official authority in accordance with the Constitution. Furthermore, the constitutional amendments adopted in 2003 had expanded the rights of the people, making it possible to vote on a motion of no confidence against the Prince and to abolish the monarchy without the Prince having the right of veto.

35. A new provision, introduced as part of the constitutional reform, clearly stated the absolute prohibition of torture and inhuman treatment, which could admit no exception, whether by law or by an emergency decree by the Prince.

36. Regarding the position of the Convention within the legal system and the remit of the Constitutional Court, Mr. Marxer reiterated the information contained in the report. With regard to access to the Constitutional Court, he clarified that anyone whose fundamental rights and freedoms had been violated could apply to the national courts or file a complaint.

37. **Ms. Kleopas** (Rapporteur for Liechtenstein) thanked the delegation for its detailed replies to the Committee's questions. She insisted on the need to provide a definition of torture and to make it a separate offence, since the absence of such a definition hindered collection of relevant data. Another necessity was to impose appropriate sentences for crimes that constituted acts of torture. She noted that the forthcoming adoption of the new law guaranteeing the presence of a lawyer during interrogations was a positive change. She urged the State party to expand the use of video recording of interrogations, which was currently used only for sexual offences, to all cases. She requested confirmation that an arrested person was never detained incommunicado.

38. It would be interesting to hear comments from the delegation regarding the fact that apparently the right to be examined by an independent doctor was not guaranteed by law, but only as a result of instructions for police and prison staff. It would be useful to know which authority was responsible for the investigation of complaints implicating police officers and whether that authority was independent. The ending of the police practice of covering the heads of suspects was a positive development, since doing so prevented

victims of torture or ill-treatment from filing a complaint against their attackers. It would equally be useful to know if the victims or members of their family were legally entitled to reparation, including some form of reintegration assistance. It seemed that the State paid compensation to victims only in cases where they did not receive any other compensation. However, the State was obliged to provide full compensation for victims of torture and members of their family, regardless of any other compensation they might receive. Regarding conditions of detention, it was surprising that different categories of offenders (defendants/convicted persons, men/women, adults/minors) were not detained separately in accordance with international regulations on detention.

39. She asked whether the fundamental rights of Liechtenstein nationals detained in Austria were guaranteed by the bilateral cooperation treaty between Austria and Liechtenstein. Assuming that a Liechtenstein national received reparation for offences committed in Austria, who would pay the compensation awarded? She requested further information on the mandate of the Corrections Commission and questioned the independence of its members who appeared to be nominated by the Government. She referred to allegations that sums of money had been offered to asylum-seekers to encourage them to return to their country and asked whether those allegations had been investigated. Regarding other reports that asylum-seekers had been placed in detention, the Rapporteur reminded the Liechtenstein delegation of article 31 of the 1951 Convention relating to the Status of Refugees, which stated that “the Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who (...) enter or are present in their territory without authorization”. She requested additional information on the average time taken to process asylum-seekers. With regard to expulsions, she understood that preventive expulsion was enforceable immediately, that asylum-seekers had 24 hours to request restoration of the suspensive effect, and that the relevant authority had 48 hours to take its decision. She asked the delegation to confirm that and observed that those time frames seemed to be rather short to conform fully to the requirements of article 3 of the Convention.

40. She said that, by virtue of article 21 of the Juvenile Court Act, persons under the age of 18 could request a trustworthy person’s presence during all stages of interrogations performed by the police, and recalled the recommendation by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) that the presence of an adult was compulsory since a minor should not be left with the responsibility of making on their own decisions that could have severe consequences for their future. Finally, she observed that the State party should adopt a law on detention in psychiatric hospitals, as it seemed that placement was based solely on the good faith of doctors and did not carry all the necessary guarantees.

41. **Mr. Wang Xuexian** (Co-Rapporteur for Liechtenstein) requested clarification of the time frame allowed for someone to challenge an expulsion order affecting them. He understood that steps were being taken by Liechtenstein to separate minors from adult prisoners and requested additional information on that subject. He noted that awareness-raising and training on prisoners’ human rights were generally organized for prison staff after failures had been reported and recommended that the State party place greater emphasis on preventing violations and acts of abuse. He also requested information on the measures taken by Liechtenstein to prevent human trafficking.

42. **Ms. Gaer**, recalling the conflicting reports that 228 Somali and Ethiopian refugees had allegedly been housed in nuclear shelters or containers, asked how they had been treated and how many of them had obtained asylum. She shared the concerns of the Rapporteur regarding the reports that sums of money had been paid to asylum-seekers to encourage them to return to their countries, and requested an explanation.

43. **Ms. Belmir** requested additional information on the duration of pretrial detention, depending on whether it was for an offence or a crime. Referring to situations where a person was arrested without a warrant and brought before a judge, she requested the delegation's assurance that such a procedure was possible only in cases of flagrante delicto.

44. **Mr. Mariño Menéndez** requested clarification regarding persons who had allegedly been detained at the border between Switzerland and Liechtenstein without being informed of their rights.

45. **Mr. Bruni** called the delegation's attention to the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (also known as the Istanbul Protocol) and noted that it would undoubtedly be worthwhile to include it in the training of persons who dealt with migrants, as it provided guidelines on how to detect, assess and record traces of torture.

46. **The Chairperson**, speaking as a member of the committee, asked for a copy of the plan of action on racial discrimination recently adopted by Liechtenstein, as he thought that it would be interesting to know about a small country's experience of the subject. He understood that the country had a shortage of lawyers and asked whether Liechtenstein planned to establish a clear procedure to explain to all the authorities concerned the procedure in the absence of a lawyer.

47. **Mr. Ritter** (Liechtenstein) said that his country was not really experiencing a shortage of lawyers and that, to his knowledge, no problems relating to access to a lawyer or free legal assistance had been reported. The delegation would provide detailed information on the reception and housing of 228 Somali and Ethiopian refugees that had arrived unexpectedly in Liechtenstein. In order to address that influx of persons, Liechtenstein had requested the assistance of the Office of the United Nations High Commissioner for Refugees. As a rule, refugees and asylum-seekers were housed in facilities equipped with essential services. Mr. Ritter had not heard any reports that asylum-seekers were being offered money to leave the country. Regarding the so-called detention of asylum-seekers, Liechtenstein scrupulously applied article 31 of the 1951 Convention relating to the Status of Refugees. Persons who requested asylum fell under the jurisdiction of the Refugee Act and were therefore not detained for having entered the country illegally.

48. **Mr. Roland Marxer** (Liechtenstein) said that the Liechtenstein delegation had not had time to answer all the questions asked by members of the committee, but that additional information would be submitted in writing within 24 hours.

The public part of the meeting rose at 5.10 p.m.