



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

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COMMITTEE AGAINST TORTURE

Fortieth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)\* OF THE 835th MEETING

Held at the Palais Wilson, Geneva,  
on Friday, 16 May 2008, at 4.20 p.m.

Chairperson: Ms. BELMIR (Vice-Chairperson)

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\* The summary record of the first part (closed) of the meeting appears as document CAT/C/SR.835.

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The public part of the meeting was called to order at 4.20 p.m.

CONSIDERATION OF INFORMATION UNDER ARTICLE 20 OF THE CONVENTION

1. Ms. SVEAASS said it was regrettable that discussion of the agenda item had been postponed until the end of the session.
2. Ms. MORALES (Secretary of the Committee), in response to a question by Mr. WANG Xuexian, said that there was no new documentation on issues arising under article 20 of the Convention. Since the Committee's last discussion of the item in 2006, notes verbales had been sent to the Governments of Nepal and Togo, both of which had informed the Committee that the information had been conveyed to the competent national authorities. In addition, the Government of Togo had sent a list of names, at first glance of no particular substance, which was awaiting translation. It was now up to the Committee to decide whether it wished to send a further communication to the respective Governments requesting information and mentioning the possibility of visiting the countries to conduct inquiries.
3. Mr. KOVALEV said that the Committee should write to the Governments concerned requesting further information.
4. Mr. WANG Xuexian said that the situation in both countries warranted further action by the Committee. However, given the recent elections in Nepal it might be better to wait until the political dust had settled before making any approaches to the new Government.
5. Mr. GALLEGOS CHIRIBOGA said that even if the Committee had not received satisfactory responses, it must be consistent and follow through with its decision. He nonetheless endorsed Mr. Wang Xuexian's suggestion with regard to Nepal.
6. Ms. GAER said that the most recent information received by the Committee from Nepal dated from July 2007. It merely gave details of developments in the area of legislation and not of any practical measures to ensure the prevention of and protection against torture. She recalled that the country rapporteur for Nepal had referred to the situation there as the most serious he had witnessed in his 30 years as a human rights expert. All that pointed to the need to launch an inquiry under article 20 without further delay, at least by making initial approaches to the Government.
7. Ms. SVEAASS asked whether the Committee should accord priority to one of the two countries concerned.
8. Ms. MORALES (Secretary of the Committee) said that whatever the Committee decided to do, it would take several months to start any inquiry. Moreover, the agreement of the Governments concerned would be needed for visits by Committee members.
9. Following further comments by Mr. WANG Xuexian and Mr. GALLEGOS CHIRIBOGA, Ms. GAER recalled that there was nothing to prevent the Committee from initiating two or more inquiries if the situation so warranted. Furthermore, although in the past it had been the Committee's practice to wait to receive a formal complaint of torture from a State party before initiating an inquiry under article 20, there was no such requirement in the Convention. Urging

the Committee to take a decision on the matter, she proposed that it should discuss the agenda item at the beginning of the forty-first session with a view to contacting the Governments of Nepal and Togo, and possibly making arrangements for visits to the countries before the closure of that session.

10. After further discussion, the CHAIRPERSON said she took it that the Committee agreed to Ms. Gaer's proposal.

11. Ms. MORALES (Secretary of the Committee) said that notes verbales would be sent to the Governments of Nepal and Togo informing them of the Committee's decision and requesting further information. The Committee would review the information at the beginning of its forty-first session and subsequently identify the Committee members who would visit the two countries to conduct the inquiries.

12. It was so decided.

#### CLOSURE OF THE SESSION

13. The CHAIRPERSON, after paying tribute to the outgoing Secretary, Ms. Morales, for her tireless efforts over the years, declared the fortieth session of the Committee against Torture closed.

The meeting rose at 4.45 p.m.