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HUMAN RIGHTS COMMITTEE

Ninety-first session

SUMMARY RECORD OF THE 2483rd MEETING

Held at the Palais Wilson, Geneva,  
on Monday, 15 October 2007, at 3 p.m.

Chairperson: Mr. RIVAS POSADA

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

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 40 OF THE COVENANT (agenda item 6) (continued)

Third periodic report of Georgia (CCPR/C/GEO/3; CCPR/C/GEO/Q/3;  
HRI/CORE/1/Add.90/Rev.1; written replies by Georgia, document without a symbol  
distributed in English only)

1. At the invitation of the Chairperson, the members of the delegation of Georgia took places at the Committee table.
2. Mr. MIKANADZE (Georgia) said that his country had made significant progress in recent years in promoting democratic values and strengthening the rule of law. The Government viewed respect for and fulfilment of human rights as the cornerstone of the reform process and was determined to pursue and enhance its constructive dialogue with the Committee. It had taken solid steps to implement the Committee's recommendations, including through harmonization of national legislation and policy with relevant provisions of the Covenant, promotion of the institution-building process, particularly through the development of an effective criminal justice system, and ensuring compliance with the substantive provisions of the Covenant in line with its personal and territorial scope of application.
3. Ms. TOMASHVILI (Georgia) said that the reform process had been dynamic and innovative. Implementing democratic values while taking into account the culture and traditions of Georgian society was not an easy process. It called for identification of existing challenges, prioritization of issues and commitment to their resolution. High priority was accorded to reform of the penitentiary system and the judiciary, and to institution-building in the law enforcement agencies. The authorities were committed to ensuring respect for human rights not only in the territory falling under the control of the central Government but also in the breakaway regions of Abkhazia and Tskhinvali/South Ossetia.
4. In recent years, the country's Code of Criminal Procedure had been amended to bring it into line with internationally and regionally recognized human rights standards. Detainees enjoyed procedural guarantees from the time of their arrest, and additional safeguards had been introduced to prevent suspects or accused persons from being subjected to physical or psychological pressure in the course of criminal proceedings. Criminal cases were now investigated on a mandatory and not discretionary basis. The previous multi-stage preliminary inquiry and investigation system had been abolished. There had been a reduction in the period of pretrial detention, the concept of a plea agreement had been introduced and a National Anti-Torture Action Plan was being drafted for the period 2008-2009.
5. The Code of Criminal Procedure had been amended to bring the definition of torture and inhuman and degrading treatment or punishment into line with the definition in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The law had also been amended to protect religious minorities and to prevent human trafficking.

6. A number of steps had been taken to ensure efficient human rights monitoring. An independent monitoring body had been established to operate as a national preventive mechanism under the Optional Protocol to the Convention against Torture. An inter-agency coordinating commission comprising representatives of the Government, international organizations and local NGOs and experts was developing effective operating procedures for the mechanism. The Office of the Public Defender (Ombudsman) had been established as a national independent monitoring body. Other monitoring institutions included the Human Rights Protection Unit at the Prosecutor-General's Office, the Unit for Protection of Human Rights and Monitoring at the Ministry of Internal Affairs, and the Department of Penitentiary System Reform, Monitoring and Medical Supervision and the Unit for the Protection of Human Rights of Prisoners at the Ministry of Justice. All such mechanisms were authorized to refer matters to higher public authorities or to make recommendations.
7. The General Inspectorate at the Ministry of Justice, the Ministry of Internal Affairs and the Prosecutor-General's Office were engaged in a fight against corruption. Two codes of ethics, each containing non-discrimination clauses, had recently been formulated for prosecutors and the police.
8. In spite of the steps taken to promote prison reform, overcrowding and general conditions of detention remained a problem in some prisons. Action was therefore being taken to refurbish existing prisons and to build new ones where necessary. Two new prisons had already been opened and inadequate old prisons would gradually be closed down. In addition, alternatives to custodial sanctions would be sought. Budgetary allocations for medical treatment and food for detainees had been increased over the past three years. The prison reform process had already yielded positive results.
9. Almost all temporary detention cells at the Ministry of Internal Affairs, where arrested persons were held for the first 48 hours, had already been substantially refurbished. The cells were monitored by the Unit for Protection of Human Rights and Monitoring.
10. The Government was seeking to make the judiciary system more accessible and effective. Priority had been given to enhancing the independence of judges and strengthening the High Council of Justice through amendments to existing legislation. Judges were encouraged to specialize and bureaucracy was being reduced. Efficient internal judicial discipline mechanisms had been introduced to preserve the balance between judicial independence and accountability. A High School of Justice had been established to improve judges' qualifications and the budgetary allocation to the judiciary had been stabilized.
11. The Government had been unable to exercise effective control over the breakaway regions of Abkhazia and Tskhinvali/South Ossetia. However, it was aware that its positive obligations under human rights law extended to the whole of the national territory. Its approach to conflict resolution was based on a firm belief in the importance of political self-governance, preservation of national identity and safeguarding the cultural rights of regions. It therefore gave priority both to the protection of individual human rights, even in conflict regions, and to the integrity and inviolability of the State and national sovereignty. It fully supported the strengthening of direct dialogue with local communities, the promotion of rehabilitation programmes, even in breakaway regions, and the activation of existing negotiating formats.

12. Responding to question 1 of the list of issues (CCPR/C/GEO/Q/3) concerning action on the Committee's Views regarding communication No. 975/2001 (Ratiani v. Georgia), she said that the Government intended to implement the Views and grant appropriate compensation to the complainant. However, the Committee had left the decision regarding the amount of compensation to the discretion of the State, and the relevant government authorities were currently discussing the matter and examining best practices. Once the amount of compensation was determined, the Ministry of Justice would be responsible for granting it, but it was as yet unclear which authority would determine the amount. The law might need to be amended to assign such authority to the judiciary - perhaps to a higher court or to the Supreme Court itself. At any rate, she assured the Committee that its Views would be implemented in good faith in the near future.

13. Ms. GOLETIANI (Georgia), responding to question 2 concerning legislation on the rehabilitation and restitution of the property of conflict victims, said that the armed conflicts in Abkhazia and the Tskhinvali Region/South Ossetia had made it extremely difficult to safeguard the rights of victims who had been displaced from those regions to other parts of Georgia. The Government had taken several years to develop a legal framework to address the issues involved. The resulting Law on Restitution, which had been adopted in December 2006 and entered into force in January 2007, sought to provide property restitution in compensation for losses suffered as a result of the armed conflict. However, the law applied only to victims from the Tskhinvali Region/South Ossetia and not to those from Abkhazia. The Government was currently preparing to implement its provisions by setting up a tripartite commission and various subcommittees. The commission would comprise three members from the Georgian side, three from the Ossetian side and three representatives of the international community.

14. In addition, a special programme called "My House", which had been launched in 2006 by presidential decree, covered both Abkhazia and the Tskhinvali Region/South Ossetia. The programme was run by the Ministry for Refugees and Resettlement and sought to prevent unlawful transactions and to give victims the right to register their property within the territories concerned. A department within the Ministry was working on detailed maps of Abkhazia and the Tskhinvali Region/South Ossetia. Persons who had lost property provided the department with documentary evidence of their ownership and the property was pinpointed on the map. More than 50,000 families had registered property to date. However, it was extremely difficult to assess their rights without an on-site verification procedure, since the Government did not exercise de facto control over the regions concerned. Once the assessment process was completed, claimants obtained a document from the civil registry at the Ministry of Justice certifying their property rights.

15. Turning to question 3 concerning the implementation of the Covenant in Abkhazia and the Tskhinvali Region/South Ossetia, she said that both regions formed an integral part of Georgia, so that the Georgian State was obliged under article 2 (1) of the Covenant to protect the human rights of all individuals within those territories. However, as the Government was unable to exercise de facto jurisdiction there owing to the establishment of separatist regimes in the early 1990s, it submitted that it should not be held responsible for any violations of rights that occurred. The European Court of Human Rights had dealt with a similar situation in the case of Ilaşcu and Others v. Moldova and Russia, in which it had held that the exercise of jurisdiction was a necessary condition for a contracting State to be able to be held responsible for acts or

omissions that gave rise to an allegation of the infringement of rights and freedoms set forth in the European Convention on Human Rights. However, her Government took all appropriate measures to fulfil its obligations, acting in accordance with the principle of due diligence. For instance, on numerous occasions it had informed the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the relevant special procedures of alleged human rights violations in the regions concerned and had requested support and cooperation in preventing such violations. The Georgian law enforcement agencies usually initiated investigations of alleged human rights violations in spite of their inability to enter the territories in order to collect evidence and interview witnesses. Moreover, with regard to Abkhazia, Georgia supported the confidence-building measures agreed in the context of the Geneva talks held under the auspices of the United Nations.

16. Referring to question 4, she said that refugees in Georgia received a monthly allowance from the State budget and, as of April 2007, had been eligible for a so-called “temporary residence licence”, which enabled them to work, enrol in education and access health care.

17. With regard to the alleged illegal deportation of Chechen refugees, she said that the persons in question had not been deported but had been extradited in accordance with international standards. Notwithstanding, the European Court of Human Rights had found a violation by Georgia of its obligations under the European Convention on Human Rights. In response, legislative amendments had been introduced to provide for appeals against extradition orders issued by the Prosecutor-General. Also, persons awaiting extradition must be informed of all stages of the proceedings against them and could not be extradited to States where they might be subjected to torture or other forms of inhuman or degrading treatment.

18. Ms. TOMASHVILI (Georgia), replying to question 5, said that, in order to combat domestic violence, the Government had adopted the Law on the Elimination of Domestic Violence in 2006 and, more recently, an action plan. The Law provided for the issuance of restrictive and protective orders, awareness-raising activities, special training for law enforcement officials and the establishment of shelters for victims of domestic violence. In that framework, issues pertaining to domestic violence had been included in the training curriculum of the police academy. Details on the nature, scope and application of restrictive and protective orders were provided in the written replies.

19. Article 137 of the Penal Code established rape as a criminal offence, irrespective of the relationship between the perpetrator and the victim, thus providing for the prosecution and punishment of all forms of rape, including marital rape. While there were no explicit provisions concerning incest, under the Penal Code sexual abuse involving violence, coerced intercourse or any other act of a sexual nature, and engagement in intercourse or any other act of a sexual nature with a person under 16 years of age were criminal offences. Article 9 of the Law on the Elimination of Domestic Violence also established domestic violence involving murder, inhuman or degrading treatment or the infliction of physical harm as a criminal offence. Relevant statistical data were provided in the written replies.

20. The operation of shelters for victims of domestic violence fell within the remit of the Ministry of Health, Labour and Social Affairs. In practice, most shelters were operated by NGOs, with ministerial support. The Ministry was currently in the process of formulating guidelines for the operation and staffing of such shelters. The recently adopted national action plan to combat domestic violence provided, inter alia, for active NGO participation in awareness-raising campaigns.

21. Mr. GIORGADZE (Georgia), replying to question 6, said that the voluntary nature of marital union, which implied the free and full consent to marriage by both parties, was established in both the Constitution and article 1,106 of the Civil Code. “Bride-kidnapping” occurred in isolated cases only, and measures had been taken to prevent and punish the practice. Bride-kidnapping constituted “illegal deprivation of liberty” and as such was punishable under article 143 of the Penal Code. Sanctions ranged from 2 to 12 years’ imprisonment and there was no reduction of penalties in the case of subsequent marriage of the victim and the perpetrator. With a view to prevention, the issue was discussed in the context of civil and human rights education in schools and universities, law enforcement officials received special training, and Georgia’s NGO anti-violence network engaged in extensive monitoring and awareness-raising activities. All those measures, he hoped, would facilitate the gradual eradication of bride-kidnapping.

22. Mr. MIKANADZE (Georgia), responding to question 7, said that most deaths in prison had non-violent causes. Measures to address the problem, including institutional changes, staff training and better health care for inmates, had helped reduce the number of prison deaths in recent years. There was now a prison hospital and a separate facility for inmates suffering from tuberculosis. If adequate treatment could not be provided in either of those facilities, the prisoner could be transferred to an ordinary State hospital. All prison deaths were the subject of criminal investigations and relevant information was available on the Ministry of Justice website, which was updated monthly.

23. Mr. GIORGADZE (Georgia), addressing the question of excessive use of force by law enforcement officials, explained that when the new Government had assumed power in 2003, efforts to combat the highly developed and well-organized criminal networks and the high crime rate had been given priority. Criminal networks had responded to that strategy with extreme aggression, and the armed clashes that had caused the deaths of both law enforcement officials and criminal suspects had been a regrettable, yet unavoidable, consequence of the legitimate fight against organized crime.

24. The Government did its utmost to prevent such incidents, which had been the subject of investigation. Existing legislation governing the use of lethal force by police officers was basically consistent with international standards. It addressed issues such as necessity and proportionality, and provided for mandatory investigation of all cases of use of firearms by law enforcement officials, regardless of the outcome. As a result, the number of suspects killed had been reduced to two in 2007, compared with nine police officers killed on duty over the same period. Those positive developments were partly due to the gradual elimination of criminal networks, but also to improved human rights training for law enforcement officials and a focus on developing the skills necessary for the prompt and realistic assessment of critical situations.

25. Guidelines for the recruitment and training of law enforcement officials had also been included in a draft anti-torture action plan for 2008-2009. In addition to their academic aptitude, applicants must meet certain personality criteria, and those prone to violence were not admitted to the police academy. The recently adopted code of ethics for police officers placed special emphasis on issues relating to the use of force, and awareness campaigns highlighted the responsibility of law enforcement officials for protecting civilians.

26. Extensive investigations had been opened into the incidents that had occurred in Tbilisi prison No. 5 on 27 March 2006; detailed information was provided in annex I to the written replies. Aside from the investigation of allegations of hampering the operation of the prison and abuse of authority, separate proceedings had been initiated to ascertain the cause of the deaths of seven prisoners. Given the nature and scope of the case, investigations were time-consuming and no findings were available to date.

27. Ms. TOMASHVILI (Georgia), replying to question 8, said that mechanisms to monitor conditions of detention included the Public Defender's Office, the human rights protection unit within the Prosecutor-General's Office and the human rights monitoring unit within the Ministry of Internal Affairs, all of which must be granted access to detention facilities without prior notice. The reports prepared by the respective monitoring mechanism were submitted to the Prosecutor-General's human rights protection unit and could be used as a basis for instituting proceedings for ill-treatment in detention or violation of procedural guarantees in the course of arrest.

28. On entering a penitentiary facility, persons in pretrial detention underwent a medical examination, the results of which were kept on file in the prison. There were several measures in place to ensure that prisoners' complaints were heard. Staff of the Prosecutor-General's human rights protection unit had the right to visit detainees. There were also internal monitoring systems to ensure respect for prisoners' rights in all penitentiary institutions and in the Ministry of Justice. That Ministry had issued two decrees to ensure that complaints by detainees remained confidential and were sent to bodies such as the Public Defender's Office and the European Court of Human Rights without being seen by prison staff.

29. An inter-agency coordinating council had been established in 2007 to make recommendations on combating torture, and inhuman and degrading treatment. Its members included representatives from the Government, government institutions with human rights protection units, the Public Defender's Office, international and local NGOs and individual experts in the field. In drafting its anti-torture action plan, it had taken into consideration relevant recommendations, such as those made by the United Nations Committee against Torture and the Special Rapporteur on the question of torture. The draft contained recommendations on the need for high-level officials to ensure zero tolerance of torture and ill-treatment, for effective prosecution in such cases and for increased transparency in the work of all human rights monitoring units. It also recommended amending legislation in order to ensure that all police officers and prosecutors adhered to their professional codes of conduct. Other recommendations included bringing the penitentiary system guidelines into line with human rights requirements, and reducing the use of pretrial detention as a custodial measure. Statistics had shown that the number of prosecutions in cases of alleged torture or inhuman or degrading treatment had increased from 24 in 2005 to 40 in 2007.

30. Mr. GIORGADZE (Georgia), turning to question 9, said that under the Constitution, victims of torture or inhuman or degrading treatment or punishment by officials of State organs were entitled to financial compensation. Criminal and civil legislation included effective mechanisms under which the State was obliged to provide reparation in such cases. However, since those provisions were currently not widely known among lawyers and the public, the Government planned to take measures to raise awareness of the right to compensation in such cases.

31. Mr. MIKANADZE (Georgia), replying to question 10, said that independent experts from the Council of Europe had made mainly technical suggestions on the draft penitentiary code. The majority of those suggestions had been incorporated in the draft, which was currently before parliament. In June 2007, parliament had amended the Law on Imprisonment, giving prison governors the right to increase the number of family visits prisoners could receive. A prison's social service and the public monitoring commission could make recommendations to the governor on that issue. The number of additional visits was at the discretion of individual governors.

32. Turning to question 11, he said that the Government had taken significant steps to improve prison conditions and reduce overcrowding. Existing prisons had been refurbished and new ones built in consultation with international experts in order to guarantee international minimum standards for prisoners. Six of the country's 17 prisons were currently overcrowded. Prisoners' health care had been included in the health insurance system. Budgetary resources had more than tripled for the treatment of prisoners in State hospitals, and the number of prison doctors had increased. Food in prisons had also significantly improved, thanks to further increases in budgetary allocations. Many prisons had opened shops where prisoners could purchase food and clothes. With the exception of one prison, outdoor exercise was guaranteed for all prisoners. By the end of 2007, a new prison with capacity of 4,000 would be built in Tbilisi, thus ensuring that right for all prisoners.

33. Mr. GIORGADZE (Georgia), replying to question 12, said that alternatives to pretrial detention were inappropriate in cases involving organized crime. There had, however, been a steady increase in the application of alternatives to pretrial detention in other cases since the beginning of 2006, in accordance with the policy of the Prosecutor-General's Office. Under the amended Code of Criminal Procedure, which was currently before parliament, the range of alternatives to pretrial detention had been increased. The Government had decided to establish a new national human rights institution which should prove more effective and transparent than the existing one.

34. Ms. PALM commended the State party for the extensive legislative reforms it had implemented, particularly in the areas of domestic violence and court reform. She also welcomed the reporting State's ratification of Protocol No. 13 to the European Convention on Human Rights concerning the abolition of the death penalty in all circumstances and its accession to the Optional Protocol to the Convention against Torture.

35. She asked what specific measures had been taken regarding the Ratiani case, as referred to in question 1 of the list of issues. It would be useful to learn when compensation would be paid. The delegation should clarify whether individuals now had the right to invoke the Covenant before domestic courts. If so, it would be interesting to hear of some examples.

36. On the question of domestic violence, she asked whether courts and prosecutors paid attention to the fact that there was a special relationship between the victim and the perpetrator. It would be useful to know whether penalties were increased when the victim was a woman. It was unclear whether the Government planned to open new shelters for victims of domestic violence. If it did, the delegation should specify how many such shelters were planned. It should also clarify whether protection and restriction orders were systematically followed up and if any penalties had been imposed on perpetrators of domestic violence who had not observed the terms of those orders. The delegation should indicate how many cases of bride-kidnapping there had been, and in which regions.

37. Mr. KÄLIN said that although a positive spirit of reform prevailed at all levels in the State party, many challenges remained in relation to the full implementation of the Covenant. He welcomed the adoption of legislation on restitution of property and compensation for those who had left Georgia and moved to South Ossetia or the Tskhinvali Region, and was pleased to note the Government's efforts to implement it. He asked when the tripartite commission mentioned by the delegation would be able to start its work. He requested information on the relationship between restitution of property and compensation for lost property, and asked which remedy was given priority. He commended the efforts being made in connection with restitution of property to persons who had fled from Abkhazia and would be able to prove ownership on their return.

38. A Government's de facto loss of control over a territory did not mean that the population of that territory was no longer entitled to enjoy its rights under the Covenant. Although Georgia accepted its positive obligations under the European Convention on Human Rights, such obligations also existed under the Covenant vis-à-vis the populations of Abkhazia and South Ossetia. He welcomed the fact that the Government of Georgia encouraged international human rights mechanisms, including the special procedures of the United Nations Human Rights Council, to visit those territories in order to ensure that the people could continue to enjoy their rights under the Covenant.

39. Turning to the issue of Chechen refugees, he said that the Committee welcomed the positive developments, including amendments to the relevant legislation, and the recent granting of temporary residence permits. He wondered whether those measures were sufficient to prevent the recurrence of such tragic cases as the illegal deportation of Chechen refugees, which the Committee had referred to in question 4 of the list of issues. He wished to know whether mechanisms could be established to speed up the process of referral of asylum-seekers from the border authorities to the asylum authorities, in order to fully ensure that refoulement would not occur.

40. Mr. SHEARER said that he had noted the situation resulting from the lack of de facto Georgian government control over Abkhazia and South Ossetia. He wondered what the situation was in the Adzharia Autonomous Republic, and whether the Covenant was fully implemented in that territory.

41. Referring to the issue of deaths in custody, he asked why there had been such a sharp increase in the prison population from 2005 to 2006. Had the investigations into the prison riot that had taken place in March 2006 resulted in any murder charges being brought against law enforcement officials? He asked the delegation to comment on the use of special forces in such circumstances, and whether those forces formed part of the regular prison guard.

42. He asked whether a written copy of legislation on the use of force by the police could be provided to the Committee. Although the Government had made efforts to address the issue of ill-treatment in prisons, the Committee would appreciate detailed information on cases of police officers who had been sentenced to deprivation of liberty for having perpetrated torture or ill-treatment. He wished to know how many law enforcement officials had been suspended following allegations of torture or ill-treatment, and whether law enforcement officials in and outside prisons were required to wear badges with traceable numbers.

43. Turning to question 9 of the list of issues, he asked whether article 42 (9) of the Constitution was being implemented in practice, since the Chairperson of the Georgian Parliamentary Human Rights and Civil Integration Committee had stated that no cases for compensation had ever been successfully prosecuted under that provision. He wished to know whether it was possible for courts to grant compensation to victims of torture in cases where the perpetrator had not been convicted, based on the civil onus of proof.

44. The Committee tended to encourage the use of alternatives to deprivation of liberty as a means of improving the situation with regard to overcrowding in prisons, rather than the building of new prison facilities. He asked whether it was indeed the case that one prison was so overcrowded that prisoners had to sleep in shifts. He welcomed the efforts to increase budgetary allocations for health care and food in prisons. He requested information on alternatives to detention after conviction and whether parole and conditional release were available for appropriate prisoners. The Committee had been informed that in 2006 the President of Georgia had called for zero tolerance for minor offences, which suggested either that offenders should spend time in jail or that bail should be uncommon. He requested an explanation of the statistics that had been provided regarding bail.

45. Ms. MOTO, referring to question 10 of the list of issues, inquired about the extent to which the legislative changes relating to the penitentiary system were actually implemented. She wished to know whether penitentiary institutions were subject to inspection and whether quality of life had improved for those in detention as a result of the changes. In view of the State party's weak economic capacity, she wondered how the quality of life of prisoners compared with that of the rest of the population, and what progress had been made in that regard. She asked whether the reason why prisoners were not allowed outside to take exercise was fear that they would escape as security was deficient. She asked how frequently prison escapes occurred.

46. Mr. AMOR said he welcomed the progress that had been made through legislation and policies. He had studied the Georgian Constitution but had been unable to access the organic law on the Constitutional Court. He requested clarification of the practical scope of the provisions of article 39 of the Constitution. Article 65 of the Constitution on ratification of international treaties stated that the Constitutional Court could deem a treaty unratifiable for constitutional reasons. He asked whether that issue had been raised in connection with the Covenant, and why Georgia had not made a declaration under article 41 of the Covenant. Regarding articles 83, 88 and 89 of the Constitution relating to the Constitutional Court, he asked whether the Court exercised control a priori or a posteriori; if it was the latter, he invited the delegation to explain

the refusal to take account of the effects of laws that had been deemed unconstitutional in the past. He asked whether an exception could be granted by tribunals before which an unconstitutionality suit had been initiated, or whether such issues must be referred to the Constitutional Court. He inquired under what procedure civilians could bring cases before that Court.

47. Sir Nigel RODLEY said that the Committee welcomed the substantial reduction in the number of allegations of police torture. The Committee had, however, been informed by NGOs that at the time of first arrest by police, accused persons were often treated brutally, which could seriously affect the procedures that followed. He asked what mechanisms were in place to monitor the behaviour of the authorities in that regard.

48. On the issue of overcrowding in prisons, he said persons deprived of their liberty by the State were not in a position to take care of themselves, and there must therefore be a minimum international standard for prisoners' food. The issue of overcrowding remained a matter of concern, since the reality of the situation was appallingly oppressive and should not be allowed. Although the Government envisaged a response by 2008 or 2009, more radical solutions should be contemplated sooner, such as the release on parole of all first time non-violent offenders.

49. Turning to the question of compensation for torture, he said that the domestic provisions relating to torture seemed inadequate, and the need to sue a particular individual in order to get compensation was not a plausible solution. The delegation had referred to chapter 28 of the Code of Criminal Procedure, under which an act of torture or ill-treatment could be addressed regardless of whether the detention itself was legal or illegal. He asked why that potential remedy had not been used.

The meeting rose at 6.05 p.m.