



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

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COMMITTEE AGAINST TORTURE

Thirty-ninth session

SUMMARY RECORD (PARTIAL)* OF THE 796th MEETING

Held at the Palais Wilson, Geneva, on Wednesday, 14 November 2007, at 3 p.m.

Chairperson: Mr. MAVROMMATIS

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* No summary record was prepared for the remainder of the meeting.

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The first part of the meeting (public) was called to order at 3 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 19 OF THE CONVENTION (agenda item 5) (*continued*)

*Fourth periodic report of Estonia (CAT/C/80/Add.1, CAT/C/EST/Q/4/Add.1;
HRI/CORE/1/Add.50/Rev.1) (continued)*

1. *At the invitation of the Chairperson, the members of the Estonian delegation resumed their places at the Committee table.*

2. Mrs. OLESK (Estonia) said that the Penal Code contained no section specifically devoted to the definition of torture contained in the first article of the Convention, but that those constituent elements were covered by various sections, in particular section 122. That section did not mention the specific purposes or motives underlying torture, nor the involvement of a public authority, but the Chancellor of Justice considered that it was nevertheless possible to prosecute officials on the basis of that section, which would apply in the case of trauma or mental suffering provoked by physical mistreatment inflicted repeatedly or involving great pain. Estonia did not consider it necessary to amend the section, as the constituent elements of mental torture were covered there. Cases had also been prosecuted on the basis of other provisions of the Penal Code, which targeted specifically acts of torture committed by State officials. Such was the case with section 291 of the Penal Code on “Abuse of authority”, which provided that any official who resorted illegally to a weapon, special equipment or violence in the exercise of his functions was liable to a penalty of up to five years imprisonment. The word “violence” covered both physical and mental violence. There was also section 312, which punished the use of violence by Government officials in the course of a preliminary investigation, in order to obtain confessions. Finally, section 324 covered any prison staff member who, taking advantage of his status, offended against the dignity of a prisoner or a detainee, committed acts of discrimination against that person, or illegally restricted his rights.

3. Statistical data on complaints, investigations, prosecutions and convictions under section 122 of the Penal Code as well as compensation for victims were to be found in Estonia’s responses to the list of issues to be taken up (CAT/C/EST/Q/4/Add.1). With respect to the other sections mentioned, it should be noted that in 2006 there were 82 cases opened on the basis of section 291. Of those 82 cases, 67 were dismissed, 2 were referred to the competent court, and 13 were still under investigation. The last cases opened under section 312 of the Penal Code dated from 2005 and had been closed without action. Finally, with respect to section 324 of the Penal Code, no action had been taken in the four cases opened in 2005. In 2006, a single case had been opened and it was still pending.

4. With respect to direct application by the Estonian courts of the definition of torture set forth in the first article of the Convention, it should first be noted that article 18 of the Constitution gave primacy to international law and provided that in the case of a conflict between Estonian laws or regulations and duly ratified international instruments, the latter would prevail. The definition of torture in the first article of the Convention was stated in general terms and was not applied by the courts, because to do so would be contrary to the principle of legality by virtue of which judges could not rule that a crime or offence had been committed, nor could they impose a penalty, without having a sufficiently precise text on which to base the ruling or the penalty.

5. With respect to legislative measures adopted by Estonia to give effect to the principle of universal jurisdiction, she said that this principle was enshrined in section 8 of the Penal Code, which made Estonian territorial law applicable to any act committed outside Estonian territory, regardless of the legislation in force in the place where it was committed, if that act constituted an offence under an international instrument to which Estonia was party.

6. On the question of the right to legal counsel, any person suspected of a criminal offence must be promptly offered the opportunity to choose a lawyer. Persons placed in detention had the right to confer with a lawyer in the place of detention. Generally speaking, access to a lawyer was guaranteed at all stages of criminal proceedings.

7. On the admissibility of evidence obtained through torture, section 64 of the Code of Penal Procedure expressly prohibited the use of violence to obtain a statement from a suspect. Moreover, under section 312 of the Penal Code the use of violence by an examining magistrate or by a prosecutor in order to obtain a statement was prohibited. Any person whose complaint of torture or other cruel, inhuman or degrading treatment was rejected could appeal that decision within 10 days of its notification. The prosecutor's office must then issue a decision within 15 days. If the complaint was again rejected, the victim had one month to appeal to the courts.

8. The maximum duration of provisional detention was currently six months, while during the transition period (from 1 July to 31 December 2004) it had been one year. Provisional detention could not be extended except at the request of the Prosecutor General, and only when the case required international legal assistance or was particularly complicated. Provisional detention could be extended only for intervals of one month, renewable.

9. Mrs. HION (Estonia) said, with respect to the measures taken by Estonia to give effect to article 3 of the Convention, that under the new law on refugees, the authorities must evaluate the risk of torture before sending any claimant back to his country of origin. To evaluate the risk, the authorities considered the general situation of human rights in the country concerned and whether that country applied the death penalty. The forced return of an alien to his country of origin was authorized only if it was a "safe" country. Under Estonian law, a country was considered safe if it was a party to international human rights instruments and if it observed their provisions (in particular arts. 32 and 33 of the Convention on the Status of Refugees, art. 3 of the Convention against Torture, and art. 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms) and if an asylum-seeker was protected there against persecution and expulsion to a country, including his own, where such protection was not guaranteed.

10. The Ministry of Justice had received no requests for extradition from countries where there might be a risk of human rights violations, and no extradition request presented by Estonia had been rejected on the grounds that human rights might be violated in Estonia. In 2004, the Minister of Justice had refused to extradite to Turkey a Turkish citizen who also had Swedish nationality, and whose repatriation had been requested by Sweden. In 2007, Estonia had received 47 requests from other countries of the European Union in connection with European arrest warrants, and had itself submitted 31 such requests. In 2006, the figures were 30 requests received and 42 presented. Estonia had neither requested nor received any diplomatic assurances, and had not returned anyone to a country where he risked being tortured or mistreated.

11. The detention of persons under an expulsion order was subject to authorization by the administrative tribunal, to which the person in question could submit an appeal. The administrative tribunal was also responsible for overseeing the conditions of detention. It could authorize detention for a period of two months, with a possible extension of two months. Cases of prolonged detention of persons awaiting expulsion had been cited; Russian nationals had in fact been detained for relatively long periods, for they had no documents in their possession and they refused to cooperate with the Estonian or Russian authorities in preparing new papers. Once the treaty on readmission between the European Union and the Russian Federation was in force, that problem would no longer exist. As to the specific case cited, the person had been released on the orders of the administrative tribunal.

12. Between 1997 and 2007 Estonia received asylum-seekers from the following countries: Iraq (20), Russia (19), Turkey (16), Pakistan, Afghanistan (8), Georgia (6), Nigeria (5), Syria, Uzbekistan (4), Belarus, Algeria, Armenia, Azerbaijan, Ukraine (3), Sri Lanka, Turkmenistan (2), Japan, Gambia, Ghana, India, Cameroon, Lithuania, Moldova, Sierra Leone and Somalia (1). Between 2000 and 2007, 4 persons had been granted refugee status and 10 a subsidiary protection measure. Finally, an unaccompanied minor had applied for asylum in 2001. In 2007, there were 996 cases of illegal immigration considered by the Citizenship and Immigration Board; fines were imposed in 892 of these cases, 67 other persons were asked to leave the country, and 129 were authorized to remain in Estonia

13. The Council of Europe had conducted an enquiry on the illegal transfer of detainees. At that time, Estonia had advised that if the activities of foreign security agents constituted violations of fundamental rights they could not be treated as information activities: if the case arose, a criminal enquiry would be opened and the perpetrators brought to justice. International treaties, and more particularly European ones, applied to the arrival or transit of detainees. The transport of detainees across Estonian territory was subject to authorization by the Ministry of Justice and was regulated by the Code of Penal Procedures. Entry was refused if the acts for which the detainee was being transported were not punishable under the Estonian Penal Code or if the offence was of a political or military nature, or again if the person in question faced the death penalty. Estonian territory could be entered only at border posts and in accordance with regulations. Under the law on international military cooperation, authorization for military aircraft to penetrate Estonian airspace was delivered by the Ministry of Defence. Estonia had advised that no international transport of detainees had been reported on its territory and that no Government agent had been involved in the detention or transportation of such persons. Consequently, there had been no further enquiry on that subject.

14. Mrs. OLESK (Estonia), describing the activities of the Chancellor of Justice, said that official was appointed for seven years and also fulfilled the functions of mediator and guardian of constitutionality. Once a year, the Chancellor prepared a summary report of his activities, which was published on the Internet. The Chancellor had three essential tasks. The first was to vet the constitutionality of proposed legislation and executive acts and, if he considered a legal act to contravene the Constitution or a law, he would ask the agency that had adopted it to amend it within 20 days, failing which he could refer to the Supreme Court to nullify the act in question. Second, the Chancellor acted as a mediator, and as such sought to ensure that Government agencies, local authorities and any physical or

legal person exercising public functions was respecting fundamental rights and freedoms and the principles of good administrative practice. He could make recommendations and proposals for remedying any failures noted, and his proposals were nearly always respected. Finally, the Chancellor received petitions and initiated procedures. In 2006, he had rejected 65.4 per cent of petitions for various reasons explained to their originator: in general, the case was not within his jurisdiction because it involved a question of private law or a very particular issue requiring specialized expertise. In such cases, the petition was generally transmitted to the competent body, but the Chancellor always monitored the case: if the body in question did not follow up satisfactorily, he would initiate proceedings against it. Other grounds for rejecting a petition included the fact that the person concerned had not availed himself of other remedies, or the fact that the case was already the subject of proceedings, or that the petition was manifestly unfounded. Even if the case were clearly not within his jurisdiction, the Chancellor did his best to ensure that the problem was resolved.

15. Since February 2007, the Chancellor had been responsible for overseeing implementation of the optional protocol to the Convention, and had in fact been very active in this area. A working group on the optional protocol had been established to prepare directives governing inspections. A list of facilities receiving persons deprived of their liberty had been established and the Chancellor was collaborating with various institutions (NGOs and public agencies) for conducting the inspections. In the case of psychiatric hospitals, the Centre for the Defence of Patients, the Health Action Council and users' associations were consulted. In the future, such cooperation with civil society would be expanded. During all inspections of detention centres, prisoners and staff alike had the opportunity to meet privately with members of the Chancellor's office. If complaints were registered, the identity of the plaintiff was not disclosed to the institution in question, and an enquiry was immediately opened.

16. On several occasions the Chancellor of Justice had contacted the media to clarify public understanding of the notion of torture, and his staff held conferences for the personnel of detention centres, dealing with fundamental rights and the prohibition on torture and mistreatment. Proposals and recommendations were made to psychiatric hospitals, prisons, reception centres, special schools etc. in order to eliminate risks of torture and improve administrative practices; those proposals and recommendations were published at the Chancellor's website and were nearly always followed by the institutions in question. All correctional institutions, prisons, detention centres and psychiatric institutions were scheduled for inspection by the end of 2008.

17. Mrs. AMOS (Estonia) said that the conditions of detention in Estonia were increasingly compliant with international standards, as the authorities had undertaken not only to modernize older facilities but also to create new ones. The prison population had dropped by 20 per cent thanks to various measures such as electronic surveillance and conditional release, and consequently the space allocated to each detainee had increased; by law, the minimum surface area per prisoner was 2.5 square metres, whereas the European standard was 4 square metres. Currently, each detainee had in practice 2.76 to 10.98 square metres. With respect to improper resort to force by penitentiary personnel, six proceedings had been initiated under section 291 of the Penal Code in 2006; five proceedings were under way in 2007; and four proceedings had been concluded under section 324 of the Penal Code.

18. At the beginning of 2007, 61.5 per cent of detainees were of Estonian nationality, 33 per cent were stateless, and 5 per cent were foreign nationals. With respect to the Roma, 1 was under arrest, 17 were in detention pending trial, and 25 were serving prison sentences. By law, all prisoners were treated equally, whether or not they were Estonians. To accommodate language problems, non-nationals enjoyed a special regime to help them understand their rights and obligations and to cope with official documents or forms. If a foreigner asked to serve his sentence in his home country, arrangements would be facilitated. Moreover, since 1 September 2007 the Estonian language was taught in penitentiaries, and prisoners taking such training received a salary, with the goal of helping them to integrate subsequently into society. Prisoners were tested for HIV upon reception, and they could later ask the prison doctor to repeat that screening.

19. Violence among prisoners was a major concern of the Ministry of Justice, and for this reason older establishments of the “prison camp” type were being replaced by facilities with individual cells. A new internal control unit had been set up to prevent violations of prison rules. By 2010, the only prison of the older type still in existence would be the Murru facility. There, the following measures had been taken to prevent violence among prisoners: prisoner movements were now better controlled, and door locks and opening devices had been modernized. In cases of prisoner violence, criminal proceedings were systematically initiated, and the medical service was careful to examine and report any injuries. There was greater use of video surveillance and the law allowed certain types of prisoners to be held separately for their own safety or that of other prisoners, with the proviso that such measure must be re-examined every three months.

20. With respect to the deaths of two prisoners at the Murru prison, an investigation was under way. Three prison staff members and seven inmates had been investigated. Following that incident, all the prison’s management personnel had been replaced. Efforts had also been made to increase the number of guards and improve their working conditions, in particular by raising their salary, and information campaigns had been conducted to restore the image of penitentiary personnel.

21. Statistics had been requested on prison violence. The offences reported in 2007 included 2 murders, 27 cases of physical assault, and 8 of sexual assault. No decision had yet been taken in those cases. It should be noted that no case of torture had been reported.

22. Resort to force by police officers and penitentiary staff was closely regulated by law, which authorized it only when strictly necessary.

23. Mrs. AMOS (Estonia) said that there were in all 16 provisional detention centres in Estonia, under the direct supervision of the police. They were used primarily for holding persons undergoing preliminary investigation, but prison sentences not exceeding three months could also be served there.

24. The detention conditions in those centres were not always up to standards for preventing cruel, inhuman or degrading treatment, particularly with respect to the number of inmates, which was often very high. The Ministry of the Interior was aware of the problem and was hoping to remedy it in 2008 with the construction of new provisional detention centres. The Chancellor of Justice had submitted a recommendation to the Police Board that no further detainees should be admitted to centres where detention conditions were especially bad. The average length of

provisional detention was 6.5 days in 2006 and 6.3 days in 2007. There had been no recent reports of violence involving persons in provisional detention.

25. Medical assistance in provisional detention centres was inadequate. Except in the largest facilities there was no on-site physician, and there was often not even a nurse or a basic pharmacy. Persons placed in provisional detention were not subjected to a health check upon arrival. The Chancellor of Justice had recommended to the Ministry of the Interior in March 2007 that measures should be taken urgently to ensure that medical services were available to prisoners in provisional detention centres. The Ministry of the Interior was currently working on solutions. The Chancellor of Justice would be devoting most of his time in the coming year to a systematic evaluation of the quality of medical care in the provisional detention centres, which would also involve representatives of the Health Affairs Board and various experts.

26. Mrs. LEPIK VON WIREN (Estonia) said that the Tallinn riots of April 2007 had caused grave public disruption and considerable material damage. A total of 99 instances of vandalism had been recorded. Damages had been assessed at 60 million kroons, of which 19.5 million had been covered by the State. During the riots, the police had arrested nearly 1,200 people, most of whom had been released after being identified, either immediately or six hours at most after their arrest. Medical assistance was offered to persons in need. The police officers on the spot at the time of the riots had not used force beyond the measure strictly necessary to restore calm. The Chancellor of Justice had visited the police stations at the time of the events and had on that location received no complaints about police violence or the lack of medical care from persons who had been arrested. Subsequently, 50 complaints of police violence had been sent to the police, and 52 to the Chancellor of Justice, 12 of which were referred to the prosecutor's office for a criminal investigation. Six complaints were dismissed for lack of evidence constituting an offence. Of the 300 rioters arrested, 85 were charged; to date, 65 of them had been tried. The cases of 13 minors had been transmitted to a juvenile court.

27. Mrs. PALUSTE (Estonia) said that the psychiatric hospitals and the psychiatric units of the general hospitals had a total of 723 beds, or 52 beds for every 100,000 inhabitants, which was comparable to the ratio in other European countries. According to statistics from the Ministry of Social Affairs, there were 14,000 persons admitted to psychiatric hospitals in 2006, for stays averaging 16 days.

28. Over the past five years, the average length of stay in psychiatric hospitals had declined from 26 to 16 days; the number of psychiatric disorders diagnosed for the first time had risen by 10 per cent, while the number of hospitalizations had remained stable, as ambulatory treatment became more frequent. The bed occupancy rate and waiting times for admission in psychiatric wards seemed to indicate that the psychiatric services were currently functioning very well. These indicators were however being constantly monitored.

29. All Estonian hospitals were independent institutions under private law. The provision of medical services required a licence issued on the basis of criteria defined in the regulations of the Ministry of Social Affairs. The licensing system allowed minimal standards to be enforced. The renovation works carried out over the previous 10 years had resulted in many improvements, and new hospitals were planned for construction in coming years.

30. The body responsible for issuing licences and overseeing hospital compliance with regulations was the Health Affairs Board. Under the direct supervision of the Ministry of Social Affairs, the board supervised the quality of care dispensed and examined complaints. Since 2006, the board had been authorized, under amendments to the Mental Health Act, to conduct inspection visits in all psychiatric hospitals. It had already conducted several visits of this type, following which it had made various recommendations to the effect that decisions on involuntary hospitalization and resort to physical restraint should be subject to stricter rules, and in particular that they should be justified by the attending physician.

31. The Estonian sickness insurance fund was also monitoring closely the quality of care and treatment offered. It regularly dispatched experts to conduct inspections in hospitals. Those inspections were to be extended to psychiatric hospitals during the course of 2008.

32. Future health workers were trained at the University of Tartu, as well as in two institutions of applied higher learning. All students, whatever their area of specialization, were taught to identify signs of torture and of physical violence and to recognize symptoms of psychiatric disorders resulting from psychological violence. Throughout their career, health professionals took refresher courses sponsored by the University of Tartu or the two higher education institutions mentioned above. Other institutions with particular health-care needs, such as prisons, could also arrange training sessions for medical staff in such areas as identifying the symptoms of violence.

33. Hospitalization orders were governed by the Mental Health Act, as amended in 2006. That amendment had specified the circumstances in which involuntary hospitalization was justified, to protect the health of the patient, and had clarified the psychiatrist's responsibilities, in particular the duty to justify his decisions. When involuntary hospitalization was ordered on the basis of the psychiatrist's decision alone, i.e. without the intervention of a judge, it could not exceed 48 hours. Restraint measures and emergency involuntary hospitalization procedures were also regulated more closely by the new provisions of the Act.

34. Mrs. KOKK (Estonia) said that, while human trafficking was not a separate offence, it was covered by 16 sections of the Penal Code prohibiting related activities. According to data in the registry of criminal proceedings, some 160 offences that could be tied to human trafficking had been recorded in Estonia in 2006.

35. With respect to witness protection, Estonian criminal procedure allowed witnesses to retain their anonymity and there were several measures of protection, such as concealing the witness's identity from a criminal, contained in the witness protection act. Estonia had also concluded an agreement with Latvia and Lithuania in this matter.

36. Estonia had four specialized shelters for victims of domestic violence. In 2005 those shelters had accepted 309 individuals, including 136 children. Services consisted of psychological support and legal counselling, also available in Russian, and were offered to all victims who met the required conditions, without distinction as to ethnic origin or nationality. There were also programmes for the perpetrators of domestic violence.

37. Information on assistance services for victims and on procedures for compensation could be consulted at the website of the Ministry of Social Affairs, the Social Insurance Board, and various non-governmental organizations working with

victims. Explanatory brochures could also be obtained from Social Security offices, police stations, and social services. The police were required to advise victims of the means by which they could seek reparations. The victim assistance department of the Social Insurance Board regularly offered courses for police officers, judges, prosecutors and social workers.

38. The delegation had been asked whether compensation could be paid for moral damage. Moral damage did not produce rights to financial compensation but victims were offered measures of psychological support, in particular. Under the Victim Assistance Act, damages giving right to compensation were limited to serious bodily injury leading to disability, onerous medical treatment costs, or the death of the victim. The relatively low proportion of compensation paid, compared to the total number of claims submitted, reflected the fact that many of those claims were for damages other than those expressly stipulated in the law, and were consequently rejected.

39. At the beginning of 2007, the compensation rate was increased by an amendment to the Victim Assistance Act, whereby the State would henceforth reimburse 80 per cent rather than 70 per cent of the actual costs of caring for the victims, to a limit of 150,000 kroons.

40. Mrs. HION (Estonia) said that in the wake of independence, 34 per cent of the people living in Estonia were of unknown nationality. Thanks to the naturalization policy pursued since that time, such persons currently represented only 8.3 per cent of the total population. The Government was continuing its policy of integrating these people by encouraging them to seek Estonian nationality, but in fact, under the Constitution, these persons enjoyed the same rights as the rest of the population with respect to social services and access to justice.

41. When it came to stateless persons, the High Commissioner for Refugees had recognized, in his 2006 report, that the range of rights accorded such persons in Estonia exceeded those stipulated in the Convention relating to the Status of Stateless Persons. Following an in-depth examination of this legislation in respect of the Convention, the Government had concluded that the rights in that Convention were effectively covered by Estonian laws.

42. The CHAIRPERSON thanked the delegation for its responses and invited members of the Committee to raise any supplementary questions.

43. Mrs. SVEAASS (Rapporteur for Estonia) commended the detailed and frank responses of the Estonian delegation and asked whether the activities report of the Chancellor of Justice was also available in Russian.

44. While noting the arguments put forward by the State party concerning its reluctance to incorporate into domestic law the definition set forth in the first article of the Convention, the Rapporteur called the delegation's attention to the fact that it would be a strong symbolic gesture if Estonia were to undertake to ban resort to torture and to treat such practices as an extremely grave crime. In its current wording, section 122 of the Estonian Penal Code did not have that impact. It should therefore be amended to incorporate the notion of psychological torture and to provide penalties more suited to the gravity of the offence.

45. She asked whether asylum-seekers were sometimes entrusted to the Estonian authorities directly by the United Nations High Commissioner for Refugees. She stressed that, in the case of asylum-seekers from Iraq and Afghanistan, the asylum-

granting authorities would need to check very closely whether these persons risked being tortured if sent back to their country.

46. With respect to trafficking, the Rapporteur asked if there were any prevention campaigns for women who might be victims and if that information was published not only in Estonian but also in Russian. Finally, she asked if a patient could be kept in involuntary hospitalization for more than 48 hours, and whether that decision had to be taken by a judge.

47. Mr. KOVALEV (Co-Rapporteur for Estonia) wondered if a stateless person who had an accident or who committed a crime during a stay abroad would be repatriated or extradited, as the case may be, with the help of the Estonian consular authorities.

48. Mrs. BELMIR, noting that a decision of acquittal was supposed to be taken by a judge, asked how it was that the court must dismiss a case when the prosecutor dropped charges. She also wanted to know the maximum length of provisional detention, and who decided to extend it. If, as she understood, the Chancellor of Justice and the Mediator were closely tied to the Government, she wondered if they had complete independence in fulfilling their duties. Finally, she asked the delegation to answer the questions that she had posed previously on the mistreatment of children, police brutality, and legislation on firearms.

49. Mr. GROSSMAN asked the delegation to cite precedents where the courts had used the Convention to interpret domestic law in a criminal case or in examining a suit for compensation. He also wondered if complaints had been brought against the prosecutor's office for authorizing police to use force and whether the administrative tribunals, in deciding expulsion orders, offered full guarantees of due process, and whether individuals covered by such a decision could file an appeal.

50. Mr. MARIÑO MENÉNDEZ asked if discrimination was considered an aggravating circumstance when a person had been tortured by a State agent because of the colour of his skin or his national or ethnic origin. He also wondered if stateless persons outside the country were entitled to diplomatic protection by Estonia. Finally, he asked for clarification of the term "administrative detention" used in paragraph 89 of the report. Who had jurisdiction to order administrative detention and what was the relationship between that measure and detention for purposes of serving a sentence?

51. Mrs. LEPIK VON WIREN (Estonia) said that, under section 59 of the Consular Act, Estonian nationals and stateless persons with an Estonian residence permit were entitled to consular assistance abroad. In case of accident, illness, or death, they were repatriated and, if they were wanted for prosecution, the local authorities would be asked to extradite them.

52. Mrs. AMOS (Estonia) said that all information documents on trafficking were published not only in Estonian but also in Russian, as were the information brochures for patients of psychiatric hospitals. She also assured the Committee that the Chancellor of Justice, appointed by Parliament, had complete independence vis-à-vis the public authorities.

53. Mrs. HION (Estonia) said that extradition requests were examined with great care and that decisions were taken case by case. Expulsion decisions were taken by an administrative body, the Citizenship and Immigration Board, which took into account pertinent international standards including the Convention against Torture.

The decisions of that body could be appealed to the administrative tribunal, then to the Court of Appeals, and finally to the Supreme Court. If the prosecutor abandoned the case, the victim could ask for a re-examination of his complaint.

54. Mrs. OLESK (Estonia) said the maximum period of provisional detention was six months and it could be extended for only one additional month. Every month the judge had to determine whether continued provisional detention was justified. Under the Penal Code, stateless persons were dealt with on the same footing as Estonian nationals, whether they were the perpetrator or the victim of a crime.

55. Mrs. PALUSTE (Estonia) said that when a person was involuntarily hospitalized in a psychiatric institution with problems that could not be treated within 48 hours, the law required that any extension of internment must be authorized by a judge.

56. The CHAIRPERSON thanked the delegation for its detailed responses and declared that the Committee had completed its consideration of the fourth periodic report of Estonia.

The discussion covered in the summary record ended at 5.05 p.m.