



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

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## Committee against Torture Sixty-second session

### Summary record of the 1594th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 22 November 2017, at 10 a.m.

*Chair:* Mr. Modvig

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*The meeting was called to order at 10 a.m.*

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

*Initial report of Timor-Leste (CAT/C/TLS/1)*

1. *At the invitation of the Chair, the delegation of Timor-Leste took places at the Committee table.*
2. **Mr. Dias Ximenes** (Timor-Leste) said that the Government was fully committed to fulfilling its obligations under the Convention and, to that end, had adopted a range of legal instruments, including the Penal Code, the Criminal Procedure Code, the Law against Domestic Violence, the Law on Witness Protection and the Law on Preventing and Combating Human Trafficking, which had significantly improved the protection of the rights enshrined therein. For example, the Penal Code provided for prison sentences of up to 20 years for perpetrators of torture.
3. The Ministry of Justice had implemented a number of initiatives in cooperation with international partners and civil society to help prevent torture and ill-treatment, including awareness-raising campaigns and training for public officials on the Convention and policies governing the use of force by army personnel and police officers. Between 2004 and 2015, the Ombudsman for Human Rights and Justice and a number of United Nations agencies had jointly trained more than two thirds of the entire police force on human rights, the use of force and the prevention of torture.
4. Under the internal rules of the armed forces, perpetrators of torture were subject to disciplinary proceedings and sanctions. In addition, article 167 of the Penal Code provided for prison terms of 2 to 8 years for law enforcement officials found guilty of inflicting physical, mental or psychological harm on detained individuals or altering their decision-making capacity through the use of drugs or other means. Under national law, all detainees, regardless of origin, were guaranteed the rights to legal counsel for the entire duration of investigations involving them, legal aid, communication with family members and access to medical services, including forensic expertise and examinations by specially trained personnel where there was reason to believe that they had been subjected to torture. Indeed, a police forensic and criminal investigation unit had been established to that end. Moreover, statements obtained by means of torture were not admissible as evidence in court proceedings.
5. Prisoners' rights were guaranteed under Decree-Law No. 14/2014, which provided for the protection of their lives, health, personal integrity and freedom of conscience and prohibited torture, ill-treatment and cruel, degrading or inhuman punishment, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners. Efforts were made to ensure that prisoners' meals were both adequate and nutritious. Nurses assigned by the Ministry of Health provided treatment to inmates requiring medical attention, and doctors and mental health specialists paid regular visits to prisons. Furthermore, a network comprising civil society organizations, NGOs, representatives of the Ombudsman for Human Rights and Justice and members of the Government had been established to monitor and ultimately improve conditions in places of detention. In that connection, the Government had installed closed-circuit television cameras in prisons to monitor and curb acts of violence. The Ministry of Justice was taking steps to build a further two prisons, in Baucau and Manufahe, since some facilities had reached full capacity; it had also launched a project for the construction of a juvenile detention centre.
6. Under the Criminal Procedure Code, any individual who claimed to have been subjected to torture or ill-treatment was entitled to lodge an official complaint and seek protection. Law No. 2/2009 on Witness Protection provided for the anonymity of victims and witnesses to prevent their intimidation or persecution in connection with such complaints. While no cases of torture had been reported to the Public Prosecutor, Timor-Leste would deal with any such case in accordance with domestic and international law.
7. Procedures for the provision of compensation to victims of torture and ill-treatment were enshrined in legislation, such as the Law against Domestic Violence and the

Immigration Law, and set out in policies of the Ministry of Social Solidarity. The latter body had developed a support programme to help meet the immediate needs of vulnerable victims, such as women and children, and their families. There were also programmes to provide counselling to victims.

8. The Constitution prohibited the extradition of all persons to States where they faced a risk of torture. Extradition was subject to a court decision, and extradition on political grounds was prohibited. While Timor-Leste had concluded an agreement with the Community of Portuguese-speaking Countries on prisoner exchange and extradition, it had no such agreement with other States parties to the Convention and had yet to process any extradition cases.

9. There had been a number of noteworthy developments since Timor-Leste had submitted its initial report. The Government had adopted the Law on Preventing and Combating Human Trafficking and two four-year national action plans, one to combat gender-based violence and the other to protect children's rights and address corporal punishment in line with the recommendations of the Committee on the Rights of the Child. With a view to promoting human rights and providing support to past victims of human rights abuses, including torture, the Government had inaugurated a national centre to implement the recommendations of the Truth, Reception and Reconciliation Commission. The Ministry of Defence and Security and the national army had collaborated with the Ombudsman for Human Rights and Justice to provide comprehensive human rights training to middle rank army officers. A manual had also been produced for use in future human rights training programmes for army personnel. Cases of violence against lesbian, gay, bisexual and transgender (LGBT) persons had reportedly occurred in Timor-Leste, although no complaints had been made to the national police in that connection. The Government condemned such violence wherever it occurred, and the Prime Minister had publicly called for respect for the LGBT community. Lastly, the national police force was in the process of amending its disciplinary regulations to strengthen regulatory measures against unlawful action by police officers.

10. **Ms. Gaer** (Country Rapporteur) said that the State party was to be commended for the process by which it had prepared its report and for sending a diverse, high-level delegation to engage in a constructive dialogue with the Committee. It was, however, regrettable that the report had been submitted 12 years late. While it was important to recognize that the State party was still in the process of establishing or strengthening its national institutions in the wake of decades of turbulence, it should be stressed that Timor-Leste would be held to the same standards as all other countries that appeared before the Committee.

11. The claim, repeated throughout the report, that there had been no cases of torture in Timor-Leste since it had become a party to the Convention was of great concern, not only because the Committee had received information that suggested otherwise but also because it reflected a serious misunderstanding about the State party's obligations with respect to cases of torture that had occurred prior to the moment of ratification. She would have expected the authorities of Timor-Leste to have anticipated that the Committee would be interested in how they were addressing the serious legacy of torture stemming from the period of Indonesian occupation and the period that had followed the independence referendum of 1999.

12. Noting that the Working Group on Enforced or Involuntary Disappearances had visited Timor-Leste in 2011, she asked whether it was true that, in 2015, the State party had declined to cooperate with the Working Group in the preparation of its follow-up report on the visit (A/HRC/30/38/Add.4). The conclusions reached by the Working Group, which echoed some of the findings of the Committee on the Elimination of Discrimination against Women in its concluding observations on the combined second and third periodic reports of Timor-Leste (CEDAW/C/TLS/CO/2-3), were troubling. In particular, the Working Group had noted that the Government had not yet adopted a national reparations programme, that there was a need to collect disaggregated data on disappearances and that insufficient efforts had been made to strengthen the capacity of the judiciary. The Working Group had underlined that all victims, not only veterans of the independence struggle, should receive social and economic support.

13. In the light of the above, it was a matter of considerable concern that the State party's report contained no reference to any efforts undertaken to provide redress to victims of torture or ill-treatment inflicted between 1945 and 1999, to hold the perpetrators accountable and to investigate allegations of disappearances, including, but not limited to, the abduction of thousands of children. She would be grateful for information from the delegation in that regard.

14. It was her understanding that the Serious Crimes Investigation Team established by the United Nations had completed 311 investigations and had been carrying out a further 60 when it had closed in 2012, at which time it had handed over the investigation files to the Office of the Prosecutor-General. She wished to know what follow-up had been given to those investigations and how many prosecutions, convictions and sentences had resulted from them. Confirmation of whether three cases involving persons charged with crimes against humanity were pending before domestic courts would also be appreciated.

15. The examination of cases by the Special Panels for Serious Crimes in East Timor had stalled owing to the dismissal of international judges, whose presence was required. It would be helpful to know whether the State party intended to re-engage international judges and, if not, what other steps were being taken to ensure that perpetrators of torture, enforced disappearance and other crimes were prosecuted.

16. She had read that the Special Panels had issued more than 300 indictments against persons believed to be living in Indonesia. It was therefore troubling that, according to paragraph 76 of the State party's report, there had been no cooperation between Timor-Leste and other States parties with regard to criminal proceedings for torture since the former's ratification of the Convention. The delegation should explain what measures the State party had taken, or was taking, to obtain judicial assistance with respect to the indictments issued by the Special Panels. She would also like to hear whether the State party had ever requested Indonesia to extradite persons for whom the Special Panels had issued arrest warrants and, if not, why not.

17. She understood that the State party had established a public memory institute — the Chega! National Centre — in July 2017. She would welcome an explanation of what the institute's role would be in ensuring that all victims of torture and ill-treatment committed during the period of occupation and conflict obtained redress.

18. In the report on its 2011 visit to Timor-Leste (A/HRC/19/58/Add.1), the Working Group on Enforced or Involuntary Disappearances had said that massacres such as those of Mauchiga and Maununo-Ainaro in 1982, Kraras-Viqueque in 1983, Muapitine-Lospalos in 1983 and Santa Cruz-Dili in 1991 should be the subject of more inquiry; that processes were needed to ensure that those who had disappeared were looked for and that graves were found and exhumed; and that conducting an accurate assessment of exactly who had disappeared, including thousands of children, would be beneficial to the families. She asked whether it was envisaged that the public memory institute would carry out tasks of that nature and what was being done by the Government to set up a commission to search for disappeared persons and ensure that efforts to identify disappeared children in Indonesia and reunite them with their families would continue.

19. The Committee had received information about a number of high-profile cases in which police and military personnel were alleged to have inflicted severe pain and suffering on persons in their custody. In one such case, which had taken place in Lalulai, a village in Baucau District, in 2014 and 2015, dozens of individuals suspected of supporting the rebel KRM group had reportedly been arrested arbitrarily and tortured by the police to compel them to divulge information on the whereabouts of members of the group. In another case, a team of army and police officials had allegedly lined up a group of women and children, before beating the children with rifles in an attempt to force the women to disclose the whereabouts of their husbands. She would welcome the delegation's comments on those allegations. In particular, she wished to know whether any investigations had been launched and, if so, what their outcome had been.

20. It appeared, from the State party's report and the annexes thereto, that no member of the police or military had been prosecuted for torture or ill-treatment since Timor-Leste had become a party to the Convention. She asked the delegation to indicate whether that was

indeed the case. The report also gave the impression that, in the State party's view, the police and military were capable of addressing allegations of torture and ill-treatment on their own, through disciplinary procedures, and the involvement of the prosecutorial authorities was not necessary in cases where the victim had not filed a formal complaint. It should be made clear that such a view was not consistent with the State party's obligations under the Convention.

21. She would appreciate information on the number of complaints of "maltreatment" — to use the term found in the State party's report — that had been submitted since 2014 to the authorities, including directly to the police or prosecutors, by alleged victims, NGOs and the Office of the Ombudsman for Human Rights and Justice. Moreover, she wished to know how many investigations had been carried out into alleged torture and ill-treatment since 2014, whether any investigations had resulted in prosecutions and, if so, under what article of the Penal Code. The delegation should indicate whether any sentences had been imposed on perpetrators of torture and ill-treatment.

22. She requested specific, up-to-date details of any criminal investigations into the joint military and police operation against the KRM group in 2014/15, a September 2017 case in which police in the Special Administrative Region of Oecussi had publicly beaten, kicked and whipped a group of young men and an April 2017 case in which police had beaten a young man at a football match in Maliana.

23. She would be grateful for additional information on efforts to ensure that impartial investigations were carried out into allegations of torture or ill-treatment. In paragraph 126 of the State party's report, it was mentioned that the Police Forensic and Criminal Investigations Unit had been created within the Ministry of Justice. She would be interested to hear whether the Unit had conducted any investigations into torture or ill-treatment to date and, if so, whether any perpetrators had been prosecuted as a result. The delegation should elaborate on the size and powers of the Unit, indicating whether it could carry out investigations on its own initiative and receive complaints from the Office of the Ombudsman for Human Rights and Justice. Was the Unit empowered to investigate allegations against prison staff and military personnel? If not, did the State party intend to expand the Unit's powers or create similar units in order to ensure that complaints of torture were investigated by an independent body regardless of the alleged perpetrator's institutional identity?

24. The Committee was troubled by the fact that the State party's report indicated that no complaints of torture or ill-treatment had been filed by victims, particularly as ill-treatment of citizens by the police appeared to be a common occurrence. The Committee noted that the national police force was young and that it was making efforts to strengthen its effectiveness. The community police officers initiative was particularly promising. Nevertheless, a recent survey had found that people in every municipality believed that the police and members of the Timor-Leste Defence Force engaged in excessive use of force. Victims of police violence had said that they did not report their cases to the police because they were afraid. Some survey respondents had thought that the failure to hold perpetrators of violence to account was reinforcing the cycle of police violence and impunity. At the same time, respondents had recognized that the police often lacked basic resources, such as uniforms, vehicles and fingerprinting equipment, needed to make them more effective. What measures was the State party taking to ensure that all police officers had uniforms and wore them whenever they were on duty and to provide them with the materials and training they needed to be more effective in investigating crimes?

25. The Committee had received information indicating that senior officials, including the former President of Timor-Leste, had stated publicly that suspected criminals should be shot and have their bones broken. Obviously, such statements did not indicate a view that the rule of law should dominate over the rule of force or that the use of violence by the police should be punished. She would like to know what measures were being taken to send the message that the rule of law mattered and that the use of excessive force by police and security forces would not be tolerated and that personnel who inflicted torture or ill-treatment would be held accountable.

26. She also wondered whether the State party was considering setting up autonomous oversight bodies to receive complaints from the Ombudsman for Human Rights and Justice and make official decisions about disciplinary punishments. She would appreciate more information about how the amendments to the Organic Law and the disciplinary regulations of the National Police were expected to improve accountability. In addition, she wished to know whether civilian prosecutors and courts were empowered to try military personnel accused of committing ill-treatment or torture. If so, she would welcome information on any cases that had been heard.

27. The State party's laws provided for some of the most important safeguards against torture, which was commendable. However, in a few cases, they were not in line with the Committee's recommendations and with international best practice. For example, under the State party's legislation, an arrested person must be brought before a judge within 72 hours, but the standard recommended by the Committee was 48 hours. She wondered whether any consideration was being given to reducing the 72-hour limit. She would also like to learn what was being done to ensure that all persons deprived of their liberty were in fact brought before a judge promptly. The Ombudsman had reported that there were frequent delays, especially outside the capital, owing to a shortage of judges.

28. In the light of information indicating that the safeguards provided for by law were not respected by the police in practice, she would like to know what steps were being taken to ensure that all police stations had a standard operating procedure setting out the safeguards in a language that the officers could understand and what was being done to raise awareness, both among the police and the public, about officers' obligation to respect the right of arrested persons to be informed of their rights, the right to have access to a lawyer, the right to notify their family and other fundamental safeguards. It would also be useful to know what was being done to ensure that all municipalities had a public defender's office so that all persons deprived of their liberty could be assured of legal representation.

29. She would appreciate clarification of who was responsible for monitoring the conduct of the police to ensure that they respected safeguards. Were there independent authorities other than the Ombudsman entrusted with that responsibility? Could the delegation provide data on cases in which police officers had been disciplined for failing to provide safeguards, as required by the State party's Code of Criminal Procedure? The Ombudsman had reported that 22 per cent of detention facilities did not have a registry book and in those that did the registry was not standardized. She would like to know what measures the State party was taking to establish a uniform registry for use in all police stations and whether it intended to create a central registry containing data from all police stations. She wondered whether persons deprived of their liberty received independent medical examinations as a matter of course and who employed the doctors who carried out such examinations.

30. The Committee had received worrying reports of violence and ill-treatment in prisons. She understood that new prisoners were routinely subjected to an initiation rite, in which they were isolated in a dark cell for two to six nights and regularly beaten. She wished to know whether the delegation was aware of that practice and whether any prison official had ever been prosecuted or disciplined in connection with it. If so, she would like to have data on the number of cases. She was also curious to know whether the closed-circuit television cameras installed in prisons had reduced the occurrence of the initiation rite and other misconduct by prison guards.

31. Prison overcrowding was also a concern, as was the State party's failure to separate pretrial detainees from convicted prisoners, women from men and juveniles from adults. She would like to know when the State party expected to complete the construction of the new prisons in Baucau and Manufahe, the juvenile centre in Tibar and the mental health centre; what capacity each of those facilities would have and whether it would be sufficient to eliminate the overcrowding at the Becora and Gleno prisons; whether one of the new facilities would be for women only; and whether the State party would continue to house pretrial detainees with convicted prisoners after the new facilities were opened. She would also welcome information on any alternative measures, such as bail, available under the State party's laws and on how many people had benefited from such measures during the

reporting period. In addition, she wished to know whether the State party intended to ensure that civil society was consulted on the draft legislation to establish a special penal regime for youth.

32. Lastly, she would be grateful if the delegation could provide data on the number of incidents of ill-treatment recorded by the National Directorate of Prison Services and Social Reintegration as a result of its prison monitoring. She would also like to be informed of whether any of those incidents had resulted in a criminal investigation or in the imposition of disciplinary penalties and whether there was a formal procedure whereby a prisoner could submit a complaint directly to the National Directorate.

33. **Ms. Pradhan-Malla** (Country Rapporteur), commending the State party's efforts to implement the Convention despite the challenges it faced, said that one of those challenges was lack of knowledge and awareness of laws. Training and education were therefore critical. Information received by the Committee indicated that human rights training programmes in the State party appeared to be ad hoc in nature and not integrated into official curricula or based on standardized training materials. Moreover, it appeared that the training often failed to cover key subject areas. More than 55 per cent of prison guards had reported that they had received no training on human rights. She would like to know whether the State party's training programmes relating to torture and ill-treatment referred specifically to the Convention; whether programmes for police, prosecutors, medical and forensic personnel and judges included training on the Istanbul Protocol; whether the State party was considering integrating human rights training into the curriculum at the police and military training centres and in training for immigration officers. It would also be interesting to know whether the State party had a system for monitoring and evaluating training programmes.

34. The Committee welcomed the broad mandate of the Office of the Ombudsman for Human Rights and Justice, which had made many recommendations aimed at improving detention conditions in prisons. She wondered whether those recommendations had been implemented. She would also like to know whether the State party intended to increase resources for the Office of the Ombudsman in order to enable it to monitor all places of detention effectively, whether it was considering expanding the Office's powers to enable it to submit complaints of torture and ill-treatment to the authorities and how it ensured that the independence and autonomy of the Office was protected.

35. In October 2014, the Parliament of Timor-Leste had adopted a resolution calling on the Government to terminate all contracts with foreign judges, prosecutors and public defenders. Had nationals of Timor-Leste been appointed immediately to fill the resulting vacancies? If not, had there been delays in access to justice for victims? Some local activists had alleged that the terminations might be linked to corruption cases involving government officials that had been prosecuted or adjudicated by foreign judicial officials. What was the State party doing to prevent such interference in the judicial branch in the future?

36. She shared Ms. Gaer's concerns regarding detention conditions in the State party's prisons. She wondered whether Decree-Law No. 14/2014 on prisoners' rights was enforced in practice and whether the planned new prisons would meet the standards set out in the Standard Minimum Rules for the Treatment of Prisoners. She would also be interested in hearing what support was provided to female prisoners with children and would welcome gender-disaggregated data on the population of prisoners and detainees. In addition, she wondered whether prisoners were still held in solitary confinement and, if so, in what circumstances.

37. The Committee had been struck by the State party's assertion that, because no cases of torture or ill-treatment had reached the courts, there was no need to establish a specific law on victim compensation. She did not believe that the absence of court cases justified not having a compensation law. In that regard, she would draw the State party's attention to its obligation under article 14 of the Convention to provide redress, including compensation. She would appreciate clarification as to whether the State party's existing laws provided for redress for victims of torture even if the perpetrator had not been criminally prosecuted and

convicted and would also like to know what measures it was taking to ensure that victims of torture and ill-treatment had access to rehabilitation services.

38. She wished to congratulate the State party on its efforts to prevent and address gender-based violence and its enactment of the Law Against Domestic Violence. She also welcomed the adoption of the new national action plan to combat gender-based violence. However, such violence remained one of the most pervasive human rights problems in Timor-Leste, and there were numerous obstacles hindering the effective implementation of the Domestic Violence Law, including victims' unwillingness to report incidents owing to fear of stigmatization or further victimization, persistent tolerance of domestic violence and limited availability of shelters and support services for victims. She wondered what was being done to address those challenges and what steps had been taken to improve the collection of data on gender-based violence. She would welcome data on domestic violence cases tried in the courts and would appreciate knowing what the State party was doing to encourage victims to report cases to the police rather than using informal justice mechanisms, which failed to protect women effectively from future harm. It would also be interesting to know whether the State party had taken steps to amend the evidentiary rules under its Penal Code relating to sexual coercion and rape and to strengthen the provisions concerning punishment of incest, as recommended by various civil society groups. She understood that the State party had accepted a recommendation made during the universal periodic review process in 2017 to review the provisions of its Penal Code relating to abortion, and she would appreciate an update on what action had been taken in that regard. The Committee encouraged States parties to repeal criminal prohibitions on abortion in cases where continuation of a pregnancy could inflict severe pain and suffering on the mother, such as in cases of rape, incest and severe fetal impairment.

39. The Committee welcomed the approval of a national action plan on children's rights and the dissemination of guidelines on school discipline. Nevertheless, it noted that corporal punishment remained prevalent in Timor-Leste. Could the delegation provide any information on the number of complaints concerning corporal punishment that the Ombudsman's Office had brought to the attention of the authorities and on the State's response? It would also be useful to know how it intended to ensure that the school discipline guidelines were enforced and whether it planned to adopt a law on child protection. If so, had civil society been consulted on the provisions of the law?

40. While she welcomed the State party's condemnation of violence against persons on the basis of their sexual orientation or gender identity, she was concerned by research from 2014 which had found that 27 per cent of the approximately 200 gay and transgender persons surveyed had experienced physical mistreatment. Since none of those persons had filed police reports, she wished to know what measures the State party was taking to train law enforcement and other public officials in order to prevent such violence and discrimination and to encourage victims to seek assistance from the authorities.

41. She would like to know whether the authorities had carried out an investigation into allegations that in 2013 the police had refused to refer 95 Rohingya migrants to lawyers or to the immigration authorities to allow them to file asylum claims; whether the Government was considering removing the 72-hour time limit on the lodging of asylum claims; and whether data could be provided on the number of individuals returned or expelled to other countries by the authorities during the reporting period and details of the countries to which they had been expelled.

42. Services for persons with mental disabilities remained limited, and there had been a number of confirmed cases of such persons being held in restraints by family or community members. She would therefore appreciate information on the steps taken to increase investment in mental health services and to ensure that the police and other government authorities intervened in all situations in which a person with mental disabilities was clearly being subjected to ill-treatment by his or her family members.

43. **Mr. Hani** said that he would like to know when the State party expected to complete the process of ratification of the Optional Protocol to the Convention. Given the slow progress made in rehabilitating victims of historical abuse and the difficulties encountered in operating effective hybrid justice mechanisms, he asked whether those mechanisms



would be operating soon, especially following a recent agreement with Portugal to allow judges from Portuguese-speaking countries to assist in the adjudication of serious past crimes. It would also be interesting to have updated figures on past enforced disappearances.

44. The statistics provided in the annex to the State party report on the judicial measures taken following violations by police officers and enforcement agencies covered only the years 2013 to 2015; updated information in that regard would be helpful. It would also be useful to know the percentages of cases against police officers for rights violations that had been finalized.

45. **Mr. Bruni**, referring to a 2016 newspaper report indicating that some 500 of the 650 persons in prison at that time were being held in pretrial detention, said that he would appreciate an explanation as to why that proportion was so high. In view of a more recent report indicating that prisoner numbers had increased, an update on the construction of new prisons would be useful. He asked whether the Government intended to use alternative measures to imprisonment, such as community service, especially for minor crimes, in order to ease overcrowding.

46. **Ms. Belmir** said that she would appreciate clarification of the legislation in place to prohibit torture during emergency situations. Given that decisions on extradition were made by the Minister of the Interior and the Minister of Defence and that their decisions were final and binding, she asked whether the courts could intervene in such cases and whether the persons concerned had the right to appeal. She asked what steps the Government had taken to raise public awareness of legislation on torture, particularly with regard to redress for victims.

47. **Ms. Racu** said that, while she welcomed the decrease in the number of juveniles in detention in recent years, she remained concerned about the situation of children in police detention and in prisons. She requested an update of the status of draft legislation on juvenile justice, in particular with respect to initiatives to provide for alternative or non-custodial measures for minors.

48. **Ms. Gaer** (Country Rapporteur), noting that article 167 of the Penal Code contained a more limited definition of torture than that required by the Convention and that it did not provide a separate definition of ill-treatment, asked whether the State party had considered amending the Penal Code to bring it fully into line with the Convention. She said that she would like to know whether it was the case that torture and ill-treatment were subject to a statute of limitations unless the act in question constituted a crime against humanity or war crime and, if so, whether any measures had been taken to address the issue. The Working Group on Enforced or Involuntary Disappearances had noted that persons who had been convicted of serious international crimes had been granted amnesties and pardons under the Penal Code. In one such instance, a pro-Indonesia militia leader had been released from prison as the result of a presidential clemency decree after having served only a fraction of his sentence. The Committee had made it clear that amnesties should not be given to persons convicted of torture. She wished to know what measures had been taken to make it clear that such persons were not eligible for amnesty. She asked the delegation to clarify the compatibility of the State party's legislation with article 2 (3) of the Convention. She would like to know whether the Government intended to respond positively to the request by the Special Rapporteur on torture to conduct a visit to the country.

*The meeting rose at 12.30 p.m.*