



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

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Held at the Palais des Nations, Geneva,
on Wednesday, 13 November 2002, at 10 a.m.

Chairman: Mr. BURNS

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 19 OF THE CONVENTION (continued)

Fourth periodic report of Egypt

ORGANIZATIONAL AND OTHER MATTERS (continued)

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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 (agenda item 4) (continued)

Fourth periodic report of Egypt (CAT/C/55/Add.6)

1. At the invitation of the Chairman, the members of the delegation of Egypt took places at the Committee table.
2. Ms. GABR (Egypt) emphasized her Government's commitment to ensuring a constructive dialogue with the Committee, as reflected in the fact that the delegation was made up of high-level officials from the various Government ministries that dealt with the questions of human rights in general and torture in particular.
3. Her Government was convinced that, to ensure the free and full development of human creativity, people must feel secure and confident in their future. Egypt had acceded to all the main human rights instruments and had endeavoured to give effect to all the international and regional treaties it had ratified. It had acceded to the Convention without any reservation in 1988 and, under its Constitution, the provisions of the Convention were automatically given the force of domestic law.
4. The submission and discussion of the third periodic report of Egypt in May 1999 had provided an opportunity to begin a positive dialogue and to receive the Committee's recommendations. The fourth periodic report, which had been drawn up with due attention to the Committee's general guidelines, consisted of three parts: an introduction, a commentary on articles 1 to 16 of the Convention and replies to the Committee's recommendations.
5. The Ministry of the Interior had, in 2000, issued a circular letter stressing the need to ensure proper treatment of civilians and to increase awareness of human rights among police officers. The statistics concerning punitive action against persons who violated such instructions demonstrated that the Ministry was serious about combating torture. In 1999, the Ministry had established an internal Human Rights Committee, headed by a deputy minister, one of the main functions of which was to take steps to strengthen the defence of human rights.
6. Her Government had adopted measures in line with the Committee's recommendations of 1999. It had established and maintained registers of detainees, and had issued an ordinance setting out procedures for the unannounced inspection of prisons and places of detention, including orders for the release of persons unlawfully or improperly held in custody. The Council of State had adopted a decision which prohibited flogging in Egyptian prisons. Since 1995, 14 new prisons had been built, and others had been renovated. In 1998, the Minister of the Interior had issued a decree increasing food rations and providing better furniture, clothing and medical supplies for people deprived of their freedom. Four dispensaries specialized in the treatment of tuberculosis had been established.

7. The fourth periodic report referred to the number of deaths in custody in the period from 1997 to 1999. Her Government would provide further information on the results of the judicial investigations into such deaths, and information on more recent cases would be made available during the current discussion.

8. The Committee had mentioned in its conclusions and recommendations, following its consideration of the third periodic report, a number of positive aspects that were worthy of note, including the efforts made by the Egyptian authorities to improve conditions in the prisons, to raise awareness of human rights and to establish a sound constitutional and legal basis for combating torture. As her Government was well aware, the law alone was not sufficient to tackle the problem; it had consequently made efforts to disseminate information on human rights, in particular through school and university programmes and training for judges, police officers and prison guards. It had also begun establishing institutions in the various ministries to deal with human rights questions, and was considering the possibility of establishing a National Human Rights Commission.

9. The public sector worked closely with civil society, in particular non-governmental organizations (NGOs), to ensure respect for human rights. The activities of NGOs in combating torture were of the utmost importance. The rise in the number of complaints was a positive reflection of their increasing ability to draw attention to such cases, and also of the growing awareness of human rights among the general public. Since 2001, NGOs had been given a more prominent role in the reporting procedures for the treaty bodies. The fifth periodic report to the Committee against Torture would consequently be drawn up with more NGO participation.

10. Her Government considered the strengthening of human rights to be an integral part of the long-term economic, political and social development of the country. As such, it would require a lasting commitment and constant efforts on the part of both the authorities and civil society. Providing for a conducive cultural climate was, in that regard, one of the most serious challenges. The Government had undertaken to eradicate illiteracy and to ensure that Egyptians were aware of their rights.

11. Terrorism was a particularly difficult challenge facing Egyptian society. After the assassination of President Sadat in 1981, the country had to all intents and purposes been forced to fight terrorism alone, with no help from the international community. Notwithstanding her Government's wish to respect human rights while combating terrorism, a number of errors had been made.

12. While the authorities had had a certain amount of success in their campaign against terrorism, there was still a risk of its resurgence. It was to be hoped that the new international cooperation since the attacks of 11 September 2001 would result in more effective measures, adopted in full recognition of the need to treat all people with dignity and to respect human rights. Terrorism could not justify torture: one crime could not justify another. The continuation of the state of emergency complied with article 2, paragraph 2, of the Convention and in no way encouraged the commission of acts of torture.

13. Mr. MARIÑO MENÉNDEZ, speaking as Country Rapporteur, welcomed the fact that the report had been drafted in accordance with the Committee's general guidelines and had been submitted without serious delay. He commended the State party on the progress it had made in adopting appropriate legislation in all areas. In 1986, Egypt had been the first Arab country to accede to the Convention, and it had thus provided an example for other States in its region. It was encouraging that the Egyptian Government was considering the possibility of making the declaration recognizing the competence of the Committee to consider communications submitted in accordance with articles 21 and 22.

14. While the provisions of the Convention were given the same rank as domestic law under the Constitution, the Committee would be interested in learning whether court rulings referred directly to the Convention's provisions, or simply to the corresponding domestic legislations.

15. While the maintenance of the death penalty in Egyptian law was not in itself a violation of the Convention, the Committee would like to receive further information on its practical application. More specifically, it wished to know how many death sentences were pronounced every year, and how many of them were the judgements of by military tribunals. Details of the circumstances in which a person sentenced to death could lodge an appeal would also be welcome.

16. Another issue of concern was death in custody. The information contained in the report (paras. 134-136) was quite limited and referred to ongoing investigations only. The delegation should provide more detailed information. A number of Egyptian NGOs, including the Egyptian Organization for Human Rights, had expressed their concern about that problem. In some cases, prisoners had allegedly died because they had been denied proper medical attention.

17. There had also been reports of enforced disappearances. The Egyptian delegation would, he hoped, address those issues and, in particular, would explain why a number of cases had not been investigated.

18. While the prohibition of flogging and the issuance of the circulars contained in the annexes to the periodic report were welcome steps, the maintenance of the state of emergency for over 20 years undoubtedly undermined the effectiveness of the Government's commendable efforts to combat torture. It was true that the state of emergency did not in itself legally annul the prohibition of torture, but it had harmful effects. According to Amnesty International, some 16,000 people - who could only be qualified as political prisoners - were currently being held in custody under the provisions of the state of emergency. He would like the delegation to confirm or correct that figure. The maintenance of the state of emergency contributed to a climate of impunity that could not but encourage disregard for the steps taken to combat torture.

19. There were a number of vulnerable groups that required particular attention. The report stated that the law protected women, for example, from violence, including violence while in detention, but it gave no specific information regarding cases.

20. According to the information received, there had been cases of male homosexuals being tried in the State Security (Emergency) Courts, on charges of the generic offence of "licentiousness", with no right of appeal. Their trial under emergency law exposed them to the

risk of ill-treatment. In that context, he would appreciate further information regarding the recent case involving 52 men, 2 of whom had eventually been tried on religious charges, while the remaining 50 were still potentially liable to prosecution.

21. Children constituted a third vulnerable group. The law allowed unprotected children, such as street children, to be detained, which made them vulnerable to ill-treatment; according to NGO reports, they were also subjected to sexual assault. There appeared to be a lack of specific monitoring and complaints mechanisms to protect children; he would appreciate more statistics and information on the subject.

22. A fourth vulnerable group comprised persons deprived of their homes, as a result of forced eviction or demolition, for example, apparently on the basis of official decisions. In some cases, those concerned - usually low-income families - had been relocated in conditions that were even worse than before. The families received no compensation. Such measures seemed arbitrary and disproportionate.

23. He would welcome some information concerning the progress of the inquiry into the events of 14 August 1998 in the village of Al-Kush (CAT/C/34/Add.11, para. 360), which had been dragging on for four years with no result to date, a delay that appeared excessive.

24. With regard to judicial measures and to the circular letter in annex I of the report, he wondered whether judicial inspections of places of detention could be carried out in the absence of a specific complaint. If so, he wished to know whether the inspectors made a report and whether there were any statistics available relating to such inspections.

25. The Code of Criminal Procedure appeared to rule out direct appeal to the courts by an individual against an action carried out by public officials in the course of their duties; applications had to be made through the Attorney-General or the Department of Public Prosecutions. Such a situation would make it very difficult to seek civil indemnification, a means commonly used by alleged torture victims to obtain reparation. He wondered if individuals had any other ways or means of applying directly to the courts.

26. There were many reports of failure to execute court orders for the release of detainees, for release from various forms of isolation and for family visits to be permitted in closed prisons, particularly in cases governed by the emergency or military courts. He hoped that the delegation would be able to explain the situation and how it could be remedied.

27. With regard to administrative measures, he welcomed the establishment of new human rights mechanisms and bodies (paras. 40 to 44). He would appreciate more information regarding the projected National Human Rights Commission: to whom it would be accountable, for example, and whether all social actors and NGOs would be represented on it.

28. He noted that Egyptian law still made a distinction between prisons, or “legal places of custody”, and the premises of the State Security Investigation Department, which were defined as “administrative premises” (para. 120). Such a distinction was of no relevance when considering the treatment of prisoners and, in fact, most reports of ill-treatment referred to the latter premises, where hundreds of people were held. Did detainees in such facilities have access

to a doctor or a lawyer? Were they given a medical examination on entering the facilities? He wondered why the distinction was not simply removed. Ordinary courts or, if necessary, special courts, could deal adequately even with cases of terrorism; it seemed excessive to resort to administrative authorities.

29. He was grateful for the statistics provided on administrative sanctions in response to the Committee's requests (para. 128). It would, nevertheless, be more useful if it was possible to compare those figures with the number of complaints, in order to obtain an idea of the effectiveness of the relevant procedures.

30. It seemed that detention could be prolonged even after a release order had been issued, since, if the Department of Public Prosecutions submitted a new request for detention, the detainee could not be released pending consideration of that request. He asked for clarification of those provisions.

31. Turning to article 3 of the Convention, he said he would appreciate some information on the numbers of asylum-seekers arriving in Egypt who were returned to third countries and the numbers who were granted asylum. He also wondered to what extent Egypt assisted unaccompanied minors arriving at its borders.

32. With regard to article 5, he said that, under Egyptian law, domestic courts would not usually prosecute a foreigner suspected of an act not characterized as an offence in the country where it was committed. He wondered whether that also applied in cases of alleged torture or ill-treatment. He also asked the delegation to clarify whether Egypt would exercise jurisdiction over a foreigner who was suspected of perpetrating torture or ill-treatment elsewhere but who was not extradited.

33. Lastly, referring to the recent case of a member of an NGO working with the Copt minority, who had been sentenced to seven years' imprisonment by an Emergency Court, he asked how the recent modifications made to Egypt's legislation on NGOs would affect the work of human rights defenders.

34. Mr. YAKOVLEV, speaking as Alternate Country Rapporteur, praised the fact that the fourth periodic report devoted a chapter to replies to the Committee's recommendations following the third periodic report (paras. 115 to 137) and said it was clear that Egypt was making great efforts to implement the Convention in difficult circumstances. Legislative developments were, however, only the first start in changing habits and transforming the real relations within society.

35. For example, although Egyptian law contained guarantees that torture victims had the right to submit complaints (para. 88) and that an immediate investigation would be conducted (para. 87), there were no time limits for notifying complainants of the outcome and there were many reports of complaints that had simply been lost in the bureaucratic maze. Similarly, although investigations were initiated, they were frequently far too long-drawn-out and produced too few results.

36. An important means of restoring justice in cases of torture was through a civil suit, a procedure regulated by the Code of Criminal Procedure. However, the Code also stated that, while a decision by the Department of Public Prosecutions not to prosecute could generally be challenged, an exception was made in cases involving acts committed by public officials in the performance of their duties. That was a problematic provision, insofar as it offered impunity to the officials in question. Similarly, while criminal court judgements could be appealed by the Department of Public Prosecutions or the defendant, torture victims and their relatives had no such right. That situation should be reviewed. Lastly, according to the information received, in the vast majority of cases where torture victims had been compensated by the civil courts, the perpetrators had not subsequently been prosecuted in the criminal courts.

37. It seemed that certain new developments in legislation were not consistently applied. The law said, for example, that information or evidence obtained through torture was inadmissible. Yet in one case, in 1995, where a group of defendants charged with murdering a policeman had been acquitted because their statements had been shown by forensic medical evidence to have been obtained under duress, the men had nevertheless been held in detention, the Prime Minister had ordered a retrial, and some of them had been sentenced to life imprisonment and others to death.

38. The state of emergency had been in force for 22 years. The dangers of such a situation had to be faced: terrorist activities admittedly had the potential to destroy society, but anti-terrorist legislation, if it unduly restricted judicial guarantees and civil rights, could also do much harm. Under the emergency legislation, officials had broad powers to detain persons on suspicion for seven days without charge and without any requirement to bring them before a court. Yet, the individuals concerned had to wait 30 days before they could file a complaint, after which the courts had 15 days to make their decision; moreover, the Ministry of the Interior was empowered to challenge such verdicts within 15 days. That meant that persons could be held for a total of up to 60 days in all. Under the law, such action could be taken in cases where the individual person might pose a threat to security. That was a vague, and thus a dangerous, concept - it was important to prevent crime, but action should be taken only where there were definite grounds for doing so.

39. Another aspect of the emergency legislation that gave cause for concern was that of recurrent detention. Guarantees that the authorities could not arbitrarily detain suspects were apparently circumvented by the repeated transfer of detainees to other detention centres. He asked for the delegation's comments upon that practice.

40. According to media reports, the Government was satisfied with its success in eliminating the sources of terrorism. One Egyptian press article even quoted the United States Congress as praising the Government of Egypt and expressing hopes that its methods would be initiated elsewhere. He would like some information about the role of security laws in the relatively new situation facing Egypt. In particular, he was concerned at the risk that anti-terrorist laws might be used in lesser criminal cases, such as those involving drug abuse or currency violations. The allegations that hundreds or thousands of cases of torture occurred in Egypt pointed to an intolerable situation. He hoped that, despite the difficult circumstances, the Government of Egypt would continue its efforts to ensure the full application of legislation guaranteeing human rights and, in particular, to eliminate torture.

41. Mr. RASMUSSEN said that the Committee was very much concerned at the maintenance in Egypt, as well as in some other countries, of incommunicado detention. Its abolition was a major safeguard against torture and the Special Rapporteur on the question of torture had called for a total ban, recommending that anyone held incommunicado be released without delay. It was also difficult to eliminate torture while members of law-enforcement personnel enjoyed impunity. Several NGOs had alerted the Committee to the fact that the trials of alleged torturers were mainly restricted to the worst cases, such as those resulting in the victim's death, and exclusively to criminal cases. He asked for the delegation's comments on both matters.

42. According to the report, Egyptian law guaranteed the victims of torture an immediate investigation by an independent judicial authority enjoying immunity. He would like to know what kind of medical evidence was used and whether the Istanbul Protocol was implemented.

43. The Amnesty International report, referring to the case of Shahhata Sha'ban Shahhata, who had died in police custody in October 1999, stated that, although the forensic autopsy report supported allegations of torture, the convicted police officer had been charged with manslaughter and not with torture. He asked the delegation to comment on that and similar cases.

44. Lastly, he would like to know whether the Government of Egypt supported, or was considering supporting in the future, rehabilitation centres for torture survivors.

45. Ms. GAER said she welcomed the generous comments by the representative of Egypt about the role of NGOs in monitoring human rights and combating breaches of the Convention. In that regard, however, she wondered how the legislative situation in Egypt currently affected NGOs. A recently adopted Act on the subject, not yet signed into law, would apparently further limit the ability of NGOs to operate. Members of Egyptian NGOs had frequently been targets of harassment and it was alleged that the Government selectively applied the law to NGOs in order to silence its critics. She requested clarification of the current status of the legislation and the position of members of Egyptian NGOs. Specific allegations suggested that members of NGOs were threatened with arrest, and there was concern that such cases were dealt with by the State Security (Emergency) Courts, with limited access to lawyers and hasty verdicts. That discouraged action by other NGOs seeking to defend human rights. She would also like to know why and how financial issues were used to prosecute Egyptian NGOs.

46. Concerned at the alarming number of deaths in custody and the many reports of cases of torture, she asked why table 1 in paragraph 125 of the fourth periodic report showed statistics relating only to action taken against officers and members of the police from 1998-2000. According to some NGOs, as many as 2,000 cases had been alleged in that three-year period, yet the table showed a total of only 78 cases. It would be useful if the delegation could clarify the total number of alleged cases or those brought to the attention of the authorities under criminal and civil law. She would also like an explanation of the apparent discrepancy between those data and the figures given in table 2, in paragraph 128, on the number of disciplinary sanctions imposed on officers.

47. The statistics provided made no reference to any legal action taken against members of the State Security Investigation Department. In response to an earlier question, the Egyptian authorities had stated that there had been no such prosecutions before 1996. She would like to

know whether there had been any since then. She would also like to know what legislation governed acts committed on the premises of the State Security Investigation Department, and with what results, in view of the fact that they were not regarded as “legal places of custody”.

48. The Committee’s previous conclusions had recommended the introduction of an effective mechanism for investigating claims brought against the State Security Investigation Department and, according to NGO reports, most cases of torture took place on their premises. The Committee thus needed clarification of the kind of investigation conducted into the Department’s activities, the medical reports submitted and the existence of any independent machinery to investigate allegations of torture. The competences of the Human Rights Committee established by Ministerial Ordinance No. 6181 of 1999 (art. 2) made no reference to any responsibility to investigate. The Committee would like the delegation to explain who would be able to undertake investigations of allegations of torture committed either in the prison system or by the State Security Investigation Department.

49. Information on the current status of the law on flogging would be appreciated.

50. It would be useful to know whether any official survey had been carried out of the recipients of compensation for acts of torture, including the numbers and names of the victims and the law-enforcement body involved and whether any official information existed about the kinds of torture and equipment used; NGOs suggested that electrical equipment, whips and falaka tools were most widely employed. The Committee would need to know what convictions had resulted from compensation cases, what sentences had been handed down and whether they had been served.

51. In that regard, she drew attention to the case of Mohammad Badr al-Din Gom’a Isma’il, who had reportedly confessed to having killed his daughter who had reappeared alive shortly afterwards. In 1998, the Alexandria Criminal Court had found that a confession had been extracted under torture and had referred the case to the Department of Public Prosecutions to investigate the involvement therein of 13 police officers. She would be interested in learning the outcome of that investigation and the fate of those police officers.

52. Like the Country Rapporteur, she had carefully examined that part of the report referring to the protection of women. She would like clarification of the status of Egyptian legislation prohibiting torture with particular regard to gender-based acts including sexual violence and female genital mutilation. She wondered whether sensitivity to gender-based acts had been included in the measures relating to education, training and public awareness concerning torture. It would also be useful to know whether sexual violence - which did not concern women only - was monitored in the prisons, and whether there were measures to facilitate complaints.

53. Human Rights Watch had made specific reference to children being charged as “liable to perversion”. Other NGOs had supplied reports of sexual harassment and assaults by police and the routine detention of children together with adult criminal suspects, which put them at risk of sexual assault. The delegation might inform the Committee what was being done by the Government to deal with that problem.

54. She was concerned at the reported arrest of persons for debauchery, in particular members of vulnerable groups, when what was involved consisted of sexual acts committed in private by consenting adults.
55. She asked what steps the Government had taken or intended to take to prohibit, limit, and/or regulate invasive searches including the searches of body cavities.
56. Since no invitation had been issued in reply to the repeated requests by the Special Rapporteur on the question of torture to visit Egypt, dating back to 1996, she asked if and when he and his staff would be allowed to visit the country.
57. In the light of a report by the World Organization Against Torture (OMCT) concerning the often illegal demolition of homes, and the cruel physical ill-treatment of their residents, who were sometimes even present in the homes during the demolition, she asked what the Government's attitude to such actions was.
58. Lastly, she wondered whether, in the course of the judicial inspections of police stations mentioned in the periodic report, the inspectors had found or confiscated materials or equipment used for torture. She would also like to know where the reports of the inspectors were kept and whether they were available to the public.
59. Mr. MAVROMMATIS, having praised Egypt's continued efforts to improve its human rights record despite difficult circumstances, in particular the vital steps taken to raise awareness of human rights through training and education at all levels, said that paragraph 32 of the fourth periodic report was most unclearly worded and some clarification of its implications was required.
60. While he welcomed the judicial measures adopted to conduct unannounced inspections of police stations and places of custody, he said it was unclear whether prisons were included. The Government of Egypt should consider setting up a totally independent inspectorate to ensure that prison conditions were acceptable.
61. It would be of interest to the Committee to learn what method of execution was used in Egypt and whether the method of execution differed from one type of court to another.
62. While praising the creation of new institutions by the Ministries of the Interior and Justice and the Department of Public Prosecutions with a view to the protection of human rights, he said that they seemed to focus on training and awareness and it would be interesting to learn if they had produced any practical effects. In any case, they were no substitute for a National Human Rights Commission and he hoped that such a Commission, an independent statutory body would soon be established. It should not only advise the Government on legislation and practice but also have an investigative role to ensure that human rights were fully protected.
63. The part of the report concerning article 2, paragraph 3, of the Convention was far from clear in respect of orders from a superior officer. It would be more useful to refer to specific cases of individuals who had been convicted of an offence despite pleading obedience to superior officers.

64. While appreciative of the statistics given in paragraphs 125 and 128 of the report, he would like clarification of the difference between “administrative sanctions” and “disciplinary trials” and whether individuals could be subjected to both.
65. Turning to the subject of compensation awards (table 4), he had been surprised to see that a male citizen had been awarded a higher amount in compensation for cruel treatment than a female citizen had received in compensation for torture.
66. Lastly, he urged the Egyptian authorities to invite the Special Rapporteur on the question of torture to visit the country, since their failure to do so gave an adverse impression.
67. The CHAIRMAN said that it was possible to trace legislative and administrative developments in Egypt which indicated that the State party had taken the Committee’s concerns to heart. However, no attempt had been made to address the most worrying aspect of all, namely the continued practice of incommunicado detention. In addition, the report contained a number of ambiguous points. It was unclear whether the Prisons Act covered detention centres administered by the State Security Investigation Department. Indeed, the report was not forthcoming at all about that Department. The Committee would like to know what allegations of torture, if any, had been made against the Department and how the authorities had handled such complaints. It was also unclear whether the registers of detainees were available for inspection by family members, lawyers and the public, in general. It was not enough simply to make them available to the public prosecutor.
68. The delegation of Egypt withdrew.

The meeting was suspended at 12.15 p.m. and resumed at 12.30 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

Possibility of formulating more general comments

69. Mr. MARIÑO MENÉNDEZ said that the Committee against Torture had tended to avoid formulating general comments on the various articles of the Convention, in contrast to other treaty monitoring bodies which had systematically drafted general comments on a number of topics, some of which were relevant to the concerns of the Committee against Torture. The international jurisprudence of other Committees should prompt the Committee against Torture to be more active in that regard. Thus far it had confined itself to a solitary comment on article 3 of the Convention. Yet international law was constantly evolving, with new thinking on matters as diverse as immunity, the law of armed conflicts and the application of capital punishment. Obviously, methodological problems presented themselves: it would be necessary to discuss what articles should be commented upon, and a list of elements for discussion needed to be drawn up. He proposed that a start could be made on formulating a general comment on article 1 of the Convention.
70. Mr. EL MASRY, supported by the CHAIRMAN, proposed that a list of potential topics for discussion should be drawn up before embarking on consideration of specific articles of the Convention.

71. Ms. GAER recalled that the Committee had, in the past, attempted to formulate a general comment on article 1, but the proposal had caused consternation among the NGOs, which feared that a revised definition would either water down the definition of torture or narrow its focus. Moreover, the definition of torture contained in the Convention differed from the definitions used by other jurisdictions, such as the International Criminal Court and various national jurisdictions.

72. While not gainsaying the importance of general comments in principle, she would prefer that the Committee's past conclusions, recommendations and jurisprudence should inform the structure of any future general comments or lists of issues for discussion. The general comment on article 3 had been written in response to immediate and practical concerns; it might be advisable, therefore, to focus on the more technical aspects of the Convention, such as the question of investigating alleged cases of torture, rather than dealing with more theoretical issues. In the meantime, the Secretariat should provide fuller details about the working methods of the other committees.

73. The CHAIRMAN said that, as a common lawyer, he was suspicious of reasoning from generalities to specifics, which was accepted practice among the practitioners of civil law. For that reason he was not personally enthusiastic about general comments. Nevertheless, he recognized that all the other treaty monitoring bodies tended to work in that way. He agreed that, in order to avoid divisive issues of principle rooted in cultural differences, it might be more expedient to focus on narrower, technical matters arising under the Convention.

74. Mr. MARIÑO MENÉNDEZ said it would be better to concentrate on methodology for the time being. First of all, it should be ascertained whether the members of the Committee agreed that general comments were a good idea. If there was consensus on the matter, it might be possible at the current session to identify certain topics or areas for further consideration. While it was true that members of the Committee belonged to different legal traditions and differences of opinion were to some extent inevitable, there nevertheless existed a common core of legal theory that could provide a fruitful basis for discussion.

75. The CHAIRMAN suggested that Mr. Mariño Menéndez should be asked to prepare a list of issues that might form the subject of general comments and transmit it to the Secretariat for circulation among the members of the Committee before the end of the current session.

76. It was so decided.

The meeting rose at 1 p.m.