



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

Distr.
GENERAL

CAT/C/SR.619/Add.1
12 August 2004

Original: ENGLISH

COMMITTEE AGAINST TORTURE

Thirty-second session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 619th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 21 May 2004, at 3.20 p.m.

Chairperson: Mr. MARIÑO MENÉNDEZ

later: Mr. YU Mengjia
(Vice-Chairperson)

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* The summary record of the first part (closed) of the meeting appears as document
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The public part of the meeting was called to order at 3.20 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 5) (continued)

Lists of issues in respect of initial reports

1. The CHAIRPERSON invited comments from the Committee on the question of whether lists of issues should be sent to States parties submitting initial reports.
2. Mr. YAKOVLEV expressed the view that lists of issues should be confined to States parties submitting periodic reports since initial reports were supposed to cover all aspects of the Convention.
3. Mr. RASMUSSEN said he felt it would be sufficient to send the recently prepared expanded guidelines on the preparation of initial reports to States parties reporting for the first time.
4. Ms. GAER supported that suggestion. At the beginning of the session, the Committee had adopted a statement setting out its working methods. She proposed adding a sentence to that statement encouraging States parties to accompany their reports with statistical data and other similar material.
5. It was so decided.

Giving formal status to meetings with NGOs

6. The CHAIRPERSON raised the question of whether the Committee should schedule meetings with non-governmental organizations (NGOs) during official meeting time to discuss forthcoming State party reports. Amnesty International had suggested that the Committee meet with NGOs on the first Monday of each session or on every Monday of the session.
7. Mr. RASMUSSEN suggested devoting a maximum of 45 minutes of official time to meetings with NGOs before reviewing each State party's report.
8. Mr. YAKOVLEV said he preferred Mr. Rasmussen's proposal to that of Amnesty International.
9. Mr. EL-MASRY noted that the Committee usually had no afternoon meeting on the first Monday of the session. He proposed devoting the whole of that afternoon to a meeting with NGOs and spending just one hour with them on the following Mondays.
10. Mr. YU Mengjia said he was in favour of the Committee meeting with NGOs in closed session with interpretation services.
11. Ms. GAER said she strongly supported hearing from NGOs during Committee working time so that the members could benefit from interpretation. However, one NGO had drawn attention to the fact that national NGOs could ill afford to attend an entire session of the Committee at which their country's report would be discussed. She therefore found the option of meeting NGOs immediately before each country review to be preferable.

12. If the meetings were to be closed, the question arose as to whether summary records should be compiled. There were sound arguments both for and against.

13. She proposed ending the practice of reading out the Committee's conclusions and recommendations in the presence of the State party delegation, since it took up too much Committee time. The three to three and a half hours thereby saved could be used for 45-minute meetings with NGOs.

14. Mr. MAVROMMATIS said that NGOs should be asked to send information to the Committee in advance so that country rapporteurs could take it into account. The first afternoon of the session had previously been used by Committee members to read a large number of new documents. He was in favour of a half-hour meeting before each country report review at which NGOs could provide an updated executive summary of relevant information.

15. The CHAIRPERSON said he took it that a majority of members were in favour of adopting the approach recommended by Mr. Rasmussen on an experimental basis.

16. It was so decided.

Selection of reports for consideration and of country rapporteurs

17. The CHAIRPERSON announced that Albania had requested consideration of its initial report to be postponed until the spring 2005 session.

18. Ms. RUEDA-CASTAÑÓN (Secretary of the Committee) noted that the Committee had decided at its previous session to consider the reports of Argentina, Canada, Finland, Greece and Togo in addition to that of Albania at its autumn 2004 session. A list of issues had been prepared for the first four States parties and rapporteurs had been appointed. She further noted that the Committee had just decided to take up the report of the United Kingdom at its next session.

19. Mr. RASMUSSEN said he understood that the Chairperson and Mr. Camara had been appointed to serve as rapporteurs on Togo in the absence of a report.

20. As the Committee's practice was to give priority to initial reports, he suggested that Uganda should be included in the list for consideration at the next session.

21. Ms. GAER noted that Uganda's report was the most overdue in the Committee's history. Bahrain had also submitted its initial report. She suggested that either or both of those reports should be considered at the next session in place of one or two of those previously designated. She was willing to serve as rapporteur on either report.

22. Mr. MAVROMMATIS pointed out that, given the Committee's decision to meet with NGOs during official meeting time and the considerable number of petitions to discuss under article 22, five was the maximum number of State party reports that could be reviewed during the two-week autumn session.

23. Ms. RUEDA-CASTAÑÓN (Secretary of the Committee) said that Finland had already submitted a report in 2002. It could perhaps be dropped from the list.

24. The CHAIRPERSON said he took it that the Committee agreed to consider the reports of Argentina, Canada, Greece and the United Kingdom and the situation in Togo in the absence of a report. The reports of Finland and Uganda would be considered at the spring 2005 session.

25. It was so decided.

26. The CHAIRPERSON invited volunteers to serve as country rapporteur for the United Kingdom.

27. Ms. GAER volunteered to serve as country rapporteur.

28. The CHAIRPERSON volunteered to serve as alternate country rapporteur.

29. It was so decided.

30. The CHAIRPERSON reminded the Committee that the country rapporteurs and alternate country rapporteurs for the other reports to be reviewed at the May 2004 session were:

Argentina: Mr. Grossman and Mr. Prado Vallejo;

Canada: Mr. Mavrommatis and Mr. Yakovlev;

Greece: Mr. Rasmussen and Mr. Yu Mengjia;

Togo: Mr. Mariño Menéndez and Mr. Camara.

31. The reports to be considered at the spring 2005 session were those of the following States parties: Albania, Bahrain, Ecuador, Finland, Switzerland and Uganda. The list included three initial reports: by Albania, Bahrain and Uganda.

32. Mr. RASMUSSEN suggested giving priority to the report of Sri Lanka in order to assess its follow-up to the recommendations issued by the Committee in the light of its inquiry under article 20 of the Convention.

33. It was so decided.

34. The CHAIRPERSON, following an exchange of views among the members of the Committee, said he took it that the Committee approved the following list of country rapporteurs and alternate country rapporteurs:

Albania: Mr. Yakovlev and Mr. Rasmussen;

Bahrain: Ms. Gaer and Mr. Yu Mengjia;

Ecuador: Mr. Mariño Menéndez and Mr. Grossman;

Finland: Mr. El-Masry and Mr. Yu Mengjia;

Sri Lanka: Mr. Mavrommatis and Mr. Rasmussen;

Switzerland: Mr. Grossman and Mr. El-Masry;

Uganda: Mr. Mavrommatis and Mr. Camara.

35. Mr. MAVROMMATIS suggested that Mr. Camara, who was absent, should be consulted as to whether he wished to serve as country rapporteur or alternate country rapporteur.

36. It was so decided.

Follow-up to the Committee's conclusions and recommendations on reports submitted under article 19

37. Ms. GAER, speaking as Rapporteur on follow-up to the Committee's conclusions and recommendations, reminded the Committee that one year previously it had decided to identify certain points following consideration of a State party's report on which information would be requested within one year. As no material had been received from States whose reports had been reviewed the previous year, she proposed to take the matter up with those States. She further suggested that mention should be made in the annual report of the Committee's intention to take appropriate measures in that regard.

38. It was so decided.

Joint declaration on the occasion of United Nations International Day in Support of Victims of Torture (26 June)

39. The CHAIRPERSON asked for suggestions regarding the content of a declaration to be made in conjunction with the High Commissioner for Human Rights and the other treaty bodies to mark United Nations International Day in Support of Victims of Torture.

40. Ms. GAER suggested basing the content on the text of a statement issued following the events of 11 September 2001 and published in the Committee's report to the General Assembly (A/57/44, para. 17). The statement had not received the attention it deserved at the time and was still extremely relevant. In particular, it reminded States parties of the non-derogable nature of the obligations they incurred by ratifying the Convention. Reference could be made in a preamble to the Committee's solidarity with victims of torture and also with victims of terrorist acts, which it utterly condemned.

41. The CHAIRPERSON said he took it that the Committee endorsed Ms. Gaer's proposal.

42. It was so decided.

43. The CHAIRPERSON, apologizing for his early departure, said that he wished before leaving to pay tribute to the outgoing Secretary of the Committee, Ms. Rueda-Castañón, and to wish her the very best for the future.

44. Mr. Yu Mengjia, Vice-Chairperson, took the Chair.

Draft guidelines for the preparation of initial reports

45. Mr. RASMUSSEN, noting that, owing to time constraints, the Committee would be unable at the current session to consider the guidelines he had drafted for the preparation of initial reports, requested that a formal decision be taken to discuss them at the next session.

46. It was so decided.

ANNUAL REPORT OF THE COMMITTEE ON ITS ACTIVITIES (agenda item 10)
(CAT/C/XXXII/CRP.1 and Add.1-5)

I. Organizational and other matters (CAT/C/XXXII/CRP.1)

47. Mr. EL-MASRY (Rapporteur) introduced part I of the report concerning organizational and other matters.

48. Ms. GAER noted the absence of a reference to the fact that Chile had made the declarations under articles 21 and 22 of the Convention.

49. The contents of paragraph 11 on the pre-sessional Working Group were repeated in the section on article 22 cases. If repetition was necessary, the second reference should at least be shortened.

50. There was no mention in part I of the thematic rapporteurs on juveniles and gender or of the follow-up rapporteurs.

51. Mr. EL-MASRY said that he would deal with all those points.

52. Mr. RASMUSSEN suggested referring to the new practice of sending lists of issues to States parties prior to consideration of their report and including the document on new working methods adopted by the Committee.

53. It was so decided.

54. Mr. MAVROMMATIS suggested that the Committee should schedule a meeting on organizational matters at an early stage of the next session.

55. It was so decided.

56. Part I, as amended, was adopted.

II. Submission of reports by States parties under article 19 of the Convention
(CAT/C/XXXII/CRP.1/Add.1)

57. Mr. EL-MASRY introduced part II on submission of reports by States parties under article 19 of the Convention. He undertook to insert a reference to the recent decision regarding the request for a report by the United States.

58. Ms. GAER said that any such reference would have to be reviewed and formally approved by the Committee.

59. Mr. EL-MASRY read out the following proposed text:

“The Committee decided on 21 May 2004 to address a letter to the Ambassador and Permanent Representative of the United States of America drawing the attention of the State party to the second and third overdue reports of the United States and to the articles of the Convention, in particular article 19 regarding the periodicity of reports and article 2, paragraph 1, according to which each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. It asked the State party to see to it that its next periodic report should reach the Committee by 1 October 2004. The letter concluded by indicating that the State party should include updated information concerning the situation in places of detention in Iraq up to the time of submission of the report.”

60. Ms. GAER pointed out that the places of detention would no longer be under the jurisdiction of the United States in October 2004.

61. Mr. EL-MASRY suggested deleting “up to the time of submission of the report”.

62. It was so decided.

63. Mr. YU Mengjia suggested inserting a reference to the decision to send a letter to the United Kingdom informing the authorities that the issue of places of detention under British control in Iraq would be raised when their report was considered.

64. It was so decided.

65. Part II, as amended, was adopted.

III. Consideration of reports submitted by States parties under article 19 of the Convention
(CAT/C/XXXII/CRP.1/Add.2 and 3)

66. Mr. EL-MASRY introduced part III on consideration of reports submitted by States parties under article 19 of the Convention.

67. Part III was adopted.

IV. Activities of the Committee under article 20 of the Convention
(CAT/C/XXXII/CRP.1/Add.4)

68. Mr. EL-MASRY introduced part IV concerning the Committee’s activities under article 20 of the Convention, which contained, in particular, a summary account of the results of the proceedings concerning the inquiry on Serbia and Montenegro.

69. Ms. GAER drew attention to the serious allegations by NGOs set forth in paragraphs 81 to 83 without comment by the Committee. She found it an odd way in which to conclude the report on an inquiry.

70. Mr. EL-MASRY suggested adding a sentence to the effect that the Committee had taken note of the information.

71. It was so decided.

72. Part IV, as amended, was adopted.

V. Consideration of complaints under article 22 of the Convention
(CAT/C/XXXII/CRP.1/Add.5 and 6)

73. Mr. EL-MASRY introduced part V concerning consideration of complaints under article 22 of the Convention. He said he would abridge the paragraph on the pre-sessional Working Group as suggested earlier by Ms. Gaer. He also intended to insert a summary of the Committee's report on follow-up to article 22 cases.

74. Part V, as amended, was adopted.

75. The annual report of the Committee as a whole, as amended, was adopted.

CLOSURE OF THE SESSION

76. After an exchange of courtesies, the CHAIRPERSON declared the thirty-second session of the Committee closed.

The meeting rose at 5.40 p.m.