



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

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Held at the Palais Wilson, Geneva, on Friday, 27 May 2011, at 10 a.m.

Chairperson: Mr. Grossman

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The meeting was called to order at 10.10 a.m.

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

Report on follow-up to concluding observations

1. **Ms. Gaer** (Rapporteur on follow-up to concluding observations) introduced to the Committee two documents without a symbol, distributed in the meeting room in English only. The first document summarized country by country the issues identified for follow-up at the Committee's thirtieth through forty-fifth sessions, and the second contained an overall categorization of State party replies, by topic and by region.
2. In order to make its work more effective, in 2003 the Committee had established a procedure for follow-up to concluding observations adopted pursuant to article 19. That procedure aimed to strengthen the capacity of States parties to combat torture and adopt practices in conformity with the Convention. The goal was not the implementation of all the Committee's recommendations; rather, a limited number of recommendations were chosen on the grounds that they related to serious situations, aimed to protect rights or persons, and could be implemented within one year. States parties were requested to provide information within 12 months on the follow-up given to those recommendations. State party replies were published on the Committee's website, along with relevant documents from non-governmental organizations (NGOs) and letters from the Rapporteur requesting additional information. The recommendations covered a wide variety of issues. The most common were investigations of alleged violations and their impartiality (constituting 75 per cent of the issues subject to follow-up), prosecutions and convictions of perpetrators of acts of torture (60 per cent) and legal safeguards protecting detainees (57 per cent).
3. From the time the follow-up procedure had been established in 2003 to the end of the Committee's forty-fifth session, the Committee had considered 101 State party reports on which it had drafted recommendations subject to follow-up. Of the 101 States concerned, 87 had been asked to submit a follow-up report to the Committee before November 2010, and 66 of them, or 76 per cent, had done so. That response rate was encouraging. Since May 2010, she had sent 14 letters requesting additional information, and she would send 4 more by the end of the current session. She had also sent several reminders.
4. In 2010, the Inter-Committee Meeting of the Human Rights Treaty Bodies had established the Working Group on Follow-up, which was divided into a subgroup on follow-up to concluding observations, inquiries and visits, and a subgroup on follow-up to individual communications. At its first meeting, in January 2011, the Working Group had recommended that treaty bodies that had established a written procedure for follow-up to concluding observations but had not adopted guidelines for that procedure should consider doing so. Those guidelines should: indicate the ways in which the Committee should cooperate with stakeholders, including NGOs; specify at what point the follow-up recommendations might be considered as fully implemented; set a timeline for sending reminders; determine the means of coordination between the Rapporteur on follow-up and the Country Rapporteur; and define methods for the qualitative assessment of the information received. In that context, it would be interesting to reflect on the connections between follow-up and other working methods. The Working Group had also asked the treaty bodies to consider limiting to three or four the number of issues identified under their follow-up procedures, and to formulate clear criteria for the selection of recommendations, such as urgency and feasibility.
5. An examination of the recommendations the Committee had chosen for follow-up at its forty-fifth session showed that, even though the number per country did not exceed three

to five, each recommendation actually included several recommendations, which suggested that in practice the Committee was increasing rather than reducing the number of issues subject to follow-up. That situation was cause for concern, and the Committee should be stricter about its selection and the contents of the recommendations it chose, in order to comply with the requirements set out by the Inter-Committee Meeting Working Group.

6. The document categorizing the replies from States parties was based on the classification system established by the Human Rights Committee, which the Inter-Committee Meeting Working Group had put forth as an example to be followed. Five categories had been defined: 1. No response; 2. Receipt acknowledged but unsatisfactory; 3. Recommendations not implemented; 4. Cooperative but incomplete; and 5. Satisfactory. A sample of countries had then been chosen for different regions, and an analysis of the issues addressed in each group of countries had been conducted using the aforementioned categories. That method was not without problems; several countries did not fit in any category, and generally speaking States only partially implemented the recommendations chosen for follow-up. It was rare to find that none of the recommendations had been implemented, but it was also uncommon for all of them to be implemented. That explained why most countries fell into categories 3 and 4. It was not always easy to distinguish between the two, which was why a category 3.5 had been created.

7. The follow-up procedure would benefit greatly from the adoption of a classification system, but the system used by the Human Rights Committee should be refined. One solution might be to establish two classification systems, one for the information provided and another for the measures implemented, since the purpose was to assess the quality of the replies received on the one hand and the follow-up given to recommendations on the other. The Committee should reflect on how to develop a truly workable evaluation system. Some NGOs had suggested that a follow-up group should be established within the Office of the United Nations High Commissioner for Human Rights (OHCHR), but that did not seem feasible given the limited resources available to the Committee.

8. **Mr. Bruni** asked for clarification regarding the composition of the regional groups to which Ms. Gaer had referred. With regard to the evaluation criteria, he said that partially basing the evaluation of the replies received on the quality of the information provided could produce misleading results, in that information presented in a satisfactory manner might mask a reality that left much to be desired. The Committee should therefore be cautious when using a classification system. Furthermore, in order for the follow-up system to be effective, it was important for the Committee to limit itself to four issues, rather than four paragraphs as it had been doing, and to choose specific measures that could be implemented within one year.

9. Now that the Committee had before it a quantitative and qualitative analysis of States parties' replies to its recommendations, it should reflect on how it wished to use that information. It might consider offering assistance to States parties that showed a degree of willingness but did not truly implement the Committee's recommendations. The practical details of such assistance would have to be decided on a case-by-case basis, but that type of cooperation would help to strengthen the dialogue with States and would promote the implementation of the recommendations.

10. **Ms. Kleopas** thanked Ms. Gaer for her detailed and in-depth analysis of the results of follow-up under article 19. The Committee should carefully consider the findings before deciding on measures to make its work more effective in that area. It was certainly a good idea to limit the number of recommendations subject to follow-up, even though that would not be easy to implement in practice. With regard to the criteria and categories to be used to evaluate State party replies, she was of the view that the content of the replies received and the degree of implementation of the recommendations should be assessed separately.

11. **Ms. Belmir** said that changes in States' legal and political systems and their perceptions should also be considered for the purposes of follow-up. Over the years the Committee had seen States parties change their approach and reconsider their positions on such fundamental issues as states of emergency, the independence of the judiciary and impunity. The Committee should take account of the significant changes that could be expected in countries such as Yemen and Tunisia, where major upheavals had recently taken place.

12. **Ms. Sveaass** said that the Committee should improve its drafting of recommendations, making sure in particular to distinguish clearly between those that could be implemented within one year and those that could not. To that end, it was important not to include general recommendations, which were likely to require a relatively long implementation period, in the same paragraph as specific recommendations that could feasibly be implemented in one year. The categories that the Human Rights Committee had established to evaluate follow-up were interesting but difficult to apply. The evaluation of State party replies might include a formal evaluation (covering the length of time the State party took to respond, the number of reminders required, the number of recommendations addressed in the replies, etc.), an evaluation of the contents (the relevance of the information provided and the effectiveness of the measures taken to implement the recommendations) and, lastly, an analysis of any State party comments on or criticisms of the follow-up procedure that might help to improve the Committee's practice in that area. The Committee might also draw on the lessons learned during the evaluation exercise when reflecting on how to make the optional reporting procedure more effective.

13. **Mr. Wang Xuexian** said that he was in favour of limiting the number of recommendations subject to follow-up, and that a maximum of four would be reasonable. He noted that follow-up was primarily monitored by Ms. Gaer in her capacity as Rapporteur, who performed the task very well. Nevertheless, given that follow-up concerned the recommendations that the Committee adopted collectively, and that it was part of the dialogue between States parties and the Committee, it would be advisable for the Committee as a whole to be more involved. The classification of replies into categories such as those proposed by the Human Rights Committee seemed difficult to put into practice. Moreover, the evaluation of the replies should ideally be conducted by the Committee as a whole rather than the Rapporteur alone, but it was unlikely that the Committee would be able to devote the necessary time to that task. Lastly, the Committee should decide what measures to take regarding the 19 States parties that had never responded to requests for information on follow-up.

14. **Mr. Mariño Menéndez** said it was important that requests for additional information sent to States parties under the follow-up procedure should be directly related to the recommendations initially selected for follow-up and should not spill over into other issues. In that regard, it might be useful to strengthen collaboration between the Rapporteur on follow-up to concluding observations and country rapporteurs.

15. **Mr. Mutzenberg** (Centre for Civil and Political Rights) thanked the Committee for allowing NGOs to participate in the current meeting on follow-up. Ms. Gaer's analysis raised some key issues on which all treaty bodies would do well to reflect. It was in the best interests of all stakeholders for recommendations to be as precise and specific as possible. The Committee might consider defining steps for States parties to follow in implementing recommendations, thereby facilitating the evaluation. The evaluation of information received under the follow-up procedure and the criteria to be established for that purpose were matters that should be discussed not only within each committee, but also among the various committees, in order to develop a common assessment scale that would allow the various bodies to analyse implementation consistently. To that end, it would be advisable to establish closer collaboration among the rapporteurs on follow-up to concluding

observations of the various committees. While it was difficult to establish criteria that would permit an accurate evaluation of the extent to which States carried out recommendations, on the other hand the absence of implementation or cooperation was easy to identify and should be clearly indicated. Cooperation between the Rapporteur on follow-up to concluding observations and country rapporteurs was fundamental and should be strengthened, particularly with regard to evaluating follow-up.

16. **Ms. Varesano** (World Organisation Against Torture) said that reflection on establishing criteria to evaluate State party responses under the follow-up procedure should be accompanied by reflection on how to deal with States that did not cooperate because they were either unwilling or unable to do so and for which the usual measures such as reminder letters and meetings with their representatives in Geneva were ineffective. NGOs had made several proposals in that regard, such as sending a delegation from the Committee to visit the country, holding videoconferences with the competent local authorities or organizing joint actions with other treaty bodies.

17. **The Chairperson** said it should be borne in mind that the current follow-up procedure was limited to four or five recommendations on serious issues that it was considered possible to implement within one year. That meant that other problems that were just as important but for which the recommended measures could not reasonably be implemented in such a short time were excluded from the follow-up procedure, and that the Committee must wait for the submission of the State party's next periodic report to see whether or not progress had been made in the areas concerned. The Committee should give serious consideration to that issue during the reflection under way on the advisability and feasibility of evaluating follow-up, and it might wish to consider expanding the scope of that evaluation, for example by establishing major themes to be given priority in follow-up — such as non-refoulement, state of emergency, or counter-terrorism — depending on which issues were of recurring concern to the Committee.

18. **Ms. Gaer** (Rapporteur on follow-up to concluding observations) pointed out that the Working Group on Follow-up had expressly recommended establishing categories for the evaluation of follow-up. The evaluation she had conducted using the categories established by the Human Rights Committee was purely experimental and sought merely to open up avenues of reflection so that the Committee might decide in due course whether or not to adopt a set of categories for the evaluation of follow-up.

19. Several Committee members had referred to two of the criteria used when deciding which recommendations should be subject to follow-up, namely that they must involve serious issues and must be achievable within one year. However, the third criterion must not be forgotten, which was that the recommendations must protect persons at risk of torture or ill-treatment. The Committee seemed to be in unanimous agreement that the recommendations should be as specific and precise as possible and that the number of recommendations subject to follow-up should be limited. Given that its concluding observations tended to be increasingly dense and lengthy, the Committee would have to conduct a thorough review of its practice in order to achieve that objective.

20. As for the nature of the follow-up itself, several proposals worthy of consideration had been put forward. Currently, each State party whose report had been examined was subject to a follow-up procedure on specific measures to be taken in order to address particular problems identified in the country. However, broad themes of high priority could also be identified for follow-up, such as impunity or the independence of the judicial system, with such follow-up being conducted only for countries where there was a problem in those areas. Her analysis by regional group had revealed that certain topics recurred more often than others in a particular region. For example, in the Asia-Pacific region, 84 per cent of requests for follow-up involved respect for fundamental legal safeguards, whereas in

other regions they most often involved measures to ensure prompt, effective and impartial investigations into allegations of torture or ill-treatment.

21. As for limiting the number of recommendations subject to follow-up, the Committee already tried to filter out as many recommendations as possible when examining its draft concluding observations, but often it did not have enough time to reflect thoroughly on its choices. She therefore suggested that, on the last day of the session, the Committee should revisit all the draft concluding observations it had adopted over the previous few days and should choose at that time the recommendations on which it would like to receive information within one year. With regard to the dissemination of documents related to follow-up, the replies and letters sent by States parties concerning follow-up were published on the Committee's website almost immediately upon receipt, and the information provided by NGOs was published after a slightly longer delay, because the secretariat had first to confirm that it met certain criteria.

22. As for the 19 States parties that had never submitted a follow-up report, she suggested that the Committee should send a reminder to those States four months after the established deadline, as proposed by the Working Group on Follow-up. There were various measures the Committee could take if it received no reply, such as: sending a second reminder; sending some of its members on a mission to the country; including a question on follow-up in the list of issues prior to reporting for the State concerned; and, possibly listing in its annual report the States parties that did not provide the information requested under the follow-up procedure.

Consideration of communications under article 22 of the Convention (*continued*)

Report on follow-up to communications

23. **Mr. Mariño Menéndez** (Rapporteur on follow-up to communications) said that the procedure for follow-up on treaty body decisions regarding individual complaints was bound to be expanded in the years to come because new optional protocols providing for the consideration of individual communications would enter into force. For that reason, the subgroup on follow-up to individual communications had already begun to address the issue of harmonizing procedures for the consideration of individual complaints.

24. Summarizing the results of the follow-up activities on decisions taken by the Committee regarding communications submitted under article 22 of the Convention, he said that since 1989 the Committee had received a total of 458 complaints concerning 31 States parties; 113 of those cases had been closed and 60 had been declared inadmissible. The Committee had adopted views on the merits of 169 communications and had found that 52 revealed violations of the Convention. In addition, it had suspended consideration of two complaints pending the exhaustion of all domestic remedies, and it still had 113 complaints to consider. It was due in particular to the high number of complaints awaiting consideration that the Committee had been authorized to hold four-week rather than three-week sessions for the next two years.

25. The great majority of communications before the Committee involved alleged violations of article 3, read alone or in conjunction with other articles of the Convention. That was probably because the Committee was generally more lenient than other bodies towards persons awaiting deportation who claimed to be at risk of torture if deported. However, communications alleging violations of other articles of the Convention, particularly articles 12 and 13, were becoming more common. Given that most of the complaints related to article 3 of the Convention, which established the principle of non-refoulement, the States parties most often implicated in individual complaints were Sweden, Switzerland and Canada, owing to their particularly generous asylum policies. However, the Committee had begun to receive a growing number of communications

involving States in other regions of the world, such as Algeria, Azerbaijan, Belarus, Mexico and Morocco.

26. The duties of the Rapporteur on follow-up to communications included: initiating correspondence with the relevant State party in the months following the Committee's decision, in order to find out what measures had been taken; meeting with the representatives of the permanent missions of States parties to encourage them to follow up on the Committee's decisions; and making follow-up visits to States parties. As part of those duties, he had met with representatives of the diplomatic missions of Tunisia, Senegal and Kazakhstan and had been part of a Committee delegation that had visited Senegal in order to urge the competent authorities to implement the Committee's decision in the case *Suleymane Guengueng and others v. Senegal* (CAT/C/36/D/181/2001), which had gone unheeded for years.

27. Pointing out that he also performed the role of Rapporteur on new complaints and interim measures, he said that States parties almost always granted the Committee's requests for interim measures and that only two States — France, in two cases, and Canada, in one case — had ignored such requests. Thus far, only one State party — Canada — had deported a complainant in violation of the Committee's decision. The Committee had reacted by reminding the State party of its obligations and had asked it to provide information on the measures taken to prevent the individual concerned from becoming the victim of violations following deportation.

28. The results achieved since the start of the follow-up procedure on communications in May 2005 were generally satisfactory. In 26 cases, the Committee had completed its dialogue with the State party under the follow-up procedure. Currently, the dialogue under the follow-up procedure was still ongoing with regard to 25 decisions. The Committee was still awaiting a response from States parties regarding eight of those decisions.

29. He wished to provide a few details about the follow-up given in three cases that exemplified the Committee's jurisprudence. In the first case, *Agiza v. Sweden* (CAT/C/34/D/233/2003), the Committee had found that the State party had violated article 3 of the Convention by deporting an Egyptian national to his country of origin when it knew that he was suspected of terrorism and that there were substantial grounds for believing that he was at risk of torture. In addition, the Committee had considered that the diplomatic assurances Sweden had requested from the Egyptian Government did not in any way eliminate that risk. Once the Committee's decision had been issued, the Swedish authorities had taken a whole series of measures to implement it. According to the most recent information, provided in a letter of 13 May 2011 addressed to the Committee by the Swedish Ministry of Foreign Affairs, the staff of the Swedish embassy in Egypt had visited Mr. Agiza in jail 63 times since the Committee had adopted its decision, most recently on 11 April 2011. In the aforementioned letter, the Swedish authorities maintained that they had spared no effort to repair the damage caused to Mr. Agiza and asked the Committee to consider that it was no longer necessary to continue the dialogue under the follow-up procedure. He suggested that the Committee should maintain the dialogue but allow the State party the option of making progressively less frequent visits until Mr. Agiza had finished serving his sentence.

30. In the case of *Suleymane Guengueng and others v. Senegal*, the Committee had concluded that Senegal had violated its obligation to prosecute or extradite the former Chadian dictator Mr. Hissène Habré, who was accused of torturing the complainants and had taken refuge in Senegal. The case involved complex issues, but several solutions had been proposed to the State party to help it fulfil its obligations under the Convention. Nevertheless, even though Belgium had requested the extradition of Mr. Habré, the problem of financing a trial organized in the country had been resolved, the Court of Justice of the Economic Community of West African States (ECOWAS) had called upon the State

party to establish a joint tribunal to try Mr. Habré, and the African Union had suggested setting up special units within the national courts, the Senegalese authorities had failed to take any action for years. The situation was now urgent because one of the complainants had already died from the torture he had suffered at the hands of Mr. Habré's agents, and other complainants might also die before justice was served. Moreover, according to an interview he had given to the press in 2008, the President of Senegal did not seem to be in any hurry to try Mr. Habré in the national courts and instead wished to encourage him to leave the country. The Committee might therefore wish to continue its dialogue with the State party, and in particular to remind it of its obligation to try Mr. Habré or extradite him to Belgium and ask it not to allow the former dictator to leave the country.

31. Lastly, in the case of *M'Barek v. Tunisia* (CAT/C/23/D/60/1996), in which the communication had been submitted by the relatives of Mr. Baraket, deceased, the Committee had asked the State party to order the exhumation of the body so that a new autopsy could be performed in the presence of international experts, in order to establish whether the family's allegations of torture were justified and, if so, to open an investigation. He suggested that the Committee should continue its dialogue with the State party until it responded in a satisfactory manner.

32. **Ms. Gaer** asked Mr. Mariño Menéndez to provide further information on the suggestions made by the subgroup on follow-up to individual communications, including the suggestions to adopt guidelines on the follow-up procedure and to include in the Committee's annual report a table listing the decisions in which it had found violations as well as the categorization of the follow-up response. Given that the Committee's annual report already included a substantial section devoted to follow-up on communications, she wished to know how the current presentation of follow-up on communications in the annual report differed from the formula proposed by the subgroup.

33. With regard to the case of *Suleymane Guengueng and others v. Senegal*, the parties involved seemed to be shifting responsibility to each other when it came to initiating proceedings against Mr. Habré and, according to the latest information available, the Senegalese Government seemed to want to rid itself of the matter. She would like to hear Mr. Mariño Menéndez's views on the current situation.

34. **Mr. Wang** Xuexian pointed out that often a State party did not wish to follow up on a decision on a communication where the Committee had freely assessed the facts of the case in the decision in question. It was therefore urgent for the Committee to complete its examination of its draft general comment on the assessment of the facts and evidence during the consideration of communications under article 22 of the Convention, as the objective of the general comment was to convince States parties that, in some specific cases, the Committee was entitled to freely assess the facts and evidence and was not bound by the findings of the domestic courts.

35. **Ms. Kleopas** thanked Mr. Mariño Menéndez for his statement and said it indicated that States parties generally followed up on the Committee's decisions, which were grounds for satisfaction.

36. **Ms. Varesano** (World Organisation Against Torture – OMCT) said that OMCT had recently conducted a mission to Tunisia to monitor the implementation of three of the Committee's decisions regarding that country, and that the discussions between her organization and the authorities had been encouraging. As many new developments had taken place over the past few months, the time was right to encourage Tunisia to follow up on the Committee's decisions. She wondered if the Committee planned to take such action.

37. With regard to the *M'Barek v. Tunisia* case, the Coalition of International Non-Governmental Organisations Against Torture (CINAT), to which OMCT belonged, had proposed that the Committee should conduct a follow-up mission in Tunisia so that its

decisions, which concerned events in the distant past, might finally be implemented and the Tunisian authorities might take initial steps towards opening an investigation by carrying out the exhumations.

38. **The Chairperson** stressed the importance of follow-up on communications. Mechanisms for monitoring States parties' compliance with their obligations under international law were not all equally effective. First of all, there was bilateral monitoring under the system of inter-State complaints. That method was the least effective because it was contingent upon the power of the countries concerned as well as economic, political and strategic criteria. The second form of monitoring was the type that took place within collective bodies, for example the United Nations General Assembly or the Human Rights Council, where State representatives often acted on the basis of political considerations. The third monitoring mechanism was the system of State reporting, which was more effective to the extent that it relied on treaty bodies made up of independent experts who based their recommendations and analyses of situations on a legal background. Lastly, the most effective monitoring mechanism was the system of individual communications, under which specific decisions were issued with which States had voluntarily chosen to comply.

39. Thus far, 64 countries had recognized the competence of the Committee to consider individual communications. In order to encourage other States to do the same, the Committee should emphasize the legitimacy of that semi-judicial mechanism and ensure that its reasoning, assessment of the facts and conclusions were of high quality. It was also important to be able to evaluate the implementation of decisions rendered pursuant to article 22. In that regard, it would be useful for the Rapporteur to receive assistance from the secretariat to carry out statistical analyses of the cases examined and the follow-up given to the Committee's decisions. Data should also be collected on the situation of persons returned to their countries of origin in cases where the Committee had not found a violation, so that the Committee might learn from any errors it had made. In order to implement all of the above, more resources should be devoted to follow-up.

40. **Mr. Mariño Menéndez** (Rapporteur on follow-up to communications) said that the Committee might very well draft a general comment on article 22 if that was considered useful. The various treaty bodies had a substantial backlog of communications to consider, and he believed that the problem was likely to worsen for all the committees concerned. The backlog might be due in part to the operation of the Petitions Unit, which did not always have the necessary means and staff available to it. The Petitions Unit had an important role to play, however, since it assisted with the drafting of documents, the organization of procedure, and the presentation of cases at Committee meetings, thereby helping to improve the efficiency and timeliness of the consideration of communications. The Committee might therefore wish to consider the issue of the rational use of human resources and determine exactly what resources would be needed in the light of the expected increase in the number of complaints.

41. The internal action taken by Senegal regarding the Hissène Habré case had ground to a halt, for political reasons among others. Certain interest groups did not look favourably on the idea of a former African Head of State being subject to a judgement rendered by a universal court. A conference of donor countries had raised \$10 million to be used to conduct the proceedings and establish rules, taking into account the need for procedural efficiency, but developments in the political and diplomatic situation had arrested that process. With regard to the action brought by Belgium requesting the extradition of Mr. Habré, it seemed that a decision would be rendered within one year at the latest. The Senegalese authorities currently seemed to favour the establishment of a joint tribunal to hear the case. The Committee might try to move matters forward by reminding Senegal of its obligations and asking the Government to report on the issue.

42. The fact that Morocco and Algeria had made the declaration under article 22 should encourage other African States to take the same step. The Committee, for its part, should make an effort to improve the quality of its decisions in order to encourage States to adopt the procedure, focusing in particular on how its decisions were structured and on the issue of assessing the facts and evidence.

43. With regard to Tunisia, he welcomed the fact that NGOs (including OMCT) had met with the Minister of Justice and had found the Government willing to cooperate with the treaty bodies and with the United Nations system in general. The Committee might take advantage of that situation to conclude its consideration of pending communications concerning Tunisia and to clarify certain points with the Tunisian authorities, including issues related to the exhaustion of domestic remedies and the independence of the judiciary in the context of reform.

44. He supported the Chairperson's comments on the need for detailed follow-up on all decisions rendered under article 22. In order to evaluate the procedure's effectiveness, the practical implementation of the decisions should be considered. It would also be useful to take a closer look at issues related to the Committee's cooperation with States.

45. He received substantial assistance from the secretariat concerning follow-up activities, particularly with regard to interim protection measures. The current situation concerning follow-up to individual communications was not critical, but that could change if the number of communications were to increase. Staffing and financial requirements would increase greatly if the Committee decided to ensure follow-up on the situation of persons returned to their country of origin following a decision finding that they were not at risk of torture. That would also raise the issue of cases in which a complainant was returned to a State that was not a party to the Convention, such as the Islamic Republic of Iran, India or certain African countries to which individuals were often deported. It was possible that a given State might not cooperate at all, in which case it would be preferable not to draw the authorities' attention to the individual concerned, in order to prevent him or her from being targeted. On the other hand, the Committee could always encourage the country to ratify the Convention.

46. The Committee was regularly faced with the issue of distinguishing between acts of torture and cruel, inhuman or degrading treatment. In that regard, the Convention should not be static; rather, it should be interpreted in the light of relevant international law and the changes it underwent. Current trends indicated a gradual convergence of the two concepts with regard to their legal consequences. It would be interesting for the Committee to reflect further on that issue.

47. **Mr. Petrov** (Petitions Unit) said that the Petitions Unit dealt with all individual communications submitted to all the various treaty bodies. One person in particular was responsible for follow-up. Explaining that it was he who currently carried out those duties, he said that he worked in close collaboration with Mr. Mariño Menéndez, who he informed as soon as possible of any urgent developments relating to the cases examined. The Petitions Unit was currently considering ways to enhance the visibility of the cases considered by the treaty bodies and in particular to improve the table created by the Human Rights Committee. It was true that the Petitions Unit had recently experienced staffing problems, but every effort had been made to ensure that that did not affect its work. A recruitment process had begun and the staff would soon be at full strength again.

48. **The Chairperson** reiterated the need for adequate resources in order to carry out effective follow-up under article 22. That follow-up should not be limited to interim protection measures but should also focus on the implementation of the Committee's decisions, which must be statistically quantifiable.

The meeting rose at 1 p.m.