UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/SR.25
13 May 1997

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 25th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 26 March 1997, at 10.30 a.m.

Chairman: Mr. SOMOL (Czech Republic)

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GE.97-11373 (E)

The meeting was called to order at 11.15 a.m.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(agenda item 8)(E/CN.4/1997/4 and Add.1-2 and Corr.1 and Add.3, 7 and Add.1-3 and Corr.1, 25 and Add.1, 26, 27 and Add.1, 28, 29 and Add.1, 30, 31 and Add.1, 32-34, 55 and Corr.1, 103 and 104; E/CN.4/1997/NGO/3, 4, 7, 8, 20, 22, 23 and 29; E/CN.4/Sub.2/1996/16, 17, 19 and Corr.1 and Add.1; A/51/465 and 561)

1. Mr. TOSEVSKI (Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances), introducing the Working Group's report (E/CN.4/1997/34), said that more than 15 years after its establishment the Working Group unfortunately still had some 43,900 unelucidated disappearances on its books. Many of them dated back more than 10 years and there had been little progress on them, even though the situation had changed in a number of countries against which charges had been made and no new cases had been reported there. The Working Group was particularly concerned by those countries in which more than 500 cases had been outstanding for more than 10 years: Argentina, Chile, El Salvador, Guatemala, Iraq, Peru, the Philippines and Sri Lanka. Those countries should continue to make consistent and effective efforts to determine the fate of the disappeared and, if appropriate, acknowledge the State's responsibility and offer proper compensation to their families.

2. The non-governmental organizations dealing with the problem of enforced disappearances provided the Group with valuable assistance in its work. On no account should they give up until a case had been solved, as their contacts with the friends and families of the disappeared were of vital importance in following up cases.

3. For a number of years the Working Group had assumed responsibility, at the Commission's request, for monitoring States' compliance with their obligation under the Declaration on the Protection of All Persons from Enforced Disappearance. Four years after its adoption, the Declaration was still extremely poorly implemented. Only a few countries had incorporated it into their domestic law by enacting special legislation to classify enforced disappearance as a specific offence under criminal law. In order to draw States' attention to their obligations under the Declaration, the Working

Group was continuing to adopt general observations on specific provisions and the Department of Public Information was disseminating the Declaration throughout the world.

4. The Working Group had noted with satisfaction that the sessional working group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the administration of justice and the question of compensation had begun to prepare a draft international convention on the prevention and punishment of enforced disappearances. With respect to the question of monitoring mechanisms raised in the sessional working group's report, the Working Group on Enforced or Involuntary Disappearances was of the opinion that a monitoring body would be essential in order to supervise compliance by States parties with the future Convention. However, in order to avoid a proliferation of treaty-monitoring bodies, the task might be entrusted either to one of the existing monitoring bodies or to the Working Group on Enforced or Involuntary Disappearances. In the latter case, the Working Group could continue to function as a thematic mechanism of the Commission and also as a monitoring body, by analogy with the dual role assigned to the Inter-American Commission on Human Rights.

5. Mr. NOWAK (Expert responsible for the special process on missing persons in the territory of the former Yugoslavia), introducing his report (E/CN.4/1997/55), said that the report was the last he would submit to the Commission as he had decided to resign from his post: His reason for doing so was not that he considered his task completed - the assessment provided in his report gave the measure of the work remaining - but because it was impossible to carry out for three main reasons.

6. The first was of a technical and practical nature. As most of the 20,000 persons still missing in Bosnia and Herzegovina and the 5,000 “disappeared” in Croatia had probably been the victims of the many “ethnic cleansing” operations carried out in the region between 1991 and 1995, the exhumation and identification of their mortal remains in the mass graves was clearly a major task. However, not only were the authorities under whose control the graves lay, and in particular the Bosnian Serb authorities, far from willing to open them, but the international community had provided neither the political support nor the material means required to carry out the exhumations. The United Nations voluntary fund set up for the purpose had received barely 5 per cent of the amount considered necessary. For its part, the multinational Implementation Force (IFOR) had consistently refused to ensure the safety of the forensic experts in the field. Although the international Stabilization Force (SFOR) was more willing to assist in “humanitarian exhumations”, serious problems remained, such as the clearance of mines from the suspected mass graves. It was therefore impossible to carry out the comprehensive programme of forensic research requested by the Commission on Human Rights in resolution 1996/71.

7. A second obstacle preventing him from carrying out his mission had been the lack of coordination among international institutions in the field. After the entry into force of the Dayton Peace Agreement, a number of new institutions had been added to those already operating in the former Yugoslavia. The Office of the High Representative had been entrusted with coordinating their activities. However, in spite of the time spent on the

task, it had not been possible to resolve the problems posed by overlapping between the mandates of the International Committee of the Red Cross (ICRC) and the ICRC-chaired Working Group on Missing Persons, the United Nations Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, the International Criminal Tribunal for the Former Yugoslavia and other bodies, and the mandate of the expert responsible for the special process. Despite having requested the Commission "to define this mandate as unambiguously as possible", unfortunately he had still not received a positive response. He hoped that the International Commission on Missing Persons in the former Yugoslavia, established at the initiative of the Government of the United States, which had met for the first time the previous week at Zagreb and which was supported by many key Governments, would succeed in better coordinating work in the field.

8. Lastly, he had come up against a refusal to cooperate on the part of the Federal Republic of Yugoslavia, which had from the very outset refused to assist the special process. The Belgrade authorities' lack of zeal was undoubtedly a major reason for the failure to clarify the fate of missing persons in the region. Reconciliation between the victims' families and those responsible for the disappearances nevertheless hinged on the solution of that painful problem.

9. As he did not wish to end his statement on a pessimistic note, he drew attention to the progress that had been achieved over the past year. Governments were apparently less hostile to the use of forensic methods to elucidate the fate of the disappeared persons. Most of the cases resolved during the year had been cleared up as a result of exhumations, in particular those carried out by the authorities in Croatia and Bosnia and Herzegovina. Moreover, the High-Level Multilateral Commission on Missing Persons, involving all relevant parties in the former Yugoslavia, whose establishment he had recommended in his previous report to the Commission (E/CN.4/1996/36), had recently been set up. He wished it every success in its endeavours and encouraged families to cooperate actively with it. He called on the generous donors who had responded to his fund-raising appeals to send the funds already collected directly to the associations of families of missing persons in Croatia and in Bosnia and Herzegovina.

10. Mr. BIJEDIC (Observer for Bosnia and Herzegovina) said that the issue of disappeared persons was a particularly important aspect of the human rights situation in Bosnia and Herzegovina, and one which it was essential for the Commission to continue to address as a matter of priority. As the expert responsible for the special process on missing persons in the territory of the former Yugoslavia had emphasized in his excellent report, the approximately 27,000 persons who had disappeared in Bosnia and Herzegovina had probably been the victims of the policy of "ethnic cleansing", a crime comparable with genocide. There was therefore a direct link between the problem of the disappeared persons and the work of the International Criminal Tribunal for the Former Yugoslavia, because bringing those guilty of the crimes to justice was a matter of urgency. The fact that the persons indicted by the Tribunal continued to come and go with impunity was a major obstacle to the peace process in general, and to respect for human rights, which lay at the heart of the Bosnian problem.

11. However, until such time as justice was done, every effort should be made to help the families and friends of the disappeared persons to find out what had happened to them. Solving that painful problem was a prerequisite for closing a chapter and beginning a genuine process of reconstruction and reconciliation.

12. Unfortunately, there had been little change in the situation. Not only were certain key issues, such as those posed by the return of the refugees, reconstruction and the establishment of State organs, at a standstill, but apparently the first meeting of the International Commission on Missing Persons in the Former Yugoslavia, held in March at Zagreb, had produced no tangible results: despite the time made available to them to study the protocol aimed at speeding up the search for disappeared persons, proposed by the delegation of Bosnia and Herzegovina, the Serbian and Croatian representatives had still not been prepared to sign the document on 25 March in the presence of the High Representative. The protocol required that all known or supposed mass graves should be freely accessible, at all times, to all the representatives of the bodies taking part in the searches - ICRC, the expert responsible for the process, UNHCR, the International Criminal Tribunal for the Former Yugoslavia, the Office of the High Representative, SFOR, the International Police Task Force (IPTF), the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), etc. - but forbidden to persons accused of war crimes; that the sites should be protected by IPTF and the local police; that a list of at least five mass graves to be excavated should be submitted to the International Commission on Missing Persons; that priority should be given to mass graves in the region of Srebrenica; that the International Criminal Tribunal should establish priorities for the excavation of mass graves; that the representatives of the competent bodies should exchange all available information on the persons killed or deceased, including among the prisoners of war; that they should have a meeting, at least every two months, with the secretary of the International Commission on Missing Persons and that they should be authorized to impose the protocol on SFOR, UNTAES and IPTF; and that it should only be possible to denounce the protocol by consensus.

13. His delegation had firmly requested the Security Council to adopt a resolution demanding that all parties grant unconditional access to all mass graves and providing for penalties for failure to comply with that obligation.

14. The experience gained over the previous year proved that determination, coordination and financial support remained insufficient; for that reason, Bosnia and Herzegovina unreservedly supported the relevant recommendations made in his report (E/CN.4/1997/55) by the expert responsible for the special process. Results had to be achieved, and rapidly, in order to give an impetus to the peace process, and in particular to the implementation of annex 6 of the Dayton Peace Agreement, concerning human rights. Bosnia and Herzegovina highly appreciated Mr. Nowak's efforts to perform a difficult task and intended to submit to the Commission a draft resolution recommending that the mandate for the special process should be extended for one year. His delegation requested that full account should be taken of the recommendations made by the expert, especially with regard to the parties' lack of political will, which made it imperative for the international community to intervene; the need to ensure that justice prevailed and to prosecute those responsible

for the crimes, as a prerequisite for stability in Bosnia and Herzegovina; and the need for better coordination of the activities of all the individuals and bodies engaged in bringing peace to Bosnia and Herzegovina, so as to avert rivalry and overlapping.

15. Mr. PAPA (Observer for Croatia) said the clarification of the fate of thousands of disappeared persons and mitigation of their families' suffering was still a crucial problem and a test for the international community, requiring the adoption of new measures and the exertion of greater pressure on those in possession of the data without which the searches would be fruitless.

16. A total of 2,500 people were still missing in Croatia, many of them the victims of the atrocities perpetrated in 1991. However, the numerous mechanisms set in motion by the international community - the special process on missing persons in the territory of the former Yugoslavia, the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, the Central Tracing Agency of ICRC, the International Commission on Missing Persons in the Former Yugoslavia, to name but a few - had still achieved no result. While unreservedly cooperating with all those initiatives, Croatia had begun bilateral negotiations with the Federal Republic of Yugoslavia through governmental commissions established pursuant to an agreement on cooperation in tracing disappeared persons and an agreement on the normalization of relations between the two countries, although it had so far achieved no noteworthy results.

17. The commitments made by all the parties under the Dayton Peace Agreement, the bilateral agreements on the release of all prisoners and the investigations into the fate of the disappeared persons, together with the exhumation of the mass graves in Croatia, such as the one at Ovèara, in the vicinity of Vukovar, which had resulted in the exhumation and identification of the remains of some 200 disappeared persons, were certainly a step in the right direction, but the international community should coordinate and target its efforts and give serious thought to ways and means of raising the necessary funds, if any real progress was to be made. Pressure also had to be brought to bear on those Governments which possessed the information required to trace those missing.

18. Although some aspects of the special process were not above criticism, he was convinced that it had a major role to play from both the humanitarian and human rights angles, particularly because it had been responsible for emphasizing the need to examine the root causes of the disappearances. Croatia regretted the decision of the expert responsible for the process to resign and hoped that his successor would receive the support he had been denied.

19. Mr. JOINET (Chairman-Rapporteur of the Working Group on Arbitrary Detention), introducing the Working Group's report (E/CN.4/1997/4), said that numerous Governments had cooperated with the Working Group in dealing with individual communications, some of them by responding to the urgent appeals sent to them by the Working Group (report, paras. 4-22). In particular, he thanked those States which had agreed to receive the Working Group: Bhutan, whose negotiations with Nepal to decide the fate of tens of thousands of Bhutan refugees he hoped would finally make progress (see

E/CN.4/1997/4/Add.3); China, to which he had made a preparatory visit for a mission planned for the autumn of 1997; Nepal (see E/CN.4/1997/4/Add.2); and Peru, which the Working Group would only visit later, for obvious reasons.

20. He said that he wished to dispel a number of misunderstandings. First of all, the Working Group had no intention of taking the place of the judicial authorities of the Member States or assuming the role of a form of supranational jurisdiction. Its mandate was to investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards. When it considered a communication, it endeavoured not to query the facts and the evidence, and in its decisions it directed its attention neither to judges nor to the courts, its sole concern being the compatibility of national legislation with the relevant international instruments. Secondly, the Working Group had adopted a consultative rather than an adversarial procedure, and before taking a decision on a communication, it gathered the views of the Government and the source, its aim being fair, and thus transparent, cooperation. Thirdly, the Working Group recognized that the use of the word "decision" to describe its assessment of the communications submitted to it might give the impression that it was calling into question the force of res judicata; for that reason he believed that it would be advisable to replace it with a word such as view, opinion, recommendation or observation. Lastly, the fourth possible source of misunderstanding lay in the debate over the implementation of the so-called "declaratory effect" theory. The Group had taken the view that the international human rights instruments were binding only on those States that were parties to them; however, as they had first of all been adopted in the form of General Assembly resolutions, they had a declaratory effect entailing at least a moral obligation for other States until such time as they acceded to them. But as the Commission had requested it to reconsider its position, the Working Group no longer invoked treaties in respect of States which had not acceded to them, restricting itself to the Universal Declaration of Human Rights, as that did have a declaratory effect.

21. In conformity with Commission resolution 1996/28, he introduced the Working Group's conclusions and recommendations on the means of taking "duly into consideration the distinction between detention and imprisonment made inter alia, by General Assembly resolution 43/173". The conclusions and recommendations (report, paras. 95-97) were the result of a thorough analysis of the consequences for the Group's credibility, and thus that of the Commission, of too narrow an interpretation of its mandate, and of the respective significance, for the purposes of comparative law, of the words "detention" and "imprisonment".

22. It would be possible to infer the consequences, in terms of the protection of human rights, of too narrow an interpretation of the Working Group's mandate from the Commission's reply to the following question of principle: in the light of the Commission's functions, which concept carried more weight in the expression "arbitrary detention" - "detention" or "arbitrary"? In resolution 9 (II) of 21 June 1946, the Economic and Social Council had extended the Commission's mandate to "any other matter concerning human rights" not covered by resolution 5 (I) of 16 February 1946 establishing

the Commission, whose scope had been extremely limited. On that basis, the Commission had, in many spheres, assigned considerable importance - or even priority - to combating arbitrariness in all forms and in all circumstances. The Working Group had concluded that where deprivation of freedom was concerned, as in other spheres, the Commission's intention was to combat all forms of arbitrariness. It had been all the more disposed to do so because the Commission's own experience showed that arbitrariness could persist, especially on account of the special nature of the courts or of the legislation in force. History was not lacking in examples of arbitrary judgements; without going back as far as the Dreyfus case, the most renowned figures who had been the victims of arbitrary trials included Mahatma Gandhi, Nelson Mandela and more recently Vaclav Havel and Petr Uhl, who had been sentenced to prison for having exercised their most fundamental rights to freedom of opinion, expression, assembly and association, in trials which would be considered arbitrary in the light of the Working Group's criteria. Likewise, when thousands of Chilean patriots and democrats had been sentenced under General Pinochet's dictatorship by so-called military courts, neither the Commission nor the successive special rapporteurs on Chile had considered limiting their investigations solely to the deprivations of freedom that obtained before the trials. To have decided otherwise would have implicitly legitimized, as it were, arbitrary deprivation of freedom on the grounds that a court had taken a sovereign decision, even though the essential prerequisites for the right to a fair trial had not been met, a failure that was not attributable to the judges and the courts, but to the legislation they had to apply.

23. Even if one might doubt the existence of a distinction between the terms “detention” and “imprisonment”, there was one element that could hardly be questioned: the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the key text in that field, was the sole instrument to make such a distinction clearly and explicitly, albeit with one reservation: the preamble stated that far from having general scope, the distinction between the two terms was made only “for the purposes of the Body of Principles”, as was confirmed by the preparatory process. However, the decisive factor for the Working Group had been the third preambular paragraph of resolution 1991/42 establishing the Working Group, in which the Commission had formally referred to article 10 of the Universal Declaration of Human Rights, setting forth the minimum guarantees for the right to a fair trial - and thus to a judgement fair. That reference had always been repeated in the Commission's resolutions concerning the Group's activities, including in 1996; the repeated reference would hardly be comprehensible if the Commission believed that the article in question did not concern arbitrary detentions after trials at which those guarantees had not been respected. The Working Group would appreciate it if, in determining its position, the Commission took into account only the public elements, in other words those to which all could refer, i.e. in essence the 1991 resolution establishing the Group and the summary records of 1991, rather than informal discussions.

24. The Working Group suggested that the Commission should take note of the fact that, since May 1996, in strict conformity with the request made to it by the Commission, it had been applying the international instruments - and in

particular the International Covenant on Civil and Political Rights - which were relevant to the cases considered only when the States concerned were parties to them. It also requested the Commission to take note of its intention, when dealing with communications, to issue "views" rather than to adopt "decisions", in order clearly to underscore the non-jurisdictional nature of its mandate with regard to national jurisdictions. It asked the Commission to take into consideration the various adjustments and observations regarding the misunderstandings referred to earlier. He hoped that he had convinced the Commission that the Working Group had kept strictly to the rule of transparency and that it had acted in good faith and with intellectual honesty.

25. Mr. CUMARASWAMY (Special Rapporteur on the independence of judges and lawyers) introduced his third report to the Commission (E/CN.4/1997/32 and Add.1 to 3). After having referred to his mandate, set out in Commission resolution 1994/41, and his first and second reports, he said that his third report described his activities since the Commission's previous session and set forth the situation in the 33 countries to which he had sent urgent appeals or in which the issue of the independence of judges and lawyers gave rise to concern. The report also contained a brief account of his missions to Peru and Colombia from 9 to 27 September 1996, although lack of time and resources had prevented him from preparing a detailed report on each of those countries.

26. However, where Peru was concerned, he had reached the conclusion that the "faceless" courts should immediately be abolished. In Colombia, public order was seriously disturbed. There had allegedly been 26,000 murders in 1996, i.e. 64 each day. Judicial safeguards and the presumption of innocence were disregarded. The decisions taken by the military courts made it easy for culprits to go unpunished. According to senior Colombian law officers, the rule of law was in a state of collapse.

27. He emphasized that, whatever their specific circumstances, all States were required to comply with the norms relating to the independence of judges and lawyers. There could be no distinction between North and South, between developed and developing countries.

28. Generally speaking, Governments replied reasonably promptly to requests for information, although some of them might react more rapidly to interventions and urgent appeals. When he had been writing the report, the Government of Malaysia had merely acknowledged receipt of his letter but had not yet replied to it; it had done so on 3 March 1997 and had undertaken to uphold the independence of the judiciary and to comply with the Basic Principles on the Role of Lawyers, and with paragraph 27 of the Vienna Declaration and Programme of Action.

29. The Special Rapporteur had also asked to visit Cuba, Kazakstan, Uzbekistan, Pakistan, the United Kingdom (in connection with the situation in Northern Ireland) and Turkey. He had received a favourable response from the Governments of Kazakstan and Uzbekistan and an agreement in principle from the United Kingdom. He was also due to visit Belgium to meet, at his request, the

Prime Minister, the Minister of Justice and the President of the Court of Cassation. Regarding Nigeria, he had submitted a joint interim report (A/51/538) to the General Assembly in accordance with resolution 1996/97 of the Commission, which had before it a final report (E/CN.4/1997/62); he regretted that the visit he had been due to make jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions from 25 February to 5 March 1997 had been cancelled for reasons that would be detailed in an addendum to the final report.

30. Where the application of norms was concerned, he was cooperating with the Crime Prevention and Criminal Justice Division in Vienna. He noted with regret that barely a third of the Member States had replied to the questionnaire sent by the Division on the implementation of the Basic Principles on the Independence of the Judiciary. Regarding the Office of the High Commissioner for Human Rights/Centre for Human Rights, he was gratified that the preparation of a manual for the training of judges and lawyers, to which he had contributed, was well advanced; a meeting of experts was to be held at the Centre from 5 to 9 May 1997 to study the first draft, and the manual should be ready by the end of the year. In that connection, he said that Governments, the members of the legal profession and lawyers were increasingly aware of the importance of the United Nations norms relating to the independence of judges and lawyers.

31. The information gathered indicated that attacks on the independence of judges and lawyers were not confined to the developing countries and that there was a need for constant vigilance internationally. However, in order satisfactorily to analyse and understand the reasons for those violations, it was imperative to inquire into the political and economic environment within which justice functioned and to study the power structure of individual States. It would be wrong to interpret his mandate too restrictively; it should be interpreted purposively to realize its objectives. In that regard, it was worth reminding States of their obligations under the 1993 Vienna Declaration and Programme of Action, and in particular paragraph 27 concerning the administration of justice.

32. He was convinced that there was a real need for the monitoring mechanism provided for under his mandate. An independent judicial system was ultimately the constitutional guarantee of respect for human rights, and its realization was a sine qua non for the realization of all those rights. However, the mandate's objectives could not effectively be attained unless he received adequate resources, both human and financial.

33. Mr. RODLEY (Special Rapporteur on torture), introducing his report (E/CN.4/1997/7 and Add.1 to 3), said that in contrast to the previous year, addendum 1, summarizing the cases brought to the attention of Governments and the replies received, had been issued in all the Organization's official languages, for which he was most appreciative. However, on account of restrictions on the length of documentation, he had been compelled to simplify the summaries excessively, and as a result they gave a less clear picture of the alleged incidents. Nonetheless, the addendum was an essential complement to chapter III of the main report (E/CN.4/1997/7), particularly since the

observations made about some countries were largely based on the information summarized in the addendum. A further innovation was the inclusion in the main report of an annex, intended for Governments and other sources of information, summarizing his methods of work.

34. As was customary, chapter I dealt with the mandate and methods of work. Regarding the mandate, he had explained in paragraphs 3 to 11, in response to a question raised by a Government, the basis in international standards of his approach to corporal punishment. His methods of work had remained unchanged. As indicated in paragraph 13, to avoid duplication of work, he had sent urgent appeals to a number of Governments jointly with other thematic or country mechanisms of the Commission.

35. In chapter II, he described his missions to Pakistan and Venezuela, and his visit to Portugal (paras. 95 to 110), where he had met persons from East Timor, as the Government of Indonesia had not invited him to visit Indonesia. He hoped to visit Mexico at the end of July or the beginning of August 1997, to take up the invitation sent to him by the Mexican Government. However, he had still not received an invitation from Cameroon, China, India, Indonesia, Kenya or Turkey, which he wished to visit. As mentioned in paragraphs 15 and 16, he had participated in various United Nations and other meetings, and in particular the discussions of the Commission's Pre-sessional Open-ended Working Group on the Question of the Draft Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

36. Chapter III contained a general summary of the allegations transmitted to the Governments of 78 countries and their replies. The replies received since the report had been prepared would be published in the report to the fifty-fourth session of the Commission. In the case of the Russian Federation and Chile, information was also provided on the follow-up to his earlier missions there. He noted with dismay that the measures taken by the Russian Government had not led to any marked improvement in the appalling conditions of detention in the remand prisons (sizos), which had perhaps even worsened since his visit in 1994. He again called for the adoption without delay of measures to improve the situation, such as the release of all detained persons held on suspicion of a non-violent first offence. Regarding Colombia, paragraph 63 of his report gave the gist of a letter he had sent to the Government jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, and to which he had received a reply only after having prepared the report. He expressed the hope that the agreement reached between the High Commissioner for Human Rights and the Government of Colombia would lead to the rapid establishment of an effective mechanism to protect human rights there.

37. He then briefly reviewed the two addenda to his report, concerning his visits to Pakistan and Venezuela. In the conclusions and recommendations concerning Pakistan (addendum 2, paras. 88-110), he drew attention, in particular, to the use of fetters on prisoners and corporal punishment to enforce Hudud and for violations of prison discipline. There had not yet been any response from the Government to his conclusions and recommendations, although he had learnt with satisfaction from the delegation of Pakistan that the interim Government had prohibited the use of fetters. The Government of

Venezuela, similarly, had still not replied in writing to the conclusions and recommendations contained in paragraphs 74 to 86 of addendum 3 concerning his visit to Venezuela, in which he noted that although torture and ill-treatment in places of detention were neither routine nor automatic, nor were they isolated or occasional aberrations.

38. In a departure from previous practice the main report contained no conclusions and recommendations, first of all because he had no new ones to make, and secondly for lack of space. Hence he had confined himself to drawing attention, in paragraph 217, to the recommendations contained in his report to the fifty-first session of the Commission and to the guidance he had given to Governments, in his report to the fifty-second session, on how to respond to his communications.

The meeting rose at 1.05 p.m.