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Chair: Mr. Fathalla

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The meeting was called to order at 3 p.m.

Consideration of country situations in the absence of reports, pursuant to rule 70 of the Committee's rules of procedure *(continued)*

Situation in Eritrea considered in the absence of a report

1. *At the invitation of the Chair, the delegation of Eritrea took places at the Committee table.*
2. **Mr. Gerahitu** (Eritrea) said that, until 1998, the post-independence period in Eritrea had been characterized by a rapid transformation of the political landscape and the economy which had then been disrupted by the border war with Ethiopia from 1998 to 2000. The unjust sanctions imposed on Eritrea by the United Nations had also hampered the country's development. One of the most prominent challenges that Eritrea had faced over the previous two decades had been the situation created by the continued politicization of illegal migration, coupled with human trafficking, which had lured many young Eritreans out of the country. That was, however, only one of the existential threats faced by the country. The war that had been declared on Eritrea had constituted a violation of the country's sovereign territory, and the imposition of sanctions on Eritrea had constituted a violation of the Eritrean people's right to development. The agenda pursued in the wake of the change of regime in the country had likewise constituted a violation of international law and of the right of the Eritrean people to live in peace. In those circumstances, the country had striven to mobilize and harness its national capacity and continued to do so to the present day. The entire country had united to share the associated burden and to maintain the Eritrean social fabric in order to ensure the country's survival.
3. Those challenges notwithstanding, modest progress had been made in several areas. Despite the interruption of the country's pre-1998 political trajectory, the political process had been resumed by dint of strenuous efforts, albeit against a backdrop of limited national resources. Eritrea had not reneged on its commitment to uphold human rights or to preserve the dignity of its citizens, nor had it compromised its observance of national law even under the exceptional circumstances that had endangered national security.
4. The country had emerged from a 30-year struggle for national liberation which had cost many lives. Despite the many challenges that it faced, Eritrea remained committed to promoting and protecting human rights and had mainstreamed a human rights perspective in all sectoral policies and programmes adopted as part of the nation-building process. Over the last two decades, Eritrea had taken part in the universal periodic review process three times, had submitted several reports to the Committee on the Elimination of Discrimination against Women and intended to submit a report to the Committee on the Rights of the Child by the end of the year. Despite having limited institutional capacity, Eritrea was working to fulfil its reporting obligations.
5. The country's efforts to ensure its national survival over the last two decades, coupled with the new political landscape created following the overthrow of the Ethiopian Government that had been dominated by the Tigray People's Liberation Front, had led to the restoration of peace between Eritrea and Ethiopia. The declaration of peace and cooperation signed by Eritrea and Ethiopia had ushered in a new era of security and development in the Horn of Africa. Eritrea was committed to the consolidation of the atmosphere of trust that had been created between the two countries. Efforts were already under way to reach agreements on matters involving immigration, the economy, security, cooperation and regional security and development which would contribute to the maintenance of peace in the wider region. That peace dividend could hopefully be used to create a multiplier effect for generations to come and allow Eritrea to begin a new chapter in its history.
6. Under its new development paradigm, Eritrea would redouble its efforts to foster peace and cooperation in the region by focusing on the consolidation of internal development dynamics and on international cooperation. Over the previous two years, Eritrea had furthered its national development process by maximizing the comparative advantages of each area of the country; promoting synergies and mobilizing national capacity; pursuing macroeconomic stability; overhauling government institutions; consolidating the political process of nation-building; and engaging with the Eritrean diaspora. Bringing about the

necessary changes would take time and was ultimately contingent upon on the availability of adequate resources. Any attempt to use the restoration of peace as an opportunity to exert pressure on Eritrea while ignoring the objective reality in the country was not constructive and would not be accepted. He hoped that the interactive dialogue would lay the groundwork for future cooperation with the Committee and for the fulfilment of the country's obligations under the Covenant.

7. **Mr. Heyns** said that the Committee recognized that Eritrea, which was still a developing country, had faced countless challenges related to war and the imposition of sanctions and that change would not come overnight.

8. In the absence of written replies to the list of issues, it would be helpful for the delegation to explain in detail how the peace dividend resulting from the signing of the declaration of peace and cooperation with Ethiopia and improved regional relations was translating into greater protection for the civil and political rights of the Eritrean population. He would like to know whether the Covenant prevailed over national legislation, whether its provisions could be invoked before the national courts, what measures had been taken to ensure the compatibility of domestic legislation with the Covenant and what steps had been taken to raise awareness of the Covenant among government officials and the general population.

9. He would also like to hear more about the institutional or judicial remedies available to victims of violations of Covenant rights and their overall effectiveness. Examples of cases in which victims had successfully obtained such remedies would also be appreciated. He would like to know what steps had been taken to implement the decision taken by the African Commission on Human and Peoples' Rights in the case of *Dawit Isaak v. Republic of Eritrea* (communication No. 428/12) involving 18 journalists who had been held incommunicado since 2001. First and foremost, he wished to know whether the journalists in question were still alive.

10. It would be appreciated if the delegation could explain the current status of the 1997 Constitution and when a new constitution was to be drawn up. Adopting a constitution was an important first step towards establishing the rule of law and accountable institutions for the protection of human rights. It would also be helpful to receive information on the status of the new Civil, Penal, Civil Procedure and Criminal Procedure Codes that had been adopted to replace the transitional texts. He wished to know whether the National Assembly had been reconvened and, if not, when that might happen and what role it would play in drafting a new constitution.

11. **Mr. Shany** said that he would be interested to learn what steps the State party had taken towards establishing an independent, impartial national human rights institution in line with the Paris Principles, which would be an important first step towards ensuring the fulfilment of the State party's international human rights obligations. An institution with local knowledge and a mandate to promote and protect human rights would be well placed to act as a mediator between international human rights bodies and the Government.

12. He also wished to know which bodies were responsible for engaging with international and regional human rights mechanisms and why the State party had extended invitations to special procedure mandate holders dealing with economic, social and cultural rights but not to mandate holders concerned with civil and political rights, such as the Special Rapporteur on the rights to freedom of peaceful assembly and of association or the Working Group on Arbitrary Detention. He understood that the Office of the United Nations High Commissioner for Human Rights (OHCHR) had offered to provide Eritrea with technical assistance in order to help it strengthen its justice system and wished to know whether the State party planned to accept that assistance.

13. The Committee had received reports that law enforcement and security personnel had arbitrarily used lethal force in a number of situations and that no effort had been made to investigate those acts or to prosecute those responsible. There were also reports suggesting that, prior to the signing of the peace agreement with Ethiopia, the State party had pursued a shoot-to-kill policy against persons who attempted to cross the border into Ethiopia illegally. He wished to invite the delegation to comment on the veracity of those reports, clarify the State party's policy for dealing with persons who crossed the border illegally and describe

the circumstances in which the use of lethal force might be considered to be justified. He would be interested to learn whether the national legal standards regulating the appropriate use of force and firearms by law enforcement and security forces were consistent with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and whether the State party provided training on that subject to law enforcement and security personnel. He would also be grateful if the delegation could respond to allegations that, in 2016, members of the security forces had fired into a crowd when military conscripts had attempted to jump from the trucks transporting them through Asmara city centre, killing a number of conscripts and bystanders. Its comments would also be welcome on allegations that, in 2017, a demonstration in connection with alleged government interference in the administration of the Islamic Al Diaa School in Asmara had been dispersed with the use of live fire, killing 28 people in the process.

14. In the light of the heavy toll on the country taken by the armed conflict with Ethiopia, he was interested in learning what steps the State party had taken to investigate any violations of civilians' human rights committed by Eritrean nationals or on Eritrean soil by foreign nationals during that period and to punish the perpetrators. He would welcome the delegation's comments on the accuracy of reports that the State party was still holding prisoners of war from the armed conflict with Ethiopia or the 2008 clashes with Djibouti. He would also be interested to know whether Eritrean nationals were still being held as prisoners of war in neighbouring countries and, if so, whether the International Committee of the Red Cross (ICRC) had been able to visit those prisoners of war and other individuals being held in connection with political violence.

15. It was his understanding that, although the death penalty could still be imposed for certain serious offences related to national security, it was no longer being carried out and that Eritrea was a de facto abolitionist State. However, in order to verify the compatibility of the relevant legislation with the Covenant, the Committee would like to receive more information about the specific offences that carried the death penalty, the circumstances under which it might still be applied and the situation of persons on death row. Was the State party considering ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty?

16. **Ms. Pazartzis**, noting that Eritrea had entered a new phase of post-conflict development, said that she would be interested to learn what steps the State party had taken or envisaged taking to investigate past human rights violations committed primarily, but not exclusively, in the context of the armed conflict with Ethiopia, to prosecute perpetrators and to provide victims with adequate remedies.

17. It was her impression that a number of measures restricting fundamental Covenant rights were still in effect in the State party even though a state of emergency was not in force. She would therefore like to know whether any state of emergency had been declared since 1991 and, if so, what areas had been affected and for how long. In the light of the fact that the Committee's general comment No. 29 (2001) provided for derogations from certain provisions of the Covenant in a state of emergency, she wondered whether the 1997 Constitution had authorized the suspension of certain fundamental rights in such circumstances and, if so, whether such derogations had ever been applied outside a state of emergency. It would also be useful to know whether the Penal Code contained a definition of terrorism and/or specific provisions on combating and prosecuting terrorist acts.

18. **Ms. Abdo Rocholl** said that she would like to know whether the State party had adopted legislation prohibiting all forms of discrimination in the public and private sectors in line with the Covenant. She would also appreciate information on the legal remedies available to victims of discrimination, including any independent complaints mechanisms, and the number of complaints received, investigations conducted and the nature of the penalties imposed on the perpetrators. It would likewise be useful to know whether same-sex relationships were criminalized in Eritrea, the percentage of the population infected with HIV/AIDS and the measures in place to guarantee the security and integrity of persons living with the disease.

19. She had noted that, in spite of the 30 per cent quota for women's representation in assemblies at all levels provided for in Proclamation No. 86/1996 and the numerous

awareness-raising campaigns and training initiatives conducted in that connection, women held only 28.5 per cent of posts in political and public life and 26 per cent of posts in regional assemblies. She would like to receive information on female employment rates and the proportion of women in decision-making positions in the private and public sectors and to know whether women and men received equal pay for work of equal value. Given that more than 20 years had passed since the adoption of Proclamation No. 86/1996, she believed that the State party should consider reviewing the effectiveness of its efforts to empower women and to promote their participation in public life. The State party might wish to take a different approach to achieving gender parity in elected positions, such as alternating men and women on electoral lists.

20. She would also welcome information on how literacy and enrolment rates for women and girls compared to those of men and boys and on any measures taken to address patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society. It would also be helpful to learn more about the rights of men and women in relation to marriage, divorce and inheritance, including under sharia and customary law. Lastly, she wished to know whether the State party had taken steps towards abolishing polygamy in law and in practice.

21. **Mr. Muhumuza** said that he would like to know about the circumstances under which the voluntary termination of pregnancy was legal and any related procedural arrangements for the full protection of women's sexual and reproductive health rights. He would also like to receive information on the availability and affordability of modern contraceptives.

22. He wished to know what legal safeguards were in place to ensure the protection of civilians' right to life during armed conflict. Information on any cases in which the death penalty had been imposed for the crimes of desertion or absence without leave from the military would be appreciated.

23. **Mr. Heyns** said that he would be interested to know whether the State party had adopted comprehensive legislation to criminalize all forms of violence against women, including domestic violence and marital rape. It would also be useful to know whether female genital mutilation and forced marriage were formally prohibited by law. He would also like to hear the delegation's comments on allegations concerning the use of gender-specific forms of torture in military training centres, the army and detention centres, including the beating of pregnant women to induce abortion, and allegations of sexual violence against men in detention centres that included torture and rape.

The meeting was suspended at 4.05 p.m. and resumed at 4.25 p.m.

24. **Mr. Idris** (Eritrea) said that the Government believed in the interdependence and universality of all human rights and endeavoured to fulfil its obligations to its citizens on that basis. In Eritrea, the fundamental hierarchy of laws under which rights were guaranteed was always respected. The provisions of a special statute prevailed over those of a general statute, and pre-existing provisions were superseded by provisions adopted subsequently. Thus, proclamations prevailed over legal notices. Eritrea was a dualist State and so had to transpose any international or regional instrument that it ratified into national laws.

25. The Eritrean court system was composed of community courts, which were at the bottom of the jurisdictional hierarchy, zonal or regional courts, and high courts, which housed the Appellate Court. The 430 community courts operating across the country exercised first instance jurisdiction over social matters, including marriage and inheritance. They were also competent to adjudicate small civil claims and cases involving petty criminal offences. The 25 zonal or regional courts operating throughout the country had both first instance and appellate jurisdiction and were therefore competent to hear appeals against community court decisions and to adjudicate intermediate-sized civil claims. The country's five high courts had both first instance and appellate jurisdiction and were therefore competent to hear appeals against zonal or regional court decisions and large civil claims. However, the high courts had exclusive jurisdiction over such matters as the formation and dissolution of business organizations, insurance policies and nationality. The Appellate Court considered appeals against high court decisions on both civil and criminal matters. The military courts adjudicated cases involving crimes of a military nature, while the Special Court adjudicated

cases involving embezzlement and corruption. The sharia courts were competent to adjudicate matters of marriage and inheritance within the Muslim community.

26. The National Charter was a political road map that had been adopted at the Third Congress of the Eritrean People's Liberation Front in 1994. It set out the nation's goals and the strategy and policies for nation-building efforts. An updated political road map had since been drafted and would be discussed by all relevant stakeholders in the future. The 1997 Constitution had never entered into force because of the outbreak of war, among other reasons. Although national laws took precedence over international instruments, as part of its commitment to the international human rights system, Eritrea drew on the provisions of the international instruments to which it was a party and gave them serious consideration. Moreover, a number of provisions of international instruments had been referred to by the new national courts, thereby demonstrating the country's commitment to their implementation.

27. The Civil Code, which Eritrea had inherited from the Provisional Military Administrative Council, otherwise known as the *Derg* regime, contained a provision that formally repealed all customary laws in their entirety. Although community courts were required to adjudicate cases on the basis of the formal legal system, they could still take customary law into account, and that had proved useful in settling disputes. The sharia applied only to Muslims who chose to marry under Islamic law. Muslims who had done so were required to have recourse to the sharia courts for judgments on divorce, inheritance and family matters.

28. Efforts to raise awareness of the Covenant and national laws among judges, prosecutors, law enforcement officers and government officials had been stepped up with the aim of improving accountability and enforcement. Public awareness campaigns had been conducted through a variety of media outlets in an effort to promote a better understanding of the new Civil, Penal, Civil Procedure and Criminal Procedure Codes and to empower individuals to defend their rights and fulfil their obligations. It was hoped that those campaigns would promote effective community participation in the justice system. Seminars and briefings on national laws and human rights had also been held for media professionals.

29. OHCHR had carried out four technical missions to Eritrea in keeping with the country's capacity-building priorities in the areas of administration of justice, the water supply, security and the rights of persons with disabilities. During the last mission, in October 2017, substantive training had been dispensed to judges, prosecutors, lawyers, police officers and prison officials on human rights standards and their implementation, particularly in respect of vulnerable children. A proposal for follow-up had already been submitted by OHCHR. Training had also been provided to the staff of judicial bodies, law enforcement agencies, ministries and national civic organizations on the administration of justice in Eritrea; the international human rights system; human rights in the context of criminal investigations, arrest and detention; the importance of fair trials and the independence of judicial officials; and non-discrimination and the protection of women, children and persons with disabilities.

30. Eritrea had expanded its cooperation with the International Criminal Police Organization (INTERPOL), which had conducted two workshops on transnational crime in the country in 2018, and the Ministry of Justice had held an institutional symposium on the rule of law. The Government had responded in a timely manner to the communications regarding the detention of certain journalists. The measures it had taken in that respect had been necessary to address national security issues and did not constitute human rights violations.

31. **Mr. Gerahtu** (Eritrea) said that a concerted effort was being made through the media, the education system and other outreach activities to raise the public's awareness of their rights. A body had recently been established to write a new constitution, taking into account the experiences of the previous 20 years, and that process was proceeding. Although the last time that the National Assembly had been convened had been during the difficult post-war period, the Government saw the adoption of a new constitution, the drafting of a redefined political road map and the passage of new laws as key components of the nation-building process.

32. Eritrea had not yet considered establishing a national human rights institution. Nonetheless, the Government was attempting to honour its international obligations by setting up national coordinating bodies for various human rights mechanisms and developing a framework to coordinate the management of human rights issues and international obligations.

33. Reports of impunity for past human rights violations were far-fetched and unsubstantiated. The politicization of human rights issues in Eritrea in recent years had done nothing to benefit the country, and the Government could not accept the recommendations made by the Commission of Inquiry on Human Rights in Eritrea. It would be more beneficial to address such issues through the universal periodic review mechanism and other thematic treaty body mechanisms, as they promoted greater engagement and international cooperation. A special court had been established to take measures to address impunity, even in cases involving high-level officials.

34. The external threats that Eritrea had faced following independence had overwhelmed its capacities as a new nation. Although no public emergency had been officially declared, the Government had had to make many policy adjustments that had placed it in a de facto state of emergency. Immediately following independence, Eritrea had faced a significant terrorist threat from Islamic fundamentalists in the Sudan, but it had since overcome that situation. Eritrea was a secular State, and the Government had a responsibility to protect the people from external Islamic and Christian fundamentalists who attempted to exert undue influence over them. The principles of equal rights and opportunities were enshrined in the law, in particular non-discrimination on the basis of gender.

35. **Mr. Idris** (Eritrea) said that Eritrea had enjoyed centuries of religious harmony, and religious freedom was guaranteed by law. Gender discrimination had been legally abolished during the civil and criminal law reforms of 1991, which had, in particular, repealed the discriminatory provisions on family matters that had been inherited from the former regime. Women and men were equal before the law. Women participated in and benefited from development, and children could inherit Eritrean nationality from either parent. The law protected women's land rights, employment rights, right to equal pay for work of equal value and right to participate in public life from the age of 18 on. The legal age of marriage had also been raised to 18. The law provided for affirmative action, including quotas for women in assemblies and as community magistrates. Community development projects that addressed women's issues were prioritized and, in order to redress past inequalities, the entry requirements of institutions of higher education were slightly lower for women than for men. The National Union of Eritrean Women had a mandate to promote gender equality nationwide and to represent the country at national and international levels. Gender focal points had also been created within government ministries.

36. The number of people living with HIV/AIDS had stabilized at a low level, and the rate of infection was declining. Civil society organizations ran programmes to counter stigmatization and raise awareness about prevention measures. Around 0.9 per cent of persons between the ages of 15 and 49 were infected. More than twice as many women were infected as men, which was a trend seen in other sub-Saharan countries as well. Women's right to vote and to stand for election was guaranteed by law and respected in practice. Women currently held 22 per cent of the seats in the National Assembly and an average of 28.7 per cent of seats in regional assemblies. Among local and village representatives, who were elected democratically, women held 37 per cent of the seats. With regard to employment, 72 per cent of women participated in the workforce, and equal pay was guaranteed. The literacy rate was on the rise, and marriage and divorce rights were guaranteed by law.

37. Family law provisions did not apply to Muslims, for whom such matters were adjudicated by sharia courts, unless the parties involved had entered into a civil marriage. As same-sex relations were not part of Eritrean culture, they were not permitted by law. Sexual harassment, violence and rape were not tolerated under the customary or traditional legal system, and national legislation contained explicit provisions on gender violence and rape and the punishments for those offences. Standard reporting and monitoring mechanisms were in place to protect women in national service and defence organizations. Claims that the authorities were failing to respond to reports of violations or that they forced perpetrators to marry their victims were unfounded.

38. Abortion was illegal in Eritrea except in cases of maternal medical need, incest and rape. Female genital mutilation and underage marriage were also illegal. Since 2006, the Government had been conducting a multifaceted, nationwide consultative, advocacy and monitoring campaign to combat female genital mutilation and underage marriage. In the preceding decade, 147 cases had been brought to trial. Grass-roots activities involving religious leaders, students and elders had also led to wider condemnation of the practice.

39. **Mr. Gerahitu** (Eritrea) said that the proportion of women in education was on the rise at all levels, and the education system was close to reaching gender parity at the primary and secondary levels. Primary education was now universal, and instruction was given in all nine national languages. The adult illiteracy rate had dropped to 20 per cent by 2016 thanks to literacy and adult education programmes; 89 per cent of the participants in those programmes at the primary level were women and 36 per cent of those who went on to the secondary level were female. Women comprised 52 per cent of students in technical and vocational training and 42 per cent in higher education.

40. The allegations of gender-specific torture, such as beating pregnant women to induce abortion, were shocking and a mockery, particularly in the light of the country's legal and institutional framework and women's past contribution to the struggle for liberation. The allegation that women in military training centres were deprived of sanitary protection as a punishment was an absurdity. Sexual violence against men was exceptionally rare in Eritrea. Pilot awareness-raising initiatives on reproductive health had been introduced in five schools and were reaching around 13,000 students, almost half of them girls.

41. **Mr. Idris** (Eritrea) said that the sources used by the Human Rights Committee appeared to be unreliable. There was no international consensus on the abolition of the death penalty and, in Eritrea, it could be used only for very serious crimes, such as high treason, espionage and aggravated first-degree murder, but not if the offender was under 18, with limited responsibility, a pregnant woman or a nursing mother. Death sentences were subject to the confirmation of the President, who could commute those sentences to rigorous imprisonment if he deemed it appropriate.

42. **Mr. Ben Achour** said that he would like the delegation to comment on the statement made by the Special Rapporteur on the situation of human rights in Eritrea which indicated that widespread rights violations had forced hundreds of thousands of people to flee the country. He wondered why so many people were risking their lives to leave the country illegally if it was not because of the human rights situation.

43. **Ms. Sancin** said that she would welcome some examples of steps that the Government had taken to promote the Covenant. It would also be helpful to learn what percentage of children and young people were enrolled in school, especially in the light of reports that, during the final year of secondary school, children were sent to military camps and could not, therefore, continue with their studies. Since, in her understanding, religious denominations had to be officially registered and only four congregations were currently recognized, she wondered how many religious denominations were not officially registered and why.

44. **Mr. Heyns**, noting that it would be useful to receive the State party's replies in writing, said that, on the basis of the information provided thus far, it was difficult to ascertain exactly how the work on a new constitution was being conducted. He wondered if consideration had been given to using a democratic process to amend the 1997 Constitution as a starting point for addressing a range of human rights issues and providing a solid basis for the rule of law.

45. **Mr. Shany** said that he would like information on specific cases in which individuals had been tried and convicted for violating the right to life. The Committee received information from credible sources, including the United Nations, and the allegations concerning border shootings and other incidents in 2016 and 2017 had received wide international media coverage. It was important for the State party to provide details on any investigations that it had undertaken in that regard in order to counter any reports that it believed to be erroneous or distorted. He would therefore welcome further information with respect to the allegations that he had just mentioned.

46. He also looked forward to hearing the delegation's responses to his earlier questions about whether Eritrea still had prisoners of war and, if so, whether ICRC had access to them.

He was reassured that executions had not been carried out but wished to know whether the President had commuted death sentences to prison sentences in specific cases. While the Covenant did not require the abolition of the death penalty, the Committee encouraged States parties that held the right to life as a supreme right to accede to the corresponding Optional Protocol to the Covenant.

47. **Ms. Abdo Rocholl** said she looked forward to hearing whether discrimination was a punishable offence and what prison sentences or other punishments were given for engaging in same-sex relations.

48. **Ms. Tigroudja**, referring to the question asked earlier by Mr. Heyns regarding the implementation of the decision of the African Commission on Human and Peoples' Rights in *Dawit Isaak v. Republic of Eritrea*, said that she, too, was awaiting information on the situation of the 18 journalists who had been detained since 2001.

49. **Ms. Pazartzis** said that she would like to receive clarification as to whether de facto emergency measures were in place in Eritrea and, if so, whether the provisions of article 4 of the Covenant were being adhered to. It would also be useful to hear the delegation's response to reports of the detention, torture and extrajudicial killings of a large number of Muslim men on 5 December 1994. She would, in addition, be interested in the delegation's comments on reports that even recognized faiths did not enjoy religious freedom; it was her understanding that those reports were based on such circumstances, for example, as the fact that the former Patriarch of the Eritrean Orthodox Church had been under house arrest since 2006 and that 40 Muslim clerics and scholars had been in detention since 2008.

50. **Mr. Heyns** said that he would like to hear the delegation's response to allegations that torture was used routinely in detention facilities. He also wished to know more about the legal framework in that regard and specifically whether torture was defined as an explicit criminal offence. If an appropriate legal framework did exist, then he wondered to what extent it was actually applied. Had the Government investigated allegations of torture and, if so, in how many cases had it found that torture had indeed been committed and what steps had it taken as a result?

51. He would also welcome the delegation's comments on reports of widespread arbitrary arrests and detention and a lack of legal process. He would appreciate it if the delegation could give the Committee a sense of the types of circumstances that would lead to a person's arrest. Could someone be arrested for insubordination or for asking inappropriate questions, for example? In the light of reports of people having been arrested because they were relatives of suspected offenders, he wondered to what extent the law provided for a finding of guilt by association. He also wished to know whether, upon a person's arrest, that person had the right to see a lawyer and a medical doctor and the right to remain silent, whether the person would be brought before a judge without delay, whether a remedy was available for challenging the lawfulness of the person's detention and whether legal counsel was provided.

The meeting rose at 6 p.m.