



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

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COMMITTEE AGAINST TORTURE

Thirty-third session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)\* OF THE 620th MEETING

Held at the Palais des Nations, Geneva,  
on Monday, 15 November 2004, at 10.30 a.m.

Chairperson: Mr. MARINO MENÉNDEZ

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\* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.620/Add.1.

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The meeting was called to order at 10.35 a.m.

## OPENING OF THE SESSION

1. The CHAIRMAN declared open the thirty-third session of the Committee against Torture.

## STATEMENT BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

2. Ms. CONNORS (Treaty Team Leader, Office of the United Nations High Commissioner for Human Rights) said that since the closure of the previous session, the High Commissioner's Office had continued its efforts to implement the Secretary-General's agenda for reform outlined in his 2002 report entitled "Strengthening the United Nations: an agenda for further change". Of particular relevance to the Committee's work were the ongoing efforts to enhance the efficiency and impact of human rights treaty-monitoring bodies. The third inter-committee meeting of the human rights treaty bodies, held in June 2004, had considered draft guidelines on an expanded core document and treaty-specific targeted reports, and had requested all treaty-monitoring bodies to consider them carefully and make suggestions for improvements. Mr. Kamel Filali, a member of the Committee on the Rights of the Child, had been appointed as rapporteur to facilitate the collating of suggestions with a view to submitting the results at the fourth inter-committee meeting, to be held in 2005. Mr Filali intended to consult with the various treaty bodies and would meet with the Committee during the current session to solicit its comments and suggestions. The draft guidelines would also be circulated to States parties for their input.

3. It had also been agreed at the inter-committee meeting that any State party wishing to prepare reports using the draft guidelines should be allowed to do so. During the sixtieth session of the Commission on Human Rights, the Government of Timor-Leste had expressed its wish to submit its reports to all seven treaty bodies through a consolidated system. After seeing the draft guidelines, it had begun by preparing an expanded core document on the basis of reporting guidelines it had developed to reflect its own particular situation during a workshop held in Dili in September 2004, in which she had participated. Afghanistan, Angola and Kazakhstan had also indicated their readiness to submit consolidated reports.

4. The inter-committee meeting had also made recommendations concerning the harmonization of working methods with a view to ensuring a consistent approach to such aspects of the treaty bodies' work as lists of issues, follow-up procedures and interaction with other United Nations bodies, non-governmental organizations (NGOs) and national human rights institutions.

5. The Secretary-General's agenda for reform also included ongoing activities under the Action 2 programme. Officially launched by the High Commissioner in New York on 27 October, the programme was intended to enhance inter-agency collaboration in promoting human rights at the country level with a view to the establishment of a national protection system. The High Commissioner's Office had prepared guidance notes for United Nations country teams and been actively involved in the training of the country teams on issues related to the treaty body system.

6. The secretariat established in Geneva to assist the independent expert appointed by the Secretary-General to conduct a study on violence against children was preparing regional consultations to provide input for the study prior to the sixty-second session of the Commission on Human Rights. Steering committees to organize the regional consultations had begun their work in Cairo, Bangkok, Dakar, North America and Buenos Aires, and a meeting had also been held in Geneva in September for the countries of Central and Eastern Europe, the Commonwealth of Independent States and the Baltic States. She would be glad to provide the Committee with more detailed information on that study, which fell within her particular sphere of competence.

7. The Board of Trustees of the United Nations Voluntary Fund for Victims of Torture had met from 4 to 8 October 2004 to take decisions on the disbursement of grants. The results of the evaluation of the Fund conducted by the Office of Internal Oversight Services should be issued before the sixty-first session of the Commission on Human Rights, and an advanced copy would be made available to the Committee on Human Rights.

8. The High Commissioner's Office had concluded its third training workshop for stakeholders, NGOs, the media and representatives of national human rights institutions from States parties whose reports were currently being considered by the different treaty-monitoring bodies. One outcome of the workshop was that representatives of stakeholders from Argentina would be observing the Committee's deliberations during the current session. It was to be hoped that through such activities the Office would help to strengthen human rights implementation at the national level.

9. Turning to the Committee's programme of work for the current session, she noted that consideration of the situation in Togo had been postponed until the next session, since the Committee's indication to the State party that the matter would be dealt with even in the absence of a report had finally prompted the country to submit one. The additional time made available would be used, inter alia, to make headway in the consideration of pending individual complaints, the discussion of working methods and the drafting of a general comment on article 2. With regard to the latter, the Committee might wish to consider the approach adopted by other treaty-monitoring bodies of circulating the preliminary drafts of general comments among States parties as the texts were discussed, to allow for broader input.

10. She welcomed the Committee's flexibility in adapting its procedures to situations of particular urgency. A case in point was the decision to bring forward its consideration of the report of the United Kingdom and the resulting intersessional work on the list of issues. It was to be hoped that such an innovative procedure would prove successful and might develop into a more formal procedure in future.

11. The Committee had before it some individual complaints of particular importance. The individual complaints process threw into sharp relief the protection of the rights enshrined in the Convention, and the Committee's reasoning was closely scrutinized by States, NGOs and the academic world. She therefore looked forward to the outcomes of the Committee's work in that area during the current session.

12. The development of the Committee's procedures for follow-up to concluding observations was also gaining momentum, and she encouraged the Committee to take an

approach in line with that of other treaty bodies as to the number and type of priority concerns identified for States parties. The Committee's decisions on how to respond to the follow-up information it received would be of value to other treaty bodies.

13. Lastly, the Committee was to be commended for its decision to allocate time during plenary meetings for discussions with national and international NGOs, United Nations bodies and funds, whose contribution to the work of the Committee should not be underestimated.

#### ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (CAT/C/83)

14. The provisional agenda was adopted.

#### ORGANIZATIONAL AND OTHER MATTERS (agenda item 3)

15. The CHAIRPERSON drew attention to the draft programme of work, which had been circulated in the meeting room. At the current session the Committee would consider the reports of only three States parties (Argentina, the United Kingdom and Greece) and, for the first time ever, would hold private meetings with NGOs and other relevant bodies on the afternoon prior to the consideration of each State party report. Much attention would be focused on the consideration of communications under article 22, in view of the backlog. The debate on the general comment on article 2 would need to be postponed until the second week of the session, as the representative of the Secretary-General had noted, a public meeting would be held with Mr. Filali to discuss the consolidated reporting process.

16. Mr. RASMUSSEN recalled that it had been agreed that the question of draft guidelines for the form and content of initial reports submitted by States parties would be taken up during the current session. It was important that that issue should not be left until the last minute.

17. The CHAIRPERSON suggested that the matter should be taken up under organizational and other matters and certainly not too late in the session.

18. Mr. GROSSMAN asked whether the Committee was going to consider a written report by the pre-sessional working group in addition to the oral report.

19. The CHAIRPERSON said that the Chairman of the working group, Mr. Yakovlev, would give an oral report. However, a few texts on specific issues drafted by the secretariat would be considered in the context of communications.

20. Mr. GROSSMAN said that he would appreciate receiving copies of such texts in advance in order to prepare for the discussion.

21. Ms. MORALES (Secretary of the Committee) said that such matters would be discussed when communications were considered in closed session, and that the relevant documents would normally be distributed at that time. However, the documents could be made available to Committee members beforehand if they so wished.

22. Mr. GROSSMAN suggested that the Committee should also consider at the current session the question of in situ visits, with a view to producing provisional guidelines on the subject.

23. The CHAIRPERSON reassured Mr. Grossman that his proposal regarding guidelines for in situ visits would be taken into account.

24. Ms. GAER asked how and why the decision to postpone consideration of the fourth periodic report of Canada and the situation in Togo had been reached. Such postponements raised procedural questions that ought to be the subject of a discussion in the Committee.

25. Past experience suggested that the time allocated for consideration of the report of the United Kingdom might be inadequate, given the number of dependent territories covered by the report and the size of the State party delegation. The Committee might also wish to reconsider the scheduling of State party replies, which appeared to depart from the Committee's usual practice.

26. The CHAIRPERSON said that he had been asked to take a decision on postponement, which he had done after consultation with the relevant country rapporteurs. In the case of Canada, consideration of the fourth periodic report had been postponed following receipt, at the eleventh hour, of the country's fifth periodic report: since the more recent report had been submitted so late as to preclude its consideration at the current session, it had seemed preferable to allow for both reports to be considered simultaneously at the Committee's thirty-fourth session. He acknowledged that there might be some merit in discussing the situation in general terms with a view to adopting guidelines to spell out the action to be taken if a similar situation arose in future.

27. In the case of Togo, he noted that the procedure for examining the situation in a State party in the absence of a report, which had been intended as a way of exerting pressure on States parties that did not comply with their reporting obligations, had borne fruit, since it had moved Togo to submit a report. It had therefore seemed reasonable for the Committee to postpone its consideration of the situation in Togo so that the report could be translated and given careful consideration. It was important to retain a degree of room for manoeuvring in such matters.

28. Ms. MORALES (Secretary of the Committee) said that in addition to the various other reasons for the postponements mentioned by the Chairperson, neither report had been submitted in time to be translated into all the working languages of the Committee. With regard to the scheduling of replies from States parties, she explained that the deviation from past practice was a result of the Committee's decision to devote plenary time to consultations with NGOs: the idea had been to devote the first 45 minutes of the reply sessions to discussion of the NGO information. If the Committee thought it necessary to allocate additional time for consideration of the report of the United Kingdom, she suggested that the delegation might be invited to meet with the Committee earlier than the time currently scheduled.

29. Ms. GAER said that although she appreciated the problem posed by the non-availability of reports in all working languages, she was concerned about the possible implications of the precedent that had been set by the two postponements and would welcome an opportunity to discuss the procedural issues they raised.

30. She suggested that the delegation of the United Kingdom should be invited to begin making its replies to the Committee at 3 p.m., an hour earlier than scheduled in the draft programme of work, and that contingency plans should be made in case the time allocated for that purpose proved insufficient.

31. The CHAIRPERSON said that Ms. Gaer's suggestions and concerns would be taken into account.

32. Mr. MAVROMMATIS said that the issues raised by the postponements should be discussed during the Committee's consideration of its methods of work, in order to ensure that it was prepared for similar eventualities in future. With regard to the proposal that extra time might be needed for consideration of the report of the United Kingdom, he believed that there should be some kind of distinction made between the United Kingdom report and the information submitted by the State party's dependent territories.

33. He himself was not prepared to participate in discussions on communications if he was not given adequate time in which to prepare. In order to make properly informed decisions on individual communications he needed to receive the relevant texts at least a day in advance.

34. The CHAIRPERSON noted that no individual communications were scheduled for consideration at the current day's meetings; documents relating to the cases to be dealt with the following afternoon would be made available before the end of the day. Some reasonable points had been made with regard to the need to have reports ready in reserve; however, any procedure adopted must allow for review on a case-by-case basis, so that degrees of urgency could be taken into account.

35. Ms. MORALES (Secretary of the Committee) said that the secretariat would endeavour to ensure that the texts of communications were made available to Committee members at least a day in advance, indicating the order in which the communications would be dealt with.

36. Mr. EL MASRY agreed with Ms. Gaer that the matter of postponements raised procedural issues that must be discussed.

37. Mr. RASMUSSEN also agreed that the Committee should discuss the procedural implications of the postponements, which he found regrettable. With regard to the length of time to be devoted to States parties' replies, he noted that the Committee had decided at its previous session that less time was needed for oral replies since the introduction of written replies to lists of issues. The Committee had also agreed then that it wished to devote plenary time to receiving vital information from NGOs. He did not think it advisable for the Committee to stray from the procedure that had been agreed simply because it unexpectedly found itself with only three reports before it instead of five. Rather, the Committee should use the time to tackle the many issues that it had been unable to resolve at its previous session. It had already been agreed at that session that Committee members should receive the texts of communications in good time and that rapporteurs should refrain from reading such texts aloud.

38. In response to Mr. Grossman's suggestion regarding the possibility of developing guidelines for in situ visits, he noted that he was about to complete an article on the subject that would be published in a book about the Committee against Torture early in 2005, and that he

would be happy to share with the Committee. Much was in fact being done by NGOs in connection with the Optional Protocol, and he suggested that members of the Committee who were interested in participating in such visits should make their readiness to do so known. If the Committee wished to discuss such visits, it should do so in the context of the Optional Protocol.

39. Mr. YU Mengjia pointed out that two time slots had been allocated in the draft programme of work for the Committee to consult with NGOs and intergovernmental organizations regarding Greece. He added that he was amenable to discussing the procedural issues raised by Canada's submission of a new report.

40. The CHAIRPERSON thanked Mr. Yu Mengjia for drawing attention to the error and said that all comments and suggestions that had been made regarding the programme of work would be taken into account.

The public part of the meeting rose at 11.35 a.m.