



# The prevention of torture in Europe

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## International, European and National Mechanisms to Combat Torture

by Didier Rouget

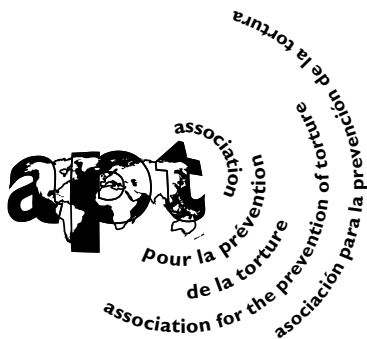


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The European Convention for the Prevention of Torture and its practical arm the European Committee for the Prevention of Torture (CPT) together form a unique international system. The Committee's independent experts can go at any time to any country that has ratified the Convention and visit any place of detention there such as prisons, police stations and psychiatric hospitals. The CPT then reports its findings and makes concrete recommendations for preventing torture and ill-treatment.

This unique approach makes the system worthy of study by everyone concerned with or interested in the treatment of persons deprived of liberty and the conditions in which they are detained. The Association for the Prevention of Torture has therefore decided to publish a handbook on the CPT comprising about ten brochures giving a simple practical account of the Committee's work, mandate and operation, the standards it has built up and the prospects for its co-operation with NGOs.



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## LIST OF ABBREVIATIONS

APT	Association for the Prevention of Torture
CAT	United Nations Committee against Torture
CPT	European Committee for the Prevention of Torture
ECHR	European Convention on Human Rights
ECPT	European Convention for the Prevention of Torture
EU	European Union
HRC	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
ILO	International Labour Organisation
IPU	Inter-Parliamentary Union
NGO	Non-governmental organisation
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Co-operation in Europe
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organisation





## FOREWORD

The Association for the Prevention of Torture (APT) is a Geneva-based non-governmental organisation for the prevention of torture and ill-treatment. It tries to ensure that the rules prohibiting them are respected and ill-treatment more effectively prevented by such means as visits to places of detention. It was accordingly an originator of the *European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT)*, which was adopted by the Council of Europe in 1987 and entered into force in 1989. This Convention led to the formation of the *European Committee for the Prevention of Torture (CPT)*, a committee of experts able to visit prisons, police stations, psychiatric hospitals etc. in European countries and make whatever recommendations they find necessary to the authorities so as to reduce the risk that torture and ill-treatment will be used.

Since 1990 the CPT has visited places of detention in some 30 European countries. Its work is still little known, and APT has therefore decided to issue a practical handbook about the CPT, describing its mandate and operations and the standards it has built up for the treatment of persons deprived of liberty and the conditions in which they are held. The Manual is intended for anyone (such as police, prison staff, NGOs, lawyers, chaplains as well as detainees and their families) interested or involved in the conditions of detention and the treatment of persons deprived of liberty.

The Manual comprises some ten brochures which can be used separately or together, for example in NGO seminars and in training courses. They will be published at intervals during the next three years and will cover:

- Brochure No. 1: A collection of texts,
- Brochure No. 2: International, European and National Mechanisms for the Prevention of Torture.
- Brochure No. 3: The mandate and composition of the CPT.
- Brochure No. 4: The CPT's *modus operandi*
- Brochure No. 5: CPT standards for police detention.
- Brochure No. 6: CPT standards for imprisonment.
- Brochure No. 7: CPT standards for particular categories of detainees.
- Brochure No. 8: Co-operation between NGOs and the CPT.
- Brochure No. 9: Visits to places of detention; a practical guide.
- Brochure No. 10: A country-by-country comparative analysis of CPT recommendations.

The present brochure is intended to place the CPT's work on a broader basis and introduce existing International, European and National Mechanisms in the fight against torture.



## INTRODUCTION

Throughout history, in many civilisations all over the world, torture has been used as a legal means of extracting confessions and punishing convicted persons. Only at the beginning of the 18th century did European States abolish the use of torture. In 1874 Victor Hugo proclaimed that it was no longer used in Europe.

In actual fact, whether prohibited or not, torture and other forms of ill-treatment have never ceased. Innumerable conflicts and tensions all over the world foster their continued widespread use. Since they persist and States are incapable of putting an end to this particularly serious violation of the rights of the human person even within their own borders it is clearly necessary to fight torture on an international scale.

Accordingly, Article 5 of the Universal Declaration of Human Rights adopted on 10 December 1948 by the General Assembly of the United Nations solemnly proclaims that

**“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”**

This prohibition was reaffirmed by the instruments conferring general protection of the rights of the person and by many world-wide and regional declarations.(1) It is an **absolute** one, for it obliges all States everywhere and at all times, both in peace and war. No exceptional circumstances of any kind - neither a state of war nor the threat of war, neither domestic political instability nor any other emergency - may be invoked to justify ill-treatment.

The prohibition of torture is regarded as an imperative rule of international law. To make it effective, specific International, European and National Mechanisms have been devised to fight against torture. They will be considered briefly in this brochure.



**I**  
**INTERNATIONAL  
MECHANISMS TO  
COMBAT TORTURE**

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## A. THE UNITED NATIONS

The United Nations has drafted **treaties** to protect the rights of the person. Several contain prohibitions of torture and other ill-treatment, as do the following:

- **the International Covenant on Civil and Political Rights,**
- **the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,**
- **the International Convention on the Elimination of All Forms of Racial Discrimination,**
- **the Convention on the Rights of the Child,**
- **the International Convention on the Suppression and Punishment of the Crime of Apartheid. (2)**

These treaties bind the States which have ratified them, provide for mechanisms for their application, and establish **Committees** to monitor whether the obligations they institute are respected. The powers of the Committees may vary, but all of them examine **reports** by States on the implementation of their obligations. Some of the Committees are also authorised to examine communications from individuals or States, and so have quasi-judicial status. Lastly, the Committee against Torture is empowered under certain conditions to make visits and on-the-spot investigations.

Besides these procedures instituted by treaty there are mechanisms instituted by the **Commission on Human Rights**. This is a political body created in 1946 by the Economic and Social Council of the United Nations under Article 68 of its Charter, and composed of representatives of 53 member States. It is competent to examine the rights of the person in various countries, adopt resolutions thereon and set up mechanisms to protect human rights by appointing **special rapporteurs** or **working groups** for a country or specific subject.

Action to prevent torture in particular States can be taken through United Nations **technical assistance and consultancy services**.

Lastly, certain United Nations entities such as the General Assembly, the Economic and Social Council and the Committee on Crime Prevention and Control may adopt **recommendations**. Although there is in theory no obligation to comply with these they may sometimes carry great political weight, and are important because they make it possible to lay down rules for the protection of the rights of the person.

■ The following are the **Principal recommendations adopted by the General Assembly of the United Nations for the protection of persons deprived of liberty:**

- the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted 9 December 1975.
- the Standard Minimum Rules for the Treatment of Prisoners, approved 31 July 1957 and 13 May 1977,
- the Code of Conduct for Law Enforcement officials, adopted 17 December 1979,
- the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted 18 December 1982,
- the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted 9 December 1988,
- the Principles on the Effective Protection and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted 15 December 1989.



## ■ 1. Mechanisms established by Treaty

### ■ 1.1. The Convention against Torture

The **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** was adopted on 10 December 1984 and entered into force on 26 June 1987. As of 31 December 1997 104 States Parties had ratified it.

Article 1 of the Convention defines torture as follows:

“the term **torture** means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

The Convention specifies in Articles 2 to 16 inclusive the precise obligations of the States as regards the prohibition of torture, and especially the absolute prohibition of torture, the obligations not to expel or return persons to a country where they are in danger of being tortured, to prosecute or extradite perpetrators of acts of torture, to keep the rules and methods of interrogation under systematic review, to set in motion impartial investigations of alleged acts of torture, and not to admit statements obtained under torture as evidence.

To monitor adherence to these obligations the Convention has formed the **Committee against Torture**, which is composed of ten independent experts elected by the States Parties and serving in an individual capacity.

#### ■ Examination of the States’ reports

All States Parties to the Convention are required to submit **reports** to the Committee on the measures they are taking to implement the commitments assumed by signing the treaty. The first report has to be submitted one year after the Convention enters into force for the State concerned; subsequent reports must be submitted every four years. The Committee may also require additional reports or further information.

The Committee examines the reports at a public meeting. When questioning a State Party’s delegation the Committee may use any pertinent information given to its members by, for example, non-governmental organisations. At the conclusion of this examination the Committee may make whatever general

comments on the report that it considers appropriate and make recommendations to the State in question.

### ■ Inquiry and visit procedures

Article 20 of the Convention empowers the Committee against Torture to receive information of and **inquire** into allegations of the **systematic practice of torture** in States Parties. A State Party to the Convention may however declare when ratifying or adhering to the Convention that it does not recognise the Committee as competent in this respect. As of 31 December 1997, 94 States Parties had nevertheless accepted its competence.

For all States that have accepted the procedure detailed in Article 20 the Committee may, if it believes that it has received credible information that torture is systematically practised in a State Party, charge one or more of its members to proceed to a **confidential inquiry** in which it asks the State concerned to co-operate. The inquiry may include a **visit** to the territory of that State, with its permission.

All the Committee's work in this inquiry is confidential. At the end of the proceedings the Committee may, after consulting the State concerned, publish a **summary account** in its annual report of the results of the inquiry. It has done so twice, regarding Turkey and Egypt respectively.

### ■ Individual communications

The Convention against Torture recognises the right of **individuals** to submit **communications** to the Committee reporting the violation of one or more of its provisions by a State Party. Under Article 22 of the Convention the accused State must have expressly recognised the competence of the Committee to receive and consider individual communications. As of 31 December 1997, 39 States had recognised this competence.

After examining whether the communication is admissible, bringing it to the attention of the State concerned and receiving its explanations, the Committee **forwards its views** to the State and individual concerned, and includes in its annual report a summary of the communications received and, if need be, its views on them. The Committee has received about 100 communications of this kind, many of them from refugees pleading not to be deported to a country in which they risk being tortured.

### ■ State communications

According to Article 21 of the Convention the Committee may receive **communications** in which a State Party claims that another State Party is not fulfilling its obligations under the Convention. For this to occur the two States must expressly have recognised the Committee's competence to receive and

consider such communications. So far, none of the 41 States that have recognised this competence has made use of it.

## ■ 1.2. The International Covenant on Civil and Political Rights

The **International Covenant on Civil and Political Rights** was adopted on 16 December 1966 and entered into force on 23 March 1976. On the same dates an Optional Protocol to the Covenant was adopted and entered into force, so making the Human Rights Committee competent to receive individual communications. As of 31 December 1997, 140 States were parties to the Covenant and 93 to its Optional Protocol.

Article 7 of the Covenant provides that

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”

Furthermore, Article 10, paragraph 1 provides that

“All persons deprived of liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”

To verify that the States Parties are implementing these provisions the Covenant has appointed a **Human Rights Committee** of 18 independent experts designated by the States Parties and serving in an individual capacity.

### ■ Examination of the States’ reports

All States Parties to the Covenant must submit a **report** on the steps they are taking to grant the rights recognised by the Treaty. Their first report must be made at the end of one year, and subsequent reports every five years thereafter. After examining the report the Committee must send its comments and recommendations to the State concerned.

### ■ Individual Communications

The States Parties which have adhered to the Optional Protocol to the Covenant have thereby acknowledged the Committee’s competence to receive **individual communications** denouncing the violation by a State of one of the rights recognised by the Covenant. The jurisprudence in respect of Article 7 is quite considerable - it numbers more than a hundred cases.

## ■ State communications

The Committee may also receive **State communications**. Under Article 41 of the Covenant the two States in question must have accepted the Committee's competence to receive and consider such communications. As of 31 December 1997 46 States had recognised that competence but none of them had made use of it.

## ■ 1.3. The International Convention on the Elimination of all Forms of Racial Discrimination

The **International Convention on the Elimination of All Forms of Racial Discrimination** was adopted on 21 December 1965 and entered into force on 4 January 1969. As of 31 December 1997 its States Parties numbered 150.

The **Committee on the Elimination of Racial Discrimination**, composed of 18 impartial experts, is the body charged with monitoring the application of the Convention.

According to its Article 5 the "States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without discrimination as to race, colour or national or ethnic origin, to equality before the law notably in the enjoyment of the following rights:

...b) The right to security of person and protection by the State against violence and bodily harm, whether inflicted by government officials or by any individual, group or institution;".

## ■ Examination of reports from States

Each State Party has undertaken to send the Committee on the Elimination of Racial Discrimination a **report** on the legislative, judicial and administrative measures taken to give effect to the provisions of the Convention. The initial report has to be submitted at the end of one year, and subsequent ones every two years thereafter.

## ■ Communications from States and Individuals

The Committee is empowered to receive **State communications** but has received none so far. It may also examine **individual communications** in so far as States have recognised, in accordance with Article 14 of the Convention, that it is competent to do so. As of 31 December 1997, 25 States had recognised this.

## ■ 1.4. The Convention on the Rights of the Child

The **Convention on the Rights of the Child** was adopted on 20 November 1989 and entered into force on 2 September 1990. Of all the United Nations

Conventions on the rights of persons, it is the one most ratified; as of 31 December 1997, no fewer than 191 States were parties to it.

Article 37 of the Convention stipulates that:

“States Parties shall ensure that a) no child shall be subjected to torture or any other cruel, inhuman or degrading treatment or punishment.”

To monitor the implementation of the Convention by the States Parties, a **Committee on the Rights of the Child**, composed of 10 independent experts, has been formed.

### ■ Examination of States’ reports

The Committee on the Rights of the Child is empowered only to examine the reports submitted by each State Party - the initial report being submitted after one year, the others every five years thereafter. After examining the reports the Committee adopts suggestions and recommendations.

## ■ 2. Mechanisms instituted by the Commission on Human Rights

Unlike the treaty procedures, the mechanisms instituted by the Commission on Human Rights affect all members of the United Nations. Within the limits of its mandate the United Nations **Commission on Human Rights** has developed its own system of supervising respect for human rights and monitoring and following up violations of them. Many of its procedures have fortified international mechanisms for combating torture.

Ever since it was formed in 1946 the Commission on Human Rights has exposed violations of human rights and called States to account for them, but only since 1967 has it been able to inquire into gross violations of the rights of the person and study “flagrant and systematic” violations of those rights.

Communications on these may be made by any person or group of persons who can reasonably be presumed to be a victim of violations, or from any individual or group of individuals having direct and certain knowledge of such violations. In accordance with procedure **1235** (the so-called “**public procedure**”) a **working group** or **rappporteur** may be appointed to hear testimony, collect information and report to the Commission, and may visit the country concerned with the prior agreement of its government.

Since 1970, under procedure **1503** (the so-called “**confidential procedure**”) the Commission may order an inquiry by a **special committee**. The express consent of the State is necessary. The special committee’s report may contain “any observations and suggestions which it deems appropriate”.

Ever since the 1980s the Commission on Human Rights has appointed **working groups** and **special rapporteurs** to study cases of violation of human rights or the situation in certain countries and make pertinent recommendations. The most important of these officials in the campaign against torture is the Special Rapporteur on Torture.

## ■ 2.1. The United Nations Special Rapporteur on Torture

In 1985 the Committee decided to appoint a **Special Rapporteur to examine questions relevant to torture** and report on its frequency and extent. His/her competence extends to all member States of the United Nations. He/she has to submit an **annual report**, with recommendations, to the Commission on Human Rights.

### ■ Communications to governments

On the basis of information from individuals or groups of individuals, and from government and or non-government sources, the Special Rapporteur sends **communications** to governments. The Rapporteur receives a great deal of information from individuals or non-governmental organisations citing cases of torture or serious ill-treatment. Whenever these allegations are sufficiently detailed and not obviously groundless the Special Rapporteur has to forward them to the government concerned with a request for its observations. He/she may also discuss the allegations in private with governments, non-governmental organisations, individuals and groups, and hear witnesses on the allegations. Communications received, and the comments of the States concerned, are included in his/her annual report.

### ■ Urgent action procedure

In some of the cases brought to his/her notice the Special Rapporteur adopts the **urgent action procedure** whereby he/she intervenes immediately with the government concerned "for purely humanitarian reasons, in order to ensure protection of individuals' physical and mental integrity and that the treatment to which they were subjected during their detention was human."

### ■ Visits

Lastly, the Special Rapporteur on Torture may, with the agreement of the government concerned, visit a country to gather first-hand information on cases and situations within his/her province and find suitable measures to avoid a repetition of these cases and improve the situation. These missions are "purely consultative" and are regarded as an excellent means of observing the situation and making recommendations tailored to the needs of the country in question."

## 2.2. Other thematic mechanisms

Other thematic mechanisms set up by the Commission on Human Rights relate to the protection of persons deprived of liberty and may therefore be useful in the campaign against torture.

Thus in 1980 the Commission introduced the first thematic mechanism, the **Working Group on Enforced and Involuntary Disappearances**. It is composed of five experts appointed in an individual capacity and representing the five regions of the globe. Its task is to deal with the individual cases it uncovers, examine the incidence of disappearances in certain countries and study the phenomenon of disappearances per se. It receives and examines communications and forwards them to governments, requesting them to carry out an investigation and keep it informed. It can also make on-site visits with the consent of the State concerned. The working group has to submit annual reports to the Commission on Human Rights.

The **Special Rapporteur on Extra-Legal, Arbitrary and Summary Executions** was appointed by the Commission on Human Rights in 1982 to intervene in all cases where the right to life is violated, especially where death supervenes as a result of torture during detention. He/she receives allegations, forwards urgent appeals, and may effect on-site missions of inquiry and visit persons deprived of liberty, provided the State in question gives permission. He/she submits an annual report to the Commission.

In 1991 the Commission on Human Rights formed the **Working Group on Arbitrary Detention**, composed of five independent experts, to investigate cases of detention imposed arbitrarily or in any other manner incompatible with international norms. It is competent to receive allegations, forward urgent appeals to governments and, with the permission of the State concerned, visit its territory and make inquiries there. The Working Group has to submit an annual report to the Commission on Human Rights.

## 3. The United Nations Voluntary Fund for Victims of Torture

The General Assembly Resolution 36/151 of 1981 instituted the **United Nations Voluntary Fund for Victims of Torture**, which began to operate in 1983. It is funded solely by voluntary contributions from governments, private organisations, institutions and individuals in order to give humanitarian, legal and financial aid to victims of torture, promote their rehabilitation and train specialists in their treatment.

In 1997 subsidies of nearly US\$3 million were distributed to 104 projects involving 94 organisations in 56 countries. Most of the subsidies serve to finance therapy and rehabilitation, in particular medical treatment, physiotherapy and

psychiatric care, and social and economic aid, to victims of torture and their families. The Fund has also financed training for medical specialists in special techniques for the treatment of victims of torture.

#### ■ 4. A proposed universal mechanism for the prevention of torture

In 1992 the Commission on Human Rights formed a working group of representatives of States, organisations for the protection of human rights, and non-governmental organisations, to draft an **optional protocol to the United Nations Convention against Torture**. The intention was to extend to the whole world the mechanism established by the European Convention for the Prevention of Torture, by means of a **universal system of visits** to places in the territory of the States Parties where persons deprived of liberty are held, with the aim of preventing torture and other cruel, inhuman or degrading treatment or punishment. The second reading of the draft protocol began in 1996. The Working Group's activities continue.







## B. THE INTERNATIONAL COMMITTEE OF THE RED CROSS

The International Committee of the Red Cross (ICRC) is an impartial private humanitarian body founded in Geneva in 1863. Its aim is to provide protection and assistance to civilian and military victims of armed conflicts. It is the founder of the international law now codified essentially by the four Geneva Conventions of 1949 and the two Protocols of 1977, all of which protect various categories of victims of international and non-international armed conflicts. It is active in many forms of protection and assistance. In particular, its representatives visit prisoners and check that they are not being subjected to torture, which is prohibited by the four Geneva Conventions and their two Additional Protocols.

Thus the common Article 3 of the four Geneva Conventions of 1949, which applies to non-international armed conflicts, prohibits :

“at any time and in any place whatsoever...violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture”.

### 1. ICRC action in case of armed conflict

The **Geneva Conventions** of 12 August 1949 provide that representatives of the **International Committee of the Red Cross (ICRC)** are authorised to “**go to all places** where protected persons may be, particularly to places of internment, imprisonment and labour, and shall have access to all premises occupied by prisoners of war; they shall be allowed to go to the places of departure, passage and arrival of prisoners who are being transferred”. In these places ICRC representatives check, *inter alia*, that the right to life, the physical integrity and the dignity of prisoners of war and civilian internees are respected absolutely. The States bound by the Geneva Conventions have undertaken to respect this obligation at all times and in all places.

In case of **international armed conflict** between States Parties to the Geneva Conventions the ICRC is mandated to **visit** the sites where protected persons, **prisoners of war** or **civilian internees** are held. When the two parties in conflict are also parties to Protocol I of 8 June 1977 Additional to the Geneva Conventions the ICRC’s powers also apply in case of a **national war of liberation**.

In **non-international armed conflicts** the ICRC offers its services to the conflicting parties and only with their consent has it access to places of detention.

## ■ 2. ICRC action in situations other than armed conflicts

Article VI, paragraph 5 of the Statutes of the International Red Cross and Red Crescent Movement states that the ICRC “is a neutral institution whose humanitarian work is carried out particularly in time of international and other armed conflicts or internal strife”, and which attempts at all times “to ensure the protection of and assistance to military and civilian victims of such events and of their direct results”. On this basis the ICRC may take **humanitarian** initiatives and offer its services to the States concerned, and ever since 1919, in **situations of internal strife and tensions** the ICRC has been able to organise visits to “**political detainees**” or **security detainees** by concluding special agreements with the States involved. Situations of internal strife are those where there is not, strictly speaking, a non-international armed conflict but there is serious or long-standing confrontation including acts of violence. Internal tensions are serious tense situations of a political, religious, racial, social, economic etc. nature or the effects of previous armed conflicts or internal strife.

Thus, since 1919 the ICRC has visited more than 500,000 detainees in 80 countries, as well as those in situations covered by the Geneva Conventions. In contrast to the “contractual” situations, regulated by treaty, of international conflicts, the State to which the ICRC offers its services in internal strife and tensions has no formal obligation to accept them. The ICRC has to negotiate and rely on States’ goodwill. If at the end of a visit it transpires that detainees are being subjected to torture or other ill-treatment and the State refuses to improve this situation the ICRC has no means of exerting pressure on the national authorities.

## ■ 3. How ICRC visits are conducted

The ICRC’s **neutrality, independence and impartiality**, and **trust and cooperation** between it and the national authorities are, then, regarded as essential to the success of ICRC visits.

The ICRC requires that its delegates be given access to all places of detention, whether temporary or permanent, official or unofficial, and civilian or military, such as prisons, barracks, transit centres, police stations, rehabilitation centres etc.

ICRC delegates must be completely free to choose what places they wish to visit. No limit may be placed on the duration or frequency of their visits. These may not be prohibited except by reason of imperative military necessity, and then only exceptionally and temporarily.

The purpose of their visits is to assess and if need be improve the material and psychological conditions of detention and treatment there, and to do all possible to prevent torture and other kinds of inhuman treatment. ICRC delegates require

to be able to talk freely and without witnesses with any prisoners they wish, and to return to places of detention as regularly as they may need.

Visits must be carried out in a **confidential** manner and **reports** must be made on them that are also confidential. The ICRC reserves the right to publish the whole of the report if it is made public only in part.

At the end of a visit ICRC delegates have an interview with the governor of the place of detention and ask him/her to take any necessary first steps without delay to improve conditions of detention there. In addition, the responsible minister is sent a full report about once every year on conditions of detention in the country.



## C. OTHER INTERNATIONAL PROCEDURES

### 1. UNESCO

The **United Nations Educational, Scientific and Cultural Organisation** (UNESCO) is a Paris-based specialised institution of the United Nations which began operations on 4 November 1946. It is active in education, science, culture and information.

#### Examination of individual communications

Individuals or associations may send UNESCO communications about violations of the **Convention against Discrimination in Education** of 14 December 1960. On 26 April 1978, the Executive Council of UNESCO extended this **complaints** procedure to violations of fundamental rights, including torture and ill-treatment, in matters in which UNESCO is competent.

The Executive Board has appointed its Committee on Conventions and Recommendations in the Domain of Education to examine communications of this kind concerning either individual **cases** or **questions** relating to “massive, systematic and flagrant” violations of human rights in education, science, culture and information. Exchanges of views with the State involved, and subsequent recommendations, are confidential.

The **cases**, that is, individual communications, are examined by the Committee on a confidential basis. **Questions** relating to “massive, systematic and flagrant violations of human rights and fundamental freedoms” are referred to a plenary sitting of the Executive Board and may be examined at a public meeting.

### 2. The International Labour Organisation

The **International Labour Organisation** (ILO), founded on 11 April 1919, has become a specialised institution of the United Nations dealing with labour law and freedom of association. Its secretariat is the International Labour Office in Geneva.

In the context of Convention No. 87 on Freedom of Association and Protection of the Right to Organise, and Convention No.98 on the Right to Organise and Collective Bargaining, adopted in 1948 and 1949 respectively by the **International Labour Organisation**, trade unionists deprived of liberty must be protected.

#### Petitions by occupational organisations

Under Articles 24 and 25 of the ILO Constitution, **occupational organisations** may **petition** the International Labour Office if a State fails to observe a con-

vention it has ratified. If the ILO receives no statement at all, or no statement deemed satisfactory, from the government so complained of, the Governing Body of the ILO may make public the complaint, and the reply received, if any. In practice, on each point complained of the Governing Body states in its conclusions the extent to which it considers the complaint has been satisfactorily settled or whether, on the contrary, further action or explanation is needed.

### ■ Complaints by governments

Articles 26 to 29 and 31 to 34 of the ILO Constitution provide for a procedure for the examination of complaints from member States, whereby any member State may lodge a complaint with the ILO against another member State which in its opinion is not satisfactorily implementing a Convention - provided both States have ratified the Convention.

### ■ Visit procedure

The ILO may intervene in accordance with Conventions No.87 and No.89 by sending **missions** (commissions of inquiry and direct contact) of ILO representatives to countries in which trade unionists are detained. They demand access to the place of detention to examine the conditions of imprisonment and take action to ensure that the imprisoned trade unionists are treated in a way consistent with human dignity.

### ■ The Committee on Freedom of Association

In 1951 the ILO Governing Body decided to form the Committee on Freedom of Association to examine complaints of violation of the principles of free association from governments or occupational organisations against any State including States that have not ratified Conventions Nos. 87 and 98. After examining such complaints the Committee sends the ILO Governing Body its recommendations. If the case calls for further examination the Committee may decide, if the government concerned agrees, to pass it to the UN/ILO Fact Finding and Conciliation Commission on Freedom of Association.

## ■ 3. The Inter-Parliamentary Union

The **Inter-Parliamentary Union** was founded in 1889. It is an **international non-governmental organisation** of representatives of parliaments of sovereign States.

### ■ Complaints by members of national parliaments

In 1976 the IPU established the **Committee on the Human Rights of Parliamentarians**, which can receive **complaints** from members of national parliaments subjected to arbitrary treatment such as torture and ill-treatment,



and whose rights either as individuals or in their special capacity of parliamentarians are infringed. The Committee takes action to put a speedy end to any arbitrary treatment of a Member of Parliament, ensure his/her protection and if need be obtain compensation for him/her.

On receipt of the comments of the State concerned the Committee may also proceed to **hearings** and even propose to send **on-site missions**. After confidential examination of the case, if negotiations with the authorities of that country are fruitless the Committee may make a public report to the IPU Council at an open meeting on the circumstances of the Member of Parliament and recommend action to be taken.

If a settlement judged to be satisfactory is not found within a reasonable time a case may remain on the Council's agenda. The Council meets twice a year and may adopt and make public **resolutions** expressing the concern of IPU members and making recommendations for suitable action.



**II  
EUROPEAN  
MECHANISMS  
TO COMBAT  
TORTURE**

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## A. THE COUNCIL OF EUROPE

The **Council of Europe** was founded in 1949 and in December 1997 comprised 40 member States. Its headquarters are in Strasbourg. It has three fundamental principles: human rights, democracy and the rule of law. It has elaborated many instruments for the protection of human rights, of which the most important to prevention of torture are the **European Convention on Human Rights and Fundamental Freedoms** and the **European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**.

Certain organs of the Council of Europe, especially its Parliamentary Assembly and Committee of Ministers, have adopted many **resolutions** and **recommendations** which, although not mandatory, still give greater protection to the dignity of persons deprived of liberty, and greater respect for their rights. For instance, in 1973 the Committee of Ministers adopted (and in 1987 revised) the **European Prison Rules**, the application of which has been supervised since 1981 by the Committee for Co-operation in Prison Affairs. In May 1979 the Parliamentary Assembly adopted the **Declaration on the Police** and in 1995 Recommendation 1257 on **conditions of detention** in member States.

Article 56 of the Assembly's Rules of Procedure allows individuals to make **petitions** to the President of the Parliamentary Assembly of the Council of Europe.

### 1. The European Convention on Human Rights

The Convention for Protection of Human Rights and Fundamental Freedoms, usually called the **European Convention on Human Rights**, was signed on 4 November 1950 and entered into force on 3 September 1953. As of December 1997 39 States had ratified it. It defines the rights and freedoms that each State Party agrees to recognise as belonging to all persons under its jurisdiction. The Convention was supplemented by protocols, some of which guarantee supplementary rights.

According to Article 31 of the Convention

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

#### Petitions from States and individuals

The special feature of the system established by the Convention is its jurisdictional control of State application of its provisions, in which the European Court of Human Rights, which is an entity delivering supranational judgements, makes final decisions which have the force of *res judicata* and are therefore binding on

the States implicated. To ensure respect for the rights and freedoms guaranteed by the Convention, and especially for its Article 3, the Convention accordingly envisages a judicial mechanism intended to give a ruling on **State and individual petitions**.

Because of the growing number of petitions and the lengthy procedures, the mechanism provided for by the 1950 Convention was revised by Protocol No.11, which enters into force on 1 November 1998. The following is the procedure now current, and the new supervisory system that will apply as from 1 November 1998.

### ■ The current system

The current system consists of two bodies: the European **Commission** and **Court** of Human Rights.

**Inter-State cases** are admitted as a matter of course; according to Article 24 of the Convention, each State Party may lay before the **European Commission of Human Rights**, via the Secretary General of the Council of Europe, any breach of the Convention, and therefore of its Article 3, of which it believes it can accuse another contracting party. On the other hand, the Commission's competence to receive individual petitions is not mandatory, and each State Party must make a declaration to that effect (Article 25). Likewise, the jurisdiction of the European Court of Human Rights depends on recognition by each State Party. In practice, however, recognition of the individual right of recourse and of the Court's jurisdiction has become automatic.

Petitions are first examined by the Commission, which gives an opinion on their **admissibility**. If the petition is admissible the Commission establishes the facts and puts itself at the interested parties' disposal with a view of reaching a **friendly settlement**. Should it fail to do so it gives an opinion on whether the Convention has been violated.

The matter may then be brought before the **Court** by the State Party, the Commission and in some cases by the individual petitioner. The Court then hands down a final judgement which is binding on the State concerned. Where it finds that the Convention has indeed not been observed it may grant the victim an indemnity to compensate him/her for material and moral damage. Matters not brought before the Court are settled by the **Committee of Ministers**, the political body of member States' representatives. The Committee's decision is final and binding, and it also supervises the execution by States of the Court's decision.

### ■ As from 1 November 1998

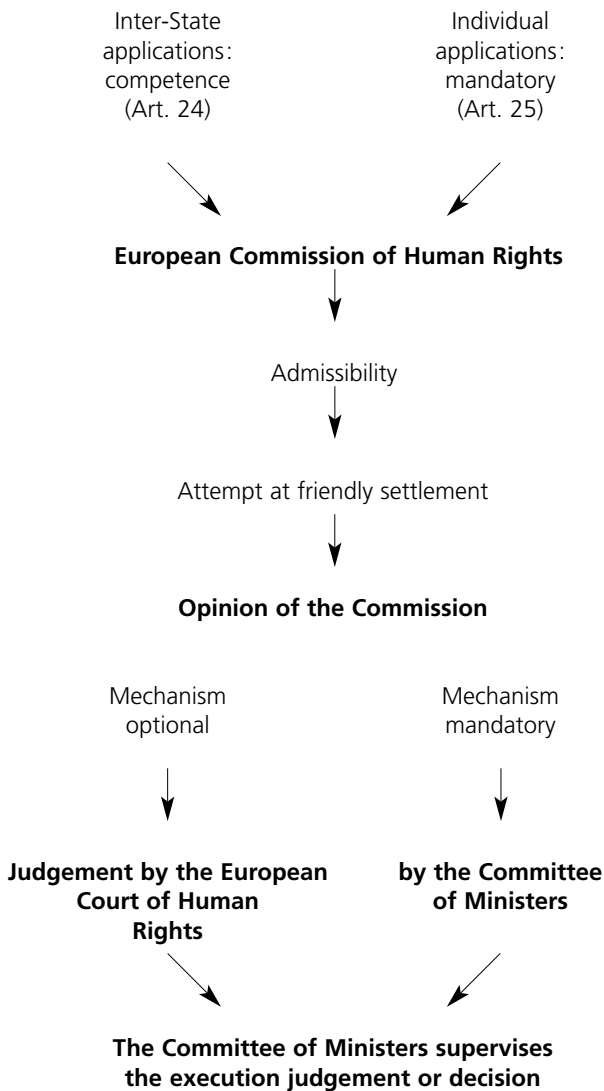
The most important feature of the reform of the mechanism of the European Convention on Human Rights is that petitions are examined by a single body, the European Court of Human Rights, which will sit permanently and be competent

for the entire procedure: examination of the admissibility of the petition, establishment of the facts, conciliation, and decision on the merits of the case.

The individual right of appeal will be mandatory (Article 34), and individual petitioners will have direct access to the Court, which will also be competent to take cognisance of all disputes between States. The Committee of Ministers will no longer be able to decide on the merits of a case, but retains its role of supervising the execution of the Court's decisions. This reform is intended to facilitate individual access, accelerate procedure and make the system more efficient.

## ■ The supervisory mechanism of the European Convention on Human Rights

### Current supervisory mechanism





## Future supervisory mechanism

Inter-State  
applications:  
optional  
mandatory (Art. 33)

Individual  
applications:  
competence  
mandatory (Art.34)

### European Court of Human Rights

Admissibility

Attempt at friendly settlement

### Judgement by the European Court of Human Rights

**The Committee of Ministers supervises  
the execution of the judgment**

## ■ 2. The European Convention for the Prevention of Torture

In 1976, drawing his inspiration from the activities of the International Committee of the Red Cross, the founder of APT Jean-Jacques Gautier suggested a convention initiating a system of visits to all places of detention by independent experts authorised to make recommendations to governments with the aim of preventing torture or other kinds of ill-treatment. This proposal was supported by the Parliamentary Assembly of the Council of Europe in 1983, and led to the adoption of the **European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment** by the Committee of Ministers on 28 November 1987. The Convention entered into force on 1 February 1989 and was binding, as of 31 December 1997, on 37 of the 40 States composing the Council of Europe.

### ■ 2.1 The features of the system

The Convention proposed to set up a non-judicial preventive mechanism based on visits. For this purpose it formed the **European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment** (CPT), composed of as many independent and impartial experts as there were States Parties, and drawn from various professions - lawyers, ex-members of parliament, physicians, specialists in penal administration, etc.

The Committee exists to prevent the ill-treatment of persons deprived of liberty, and is accordingly authorised to visit at any time **all places** under the jurisdiction of the contracting States where persons are deprived of liberty by a public authority, for example police and gendarmerie stations, public or private hospitals admitting interned patients, administrative detention centres for foreigners and disciplinary premises in military enclosures.

The essential feature of the Convention is the principle of **Co-operation** between the Committee and the States Parties, for the mechanism is not designed to condemn persons deprived of liberty but to help States to protect them. This principle obliges States to supply Committee members with any information and resources needed to fulfil their mission, not to hinder their work, and especially to grant them access to places of detention. The corollary of this co-operation is that the entire procedure of the visit and report shall be **confidential**.

### ■ 2.2. The conduct of visits

Article 7 of the Convention provides for **periodic visits** to all States Parties. Some ten days before the intended date of the journey the Committee notifies the government concerned, through a "liaison officer" appointed by the State Party, of its intention to visit a country. The list of places to be visited is made

known to the liaison officer only two days before the arrival of the delegation. During the visit, however, the Committee may decide to make impromptu visits, even at night, to places other than those initially listed. The Committee is entitled, if it finds it necessary, to make immediate observations, in the course of the visit, to the person in charge of the establishment visited and/or to the national authorities, to improve the treatment of the persons there. When the Committee is informed of an emergency requiring an immediate visit it may organise an **ad hoc visit** which appears to be “essential in the circumstances”.

Article 8 of the Convention allows the Committee’s delegations to visit **any** of these places **they wish, at any time**. Members of the delegations are entitled to go anywhere they like in such places without hindrance and to **communicate freely without any witness** with persons deprived of liberty. They may also freely make contact with any persons who they believe may be able to give them useful information, such as heads and other staff of establishments visited, members of the family and close associates of detainees, lawyers, physicians, representatives of non-governmental organisations, ombudsmen etc.

The delegations of the Committee charged with making visits are headed by Committee members who are accompanied by experts (specialists in penal administration, physicians, police officers etc.), interpreters and members of the CPT Secretariat. A delegation may split up into sub-groups of two or three persons so as to visit more places. Visits to large establishments such as prisons may last several days.

## ■ 2.3 The follow-up to visits

At the end of the visit the Committee makes a **report** and any **recommendations** it deems necessary to give greater protection to persons deprived of liberty. This report asks the government concerned to send its **comments** in reply, within six months. The CPT also asks for a follow-up report to be sent to it within one year of the dispatch of its original report. The Committee may also consult the national authorities about the way in which they have implemented its recommendations. An **ongoing dialogue** should therefore develop between the Committee and the States Parties.

Under Article 11 of the Convention the information gathered by the Committee during a visit and its report and consultations with the State Party concerned are **confidential**. The Convention nevertheless provides that each State involved may authorise publication of the Committee’s reports and the government’s replies. Since the Convention entered into force most States have authorised such publication. The Committee may also make a **public statement** if a State does not co-operate or refuses to improve the situation in the light of the Committee’s recommendations. The Committee has already made two such statements, in December 1992 and December 1996, on the situation in Turkey.



## B. THE EUROPEAN UNION

The **European Union** (EU) of fifteen members has as its goal political union in foreign policy and security, and economic and monetary union. Human rights in general, and the abolition of torture in particular, are therefore not an EU priority. Nevertheless, in the Maastricht Treaty of 7 February 1992 on the EU, the Union undertook to “respect fundamental rights, as guaranteed in the European Convention on Human Rights and resulting from the constitutional traditions common to the Member States, as general principles of Community law”. The European Union likewise affirms in Article 2 of its Declaration of Fundamental Rights and Freedoms adopted on 12 April 1989 that “no one shall be subjected to torture or inhuman or degrading treatment or punishment. ”

The Maastricht Treaty also instituted, in its Article 138D, for all natural and artificial persons residing in a member State the right of **petition to the European Parliament** “on a matter which comes within the Community’s fields of activity and which affects him, her or it directly”. Individual petitions made to the President of the European Parliament are passed to the Committee on Petitions, which decides whether they are justified. The President of the Parliament then intercedes directly with the Commission, the Council or the national authorities, inviting them to take any necessary action. The **conclusions** of the Committee on Petitions are made known to the petitioners. Petitions may be allocated to the **parliamentary committees**, which may if they so decide incorporate them in their reports.

The Committee on Civil Liberties and Internal Affairs of the European Parliament has also proposed to ask the European **Ombudsman**, in the exercise of the powers conferred upon him by the treaty and in close co-operation with the ombudsmen of the member States in which this institution exists, to take appropriate action on complaints sent to him of violations of human rights in penal establishments in the Union.



## C. THE ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE

In 1994 the **Organisation for Security and Co-operation in Europe** (OSCE) replaced the Conference on Security and Co-operation in Europe (CSCE) which met for the first time in Helsinki in August 1975. The OSCE has 55 member States - all European States plus the United States and Canada. Human rights ("the human dimension") are a basic element of the organisation and are increasingly important to it. The OSCE's "human dimension" has several times led it to call for the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

### Inter-State procedures

The OSCE member States have undertaken to adopt effective measures for the prevention of torture. They must also give priority to investigating and taking suitable action on, in accordance with the provisions and procedures agreed upon for effective application of their undertakings relating to the OSCE's human dimension, all cases of torture and other inhuman or degrading treatment or punishment brought to their attention through official channels or any other reliable source of information.

The OSCE member States have undertaken to exchange **information** and answer in writing requests for information relating to the human dimension within ten days of a request to that effect from another State Party. They have also undertaken to hold **bilateral meetings** within one week of a request to that effect made by another State Party.

### OSCE missions of experts

A State Party may ask for the assistance of an OSCE **mission of experts** to look into or help to settle a question or problem arising from the human dimension. The Warsaw-based **Office for Democratic Institutions and Human Rights** (ODIHR), an OSCE institution, will notify all States Parties of the formation of a mission of experts. That mission will be able to make inquiries or furnish consulting services. To do its work it may enter the territory of the State without delay, hold discussions there and travel freely therein, and meet freely with officials, non-governmental organisations and any individual or group from whom it may wish to get information. The mission may also get information in confidence from any individual, group or organisation on questions with which the mission is dealing. Its members will take care that their work remains confidential. The mission of experts must inform the host State of its conclusions as soon as it can, if possible within three weeks of being formed. Within three weeks of receiving these conclusions the host State must communicate the observations of the mission of experts to the other States Parties together with its own comments. These observations and the host State's comments may be discussed by the **Senior Council** of the OSCE.

## ■ OSCE missions of rapporteurs

A State Party may ask another State to extend an invitation to an OSCE **mission of experts**. If the State so asked does not answer this request within 10 days, or if the mission of experts fails to solve the problem it is considering, the State making the request may, with the support of five other States, ask for an OSCE **mission of rapporteurs** to be formed.

This mission has to establish the facts, report on them and say how it believes the question raised might be answered. Within three weeks of the rapporteurs' appointment the report, containing a statement of the facts together with suggestions or opinions, must be submitted to the State(s) concerned, which has/have three weeks to comment on it to the ODIHR, which then sends the report and comments to all States Parties. The report remains confidential until the end of the next meeting of the Senior Council, which decides what follow-up action, if any, should be taken.

If a State Party feels that there is a particularly serious danger in another State Party that OSCE human dimension provisions will be disregarded it may, with the support of at least nine other States, begin the procedure for the appointment of a **mission of rapporteurs**. The Senior Council may, at the request of any State Party, decide to form an OSCE mission of experts or rapporteurs.

## ■ Other procedures

In case of flagrant, grave or persistent violation of undertakings concerning the human dimension, the Permanent Council of the OCSE may take appropriate measures, if necessary without the consent of the State concerned, consisting of **political statements** or other measures of a political nature applied outside the territory of that State.

The OSCE may also organise **long-term missions** to member States and **training programmes** there favouring in-depth action, especially for the prevention of torture.







**III  
NATIONAL  
ACTION AGAINST  
TORTURE**

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## A. STATE OBLIGATIONS AS TO THE PROHIBITION OF TORTURE

To fight torture effectively States should at one and the same time prevent, repress and compensate. These obligations complement each other and have been spelled out by the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### 1. Prevention

States must not only refrain from practising torture but must also do everything appropriate, especially in legislation, administration, the judicial system, education and information, to prevent it. Every State must ensure that the prohibition of torture forms an integral part of the training of civilian and military law enforcement personnel, medical professionals and all other persons who may be involved in the custody, treatment or interrogation of detainees. A statement obtained under torture may never be invoked as evidence in any proceedings, except against a person accused of torture as evidence that a statement was made. Every State must keep methods of interrogation, custody and treatment of detained persons under systematic review. And lastly, as regards prevention, no person should be expelled, turned back or extradited to a country where he/she would be in danger of torture.

### 2. Repression

States must **repress** the practice of torture. The criminal law of every State must ensure that acts of torture are offences punishable by appropriate penalties. Torture is inexcusable in any circumstances, however exceptional. A person who commits torture may not invoke orders from a superior officer or a public authority as justification. States must do all necessary to establish that they are competent to try perpetrators of all acts of torture, especially by one of their own nationals, wherever he/she acted, and even more importantly, all cases whose perpetrator is on their territory and has not been extradited. At the request of another State, States are duty-bound to extradite persons who commit acts of torture. States must afford each other the greatest possible mutual judicial assistance.

### 3. Compensation

States must **compensate** torture victims for damage inflicted and grant them the means necessary for their fullest possible rehabilitation. Every State must conduct an immediate impartial examination whenever there are reasonable grounds to believe that an act of torture has been committed. It must ensure that the victim is entitled to lodge a complaint and that the complainant and wit-

### **III. NATIONAL ACTION AGAINST TORTURE**

#### **A. STATES OBLIGATIONS AS TO THE PROHIBITION OF TORTURE**

nesses are protected. And it must guarantee that the victim or his/her successors in title receive fair and adequate compensation and indemnification.







## B. THE FORMATION OF A NATIONAL MECHANISM TO COMBAT TORTURE

The United Nations Committee against Torture, *inter alia*, believes that it is essential for States to institute a national mechanism against torture (3) and especially an **independent commission** composed mainly of judges, members of professions concerned (lawyers and doctors), representatives of non-governmental organisations, and national personalities well known for their untiring efforts to abolish the scourge of torture. The commission should have **access to any place of detention or interrogation** that it may wish to visit. Its duties should include regular frequent visits to all places of detention, contacting persons detained there, gathering complaints of torture and ill-treatment, bringing them promptly before the courts and forwarding them to the prosecution service.

The independent group should also ensure that national legislation guaranteeing that persons deprived of liberty will not be subjected to torture is respected. When such legislation is infringed the group should alert the responsible authorities at once and make proposals for strict observance of such guarantees in all places of detention.

The commissions **reports** should be **public** and it should be empowered to advise on and initiate the drafting of any project against torture.

- 1 This prohibition of torture and other cruel, inhuman or degrading treatment or punishment is guaranteed by common Article 3 of the Geneva Conventions signed at Geneva on 12 August 1949, Article 7 of the International Covenant on Civil and Political Rights adopted by the General Assembly of the United Nations on 16 December 1966, Article 5 of the African Charter on Human and Peoples' Rights adopted 27 June 1981 by the eighteenth Assembly of Heads of State and Government of the Organization of African Unity, Article 5, paragraphs 1 and 2 of the American Convention on Human Rights, called the "Pact of San José, Costa Rica", adopted 22 November 1969, and Article 3 of the European Convention on Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950.
- 2 According to Article 2 of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, adopted 3 November 1973, the expression "crime of apartheid" denotes inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing the latter, especially "by the infliction upon the members of a racial group or groups of serious bodily or mental harm, by the infringement of their freedom or dignity, or by subjecting them to torture or to cruel, inhuman or degrading treatment or punishment". According to Article 9 of the Convention, the Commission on Human Rights must establish a group composed of three representatives of States Parties and charge it with the examination of the States Parties' reports. After the fall of apartheid in South Africa, the Commission decided in March 1995 to suspend the meetings of this group.
- 3 Activities of the Committee against Torture pursuant to Article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Summary Report on the results of work concerning the investigation of Turkey, made public on 19 November 1993, paragraph 47. Summary report on the results of the work concerning the investigation of Egypt, Annual Report of the Committee, A/51/44, paragraph 221.

# ANNEXES

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## **ANNEX 1: List of States which have accepted the mechanisms of individual or inter-State complaints** (as of 31 December 1997)

### **I. List of States which have accepted the mechanisms of inter-State and individual complaints provided for in Articles 21 and 22 of the Convention against Torture**

Algeria	Hungary	Slovakia
Argentina	Iceland	Slovenia
Australia	Italy	Spain
Austria	Liechtenstein	Sweden
Bulgaria	Luxembourg	Switzerland
Canada	Malta	Togo
Croatia	Monaco	Tunisia
Cyprus	The Netherlands	Turkey
Czech Republic	New Zealand	United Kingdom*
Denmark	Norway	United States of America*
Ecuador	Poland	Uruguay
Finland	Portugal	Venezuela
France	Russian Federation	Yugoslavia
Greece	Senegal	

\*Accepted the mechanism of inter-State complaints of Article 21 but not the mechanism of individual complaints of Article 22.

### **II. List of States which have recognised the mechanism of inter-State complaints provided for by Article 41 of the International Covenant on Civil and Political Rights**

Algeria	Finland	Philippines
Argentina	Gambia	Poland
Australia	Germany	Russian Federation
Austria	Guinea	Senegal
Belarus	Guyana	Slovakia
Belgium	Iceland	Slovenia
Bosnia and Herzegovina	Ireland	Spain
Bulgaria	Italy	Sri Lanka
Canada	Japan	Sweden
Chile	Republic of Korea	Switzerland
Congo	Luxembourg	Tunisia
Croatia	Malta	Ukraine
Czech Republic	The Netherlands	United Kingdom
Denmark	New Zealand	United States of America
Ecuador	Norway	
	Peru	Zimbabwe

### III. List of States Parties to the Optional Protocol to the International Covenant on Civil and Political Rights (individual complaints)

Algeria	Finland	Panama
Angola	France	Paraguay
Argentina	Gambia	Peru
Armenia	Georgia	Philippines
Australia	Germany	Poland
Austria	Greece	Portugal
Barbados	Guinea	Romania
Belarus	Guyana	Russian Federation
Belgium	Hungary	Saint Vincent and the Grenadines
Benin	Iceland	San Marino
Bolivia	Ireland	Senegal
Bosnia and Herze- govina	Italy	Seychelles
Bulgaria	Ivory Coast	Sierra Leone
Cameroon	Republic of Korea	Slovakia
Canada	Kyrgyzstan	Slovenia
Central African Republic	Latvia	Somalia
Chad	Libya	Spain
Chile	Lithuania	Sri Lanka
Colombia	Luxembourg	Suriname
Congo	Macedonia	Sweden
Costa Rica	Madagascar	Togo
Croatia	Malawi	Trinidad and Tobago
Cyprus	Malta	Turkmenistan
Czech Republic	Mauritius	Uganda
Denmark	Mongolia	Ukraine
Dominican Republic	Namibia	Uruguay
Ecuador	Nepal	Uzbekistan
El Salvador	The Netherlands	Venezuela
Equatorial Guinea	New Zealand	Zaire
Estonia	Nicaragua	Zambia
	Niger	
	Norway	

**IV. List of States which have accepted the mechanism of individual complaints provided for by Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination**

Algeria	France	Russian Federation
Austria	Hungary	Senegal
Bulgaria	Iceland	Slovakia
Chile	Italy	Slovenia
Costa Rica	Republic of Korea	Spain
Cyprus	Luxembourg	Sweden
Denmark	The Netherlands	Ukraine
Ecuador	Norway	Uruguay
Finland	Peru	

**V. List of State Parties to the European Convention for the Prevention of Torture and other Inhuman or Degrading Treatment or Punishment**

Albania	Greece	Romania
Andorra	Hungary	San Marino
Austria	Iceland	Slovakia
Belgium	Ireland	Slovenia
Bulgaria	Italy	Spain
Croatia	Liechtenstein	Sweden
Cyprus	Luxembourg	Switzerland
Czech Rep.	Malta	TFYROMacedonia*
Denmark	Moldova	Turkey
Estonia	netherlands	Ukraine
Finland	Norway	United Kingdom
France	Poland	
Germany	Portugal	

\* "the former Yugoslav Republic of Macedonia"

## VI. List of States Parties to the European Convention for Human Rights and Freedom

Albania	Greece	Poland
Andorra	Hungary	Portugal
Austria	Iceland	Romania
Belgium	Ireland	San-Marino
Bulgaria	Italie	Slovakia
Croatia	Latvia	Slovenia
Cyprus	Liechtenstein	Spain
Czech Rep.	Lithuania	Sweden
Denmark	Luxembourg	Switzerland
Estonia	Malta	TFYROMacedonia
Finland	Moldova	Turkey
France	Netherlands	Ukraine
Germany	Norway	United Kingdom







## **ANNEX 2: Useful Addresses**

### **1. International organisations**

#### **Office of the High Commissioner for Human Rights**

Office of the United Nations

8-14 Avenue de la Paix, 1211 Geneva 10, Switzerland

Telephone (41) 22 917 12 34 Fax (41) 22 917 01 23

E-mail: [webadmin.hachr@unog.ch](mailto:webadmin.hachr@unog.ch)

Website: [www.unhchr.ch](http://www.unhchr.ch)

#### **International Committee of the Red Cross**

17 Avenue de la Paix, 1211 Geneva, Switzerland

Telephone (41) 22 734 60 01 Fax (41) 22 734 82 80

E-mail: [webmaster.gva@icrc.org](mailto:webmaster.gva@icrc.org)

Website: [www.icrc.org](http://www.icrc.org)

#### **Council of Europe**

P.O. Box 431 R 6, 67006 Strasbourg Cedex, France

Website: [www.coe.fr](http://www.coe.fr)

#### **European Commission of Human Rights**

Telephone (33) 3 88 41 20 18 Fax (33) 3 88 41 27 30

Website: [www.dhcomm.coe.fr](http://www.dhcomm.coe.fr)

#### **European Court of Human Rights**

Telephone (33) 3 88 41 20 32 Fax (33) 3 88 41 27 91

Website: [www.dhcour.coe.fr](http://www.dhcour.coe.fr)

#### **European Committee for the Prevention of Torture (CPT)**

Telephone (33) 3 88 41 23 88 Fax (33) 3 88 41 27 72

E-mail: [cptdoc@coe.fr](mailto:cptdoc@coe.fr)

Website: [www.dhdirhr.coe.fr/cpt.htm](http://www.dhdirhr.coe.fr/cpt.htm)

#### **European Parliament**

L-2929, Luxembourg

Telephone (352) 4300-1 Fax (352) 43 70 09

Website: [www.europarl.eu.int](http://www.europarl.eu.int)

#### **Organisation for Security and Co-operation in Europe**

Office for Democratic Institutions and Human Rights

Krucza 36/Współna 6, 00-522 Warsaw, Poland

Telephone (48) 2 625 41 50 or 625 42 93 Fax (48) 2 625 43 57

E-mail: [office@odhir.osce.waw.pl](mailto:office@odhir.osce.waw.pl)

Website: [www.osceprag.cz/inst/odhir/odhir.htm](http://www.osceprag.cz/inst/odhir/odhir.htm)

## **UNESCO**

7 Place Fontenay, 75007 Paris, France

Telephone (33) 1 45 68 10 00

Website: [www.unesco.org](http://www.unesco.org)

## **International Labour Office**

### **(Secretariat of the International Labour Organisation)**

4 Route des Morillons, 1211 Geneva 22, Switzerland

Telephone (41) 22 799 71 54 Fax (41) 22 798 86 85

E-mail: [webinfo@ilo.org](mailto:webinfo@ilo.org)

Website: [www.ilo.org](http://www.ilo.org)

## **2. Non-gouvernemental organisations**

### **Amnesty International (International Secretariat)**

1 Easton Street, London WC1X 8 DJ, United Kingdom

Telephone (44) 171 413 55 00 Fax (44) 171 956 11 57

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### **International Federation of Action by Christians for the Abolition of Torture (FiACAT: Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture)**

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### **International Helsinki Federation for Human Rights**

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**Human Rights Watch**

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**International Rehabilitation Council for Torture Victims**

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**Observatoire International des Prisons**

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**World Organisation against Torture  
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