



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

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COMMITTEE AGAINST TORTURE

Thirty-ninth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 801st MEETING

Held at the Palais Wilson, Geneva,
on Monday, 19 November 2007, at 12.35 p.m.

Chairperson: Mr. MAVROMMATIS

CONTENTS

CONSIDERATION OF COMMUNICATIONS UNDER ARTICLE 22 OF THE
CONVENTION (continued)

Follow-up on decisions adopted under article 22 of the Convention

* The summary record of the first part (closed) of the meeting appears as document CAT/C/SR.801.

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The public part of the meeting was called to order at 12.35 p.m.

CONSIDERATION OF COMMUNICATIONS UNDER ARTICLE 22 OF THE CONVENTION (continued)

Follow-up on decisions adopted under article 22 of the Convention (CAT/C/39/R.1)

1. The CHAIRPERSON invited the Special Rapporteur on Follow-up to introduce the report on follow-up activities (CAT/C/39/R.1) relating to the Committee's decisions on individual complaints submitted under article 22 of the Convention.
2. Mr. MARIÑO MENÉNDEZ, Special Rapporteur on Follow-up, summarized the comprehensive report on replies received in cases in which the Committee had found violations of the Convention.
3. It was proposed to send reminders requesting information or updates to the following States parties with regard to the specified communications: Canada (Tahir Hussain Khan, 15/1994); Netherlands (A, 91/1997); Spain (Urta Guridi, 212/2002); and Serbia and Montenegro (Dimitrov, 171/2000; Danilo Dimitrijevic, 172/2000; and Dragan Dimitrijevic, 207/2002).
4. In the case of Elif Pelit v. Azerbaijan (281/2005) he suggested that new information be requested from Azerbaijan concerning the situation of the complainant, who had been sentenced to a further six years' imprisonment. In its letter, the Committee should recall that the State party's violation of articles 3 and 22 and non-compliance with the request to grant interim measures obliged it to monitor the complainant's situation, ensure compliance with the diplomatic assurances received from Turkey and inform the Committee on the matter. A copy of the letter should also be sent to the complainant so that she could continue to keep the Committee abreast of developments.
5. Mr. CAMARA asked why the complainant had been imprisoned again.
6. Mr. MARIÑO MENÉNDEZ said that the complainant had been convicted of terrorism. She was in fact of Kurdish origin, which should be borne in mind by the Committee when deciding what follow-up action to take.
7. In the case of Falcón Ríos v. Canada (133/1999) the Committee did not need to take further action since the Canadian Government had said that it did not intend to implement the order to return the complainant to Mexico. However, he suggested that a letter should be sent to the Canadian Government asking it for any new information concerning the case, and reminding it that, in accordance with the Committee's decision, the complainant must not be returned to Mexico as he was still covered by the interim measures granted by the Government.
8. With regard to Mostafa Dadar v. Canada (258/2004) he suggested that the Committee should comply with the complainant's request not to remove the case from the follow-up procedure, despite the State party's request to the contrary. Canada had in fact shown a lack of good faith in renegeing on its undertaking to apply interim measures. The Committee should therefore request information from the State party on the complainant's situation.

9. The CHAIRPERSON suggested that the case be kept open until the Committee's fortieth session. In his view, there were insufficient grounds for keeping it open beyond then.
10. Mr. WANG Xuexian sought clarification of the counsel's assertion that his client was persona non grata in Iran. What was meant by that? And was it counsel's view or that of the Iranian Government?
11. Mr. MARIÑO MENÉNDEZ said that the expression had been used in counsel's case file and reproduced. The exact meaning was unclear.

The meeting rose at 1 p.m.