



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

Distr.
GENERAL

CAT/C/SR.656
24 May 2005

Original: ENGLISH

COMMITTEE AGAINST TORTURE

Thirty-fourth session

SUMMARY RECORD OF THE 656th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 13 May 2005, at 3 p.m.

Chairperson: Mr. MARIÑO MENÉNDEZ

CONTENTS

ORGANIZATIONAL AND OTHER MATTERS (continued)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 19 OF THE CONVENTION (continued)

Initial report of Bahrain (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.05-41846 (E) 180505 240505

The meeting was called to order at 3.10 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 4) (continued) (A/59/254; HRI/MC/2004/3)

1. The CHAIRPERSON welcomed Mr. Filali, the Rapporteur on the harmonization of reporting guidelines for treaty bodies and a member of the Committee on the Rights of the Child.

2. Mr. FILALI (Rapporteur on the harmonization of reporting guidelines for treaty bodies) said that he had been appointed Rapporteur in June 2004 at the third inter-committee meeting of human rights treaty bodies, with a mandate to establish a dialogue with treaty bodies on their working methods, ascertain their position on the draft guidelines, and reflect their concerns in a report to the next inter-committee meeting and meeting of chairpersons of the human rights treaty bodies.

3. He outlined developments in the area of the harmonization of the reporting process as detailed in the document entitled “Guidelines on an expanded core document and treaty-specific targeted reports and harmonized guidelines on reporting under the international human rights treaties” (HRI/MC/2004/3), which had been discussed at the third inter-committee meeting. Participants in that meeting had encouraged the chairpersons of treaty bodies to include the draft guidelines in their committees’ agendas, and to present comments and proposals for amendments at the inter-committee meeting scheduled for June 2005.

4. After summarizing each section of the draft guidelines, he said his dialogue with the various treaty bodies had been particularly fruitful where the committee had previously discussed the issue and reached a common position.

5. The CHAIRPERSON said the Committee had not held a special meeting on the draft guidelines. Committee members had read them, however, and certain members had attended inter-committee meetings. He invited members to comment on the proposals.

6. Ms. GAER said the Committee was in the throes of adopting its own treaty-specific guidelines and only when that work had been completed would it be possible to take a position on the proposals under discussion, and in particular on the notion of an expanded core document.

7. The Committee was one of those that frequently asked States parties for statistics and other detailed information, and it would naturally be most helpful if such data could be included in a basic document. She had a feeling, however, that it would prove a Sisyphean task for States parties, requiring an enormous effort to collect a vast amount of data, much of which would be out of date by the time the document was completed, which would mean starting the whole process over again. In addition, the Office of the United Nations High Commissioner for Human Rights might well be required to devote huge resources to technical assistance in helping States produce such a document.

8. Referring to the Secretary-General’s recent suggestion that the Commission on Human Rights should be replaced, she said she understood that the proposed human rights council would be expected to conduct systematic reviews of all countries in turn, rather in the manner of a super-treaty body. If that was the case, an expanded core document of that kind

might pave the way for what would amount to a consolidation of the work of all the United Nations human rights programmes, and it might be worth considering whether that would be the most helpful way to promote human rights in the countries concerned.

9. Mr. RASMUSSEN said the aim of any changes made to the system should be to make it easier for States parties to fulfil their reporting obligations.

10. The questions put to States parties by the Committee against Torture concerned a wide variety of vulnerable groups, many of which were also covered by other conventions; in addition, the Committee frequently made use of other treaty bodies' comments in respect of such groups in its interaction with States parties. It was hard to imagine how the consideration of reports under the new proposals might be conducted. Moreover, any changes in procedure must be made without amending the human rights treaties themselves; to proceed otherwise might open the door to further proposals for amendments from States.

11. Mr. CAMARA said he believed the aim of the proposals was indeed to facilitate and rationalize the States parties' task by obviating the need to provide the same information repeatedly. He wondered whether there was a time frame for a decision and, if so, whether the Committee should not adjust its own timetable accordingly.

12. Mr. MAVROMMATIS said that, under the existing system, States parties were not in fact obliged to repeat information but could refer to reports they had submitted to other treaty bodies. In his view, the important point was to ease the task of the committees considering those reports. Most of the existing core documents were out of date and the problem would be to ensure that an expanded core document was regularly updated in order to avoid duplication in the process of considering reports.

13. He was not convinced that the new proposals would be fully implemented even if agreed, since each treaty body, and indeed each Committee member, was autonomous and had an individual approach to the process.

14. The CHAIRPERSON said that, in the context of its current review of its own procedures, the Committee against Torture was experimenting with various innovations. Discussions with NGOs during official meeting time, for example, had proved promising and the Committee would ideally like to hold its discussions with States parties and NGOs participating together. The system of drawing up lists of issues had also helped encourage States parties which had fallen behind in their reporting to begin to address the backlog.

15. Ultimately, it was up to the Member States and the United Nations, rather than the treaty bodies themselves, to decide what reporting system would be used, but he pointed out that the treaty bodies had been established by international legal instruments ratified by States, to which amendments could be made only in accordance with proper procedures.

16. One aim of the proposals appeared to be to establish a reporting cycle whereby a State party would submit all its reports to all treaty bodies within a specified period, and he wondered how that would work. The effort required to achieve such rationalization would be daunting, even without taking account of those States which were not keeping up with their reporting obligations.

17. The main problems with an expanded core document would be: (a) the need for continual updating (who would be responsible and how would it be done?); and (b) the scope of the document (to what extent would it meet specific treaty bodies' requirements, particularly where there were transversal concerns, as was the case with the Committee against Torture?).

18. Mr. PRADO VALLEJO said that in his view the key aim of the treaty bodies should be to record the common practices they had developed over many years and to develop joint guidelines on State party reporting.

19. Mr. WANG Xuexian said that there was much to be said on both sides of the argument regarding consolidated reports, expanded core documents and treaty-specific targeted reports. In his view, however, it would be wrong to undermine the important work on methodology that had been undertaken by the treaty bodies since their establishment. To improve efficiency, each treaty body should focus on its own mandated area and avoid encroaching on that of others.

20. Mr. FILALI said that he had not attended the brainstorming meeting on reform of the treaty body system held in Liechtenstein in 2003. Although he had carefully studied the relevant documents, he might not have fully reflected their content. At any rate, a great deal of progress had been made in the meantime, especially at the inter-committee meetings.

21. He would reflect the Committee's suggestions in his report but the Committee would be represented at future meetings of chairpersons and at inter-committee meetings and could make its views known on those occasions.

22. He urged the Committee to adopt a positive approach to the reform process, which had been launched both to assist the treaty bodies in their work and to lighten States parties' reporting burden. Once the expanded core document had been drafted, they would start work on treaty-specific reports. The whole process was to be completed within 18 months. He agreed that the procedure, as it stood, had both advantages and drawbacks, and that it would need to be assessed by the treaty bodies in the light of practical experience. The purpose of reform was certainly not to undermine the sovereignty or specific character of the treaty bodies, which would continue to be free to determine the content of the targeted reports.

23. The Committee on the Rights of the Child was also currently discussing its working methods and reporting guidelines. In due course, each treaty body would assess the compatibility of its approach with that adopted in the harmonized common guidelines. At the present stage, he appealed against any attempt to thwart the reform process.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 6) (continued)

Initial report of Bahrain (continued) (CAT/C/47/Add.4)

24. At the invitation of the Chairperson, the members of the delegation of Bahrain resumed their places at the Committee table.

25. The CHAIRPERSON invited the delegation to respond to the issues raised at the meeting on the previous day.
26. Mr. AL-KHALIFA (Bahrain), replying to a question regarding the definition of torture in the domestic legal system, said that according to article 37 of the Constitution, treaties became part of domestic legislation once they had been ratified and published in the Official Gazette. The wording of the definition of torture in the Criminal Code was identical to the definition in the Convention. Torture was expressly mentioned in articles 208, 232 and 357.
27. With regard to the inclusion of a purpose clause in the criminalization of torture, the Preparatory Commission for the International Criminal Court, when discussing the elements of crimes under the Rome Statute, had decided that no specific purpose was needed to prove the crime of torture. Hence torture was a crime against humanity regardless of its purpose, an approach that was consistent with the general principles of criminal responsibility.
28. Articles 208-210, 232 and 357 of the Criminal Code and the crimes listed in chapter VIII covered all cases of torture and cruel, inhuman or degrading treatment or punishment, in particular crimes pertaining to life, physical integrity and sexual violence. Articles 348 and 75 (4) of the Criminal Code treated official status as an aggravating circumstance in the commission of the crime of torture. Articles 36 and 48 concerning attempt and complicity covered all aspects of article 4 of the Convention. The right not to be subjected to torture was a non-derogable right, even in a state of emergency or in a national or non-international armed conflict.
29. Articles 5 to 9 of the Criminal Code covered all types of jurisdiction for torture mentioned in the Convention. The principle of aut dedere aut judicare (either extradite or prosecute) was guaranteed under article 9 of the Code.
30. The two International Covenants on Human Rights had been carefully studied by the Government and the process of ratification was under way. The Rome Statute of the International Criminal Court was regarded as a major step towards ending the impunity of those who committed genocide, war crimes, crimes against humanity and, once it was defined, the crime of aggression. Bahrain had participated in the Rome Conference of Plenipotentiaries on the Establishment of an International Criminal Court and had signed the Rome Statute. Legal experts were working under the auspices of the League of Arab States and the Gulf Cooperation Council to draft common legislation governing crimes coming within the jurisdiction of the Court, to discuss the Rules of Procedure and Evidence and to develop cooperation with the Court.
31. Bahrain welcomed the Optional Protocol to the Convention as an important step towards the establishment of a preventive system of regular visits to places of detention and hoped for a positive response from the international community.
32. Bahrain had committed itself from the outset to the fight against terrorism and the financing of terrorism in the light of Security Council resolution 1373 (2001) and the 1999 International Convention for the Suppression of the Financing of Terrorism. It

agreed, however, that provision must be made in that context for the safeguarding of human rights. The bill on terrorism before parliament reflected all Bahrain's obligations to the international community.

33. The reform programme, including amnesty legislation, introduced by His Majesty the King was intended to achieve national reconciliation. Legislative Decree No. 10 of 2001 and Legislative Decree No. 56 of 2002 interpreting the earlier Decree had been promulgated to address long-festered domestic tensions, to establish a constitutional regime and to introduce political reforms. Both amnesty decrees made it clear that the amnesty was not selective but was applicable to everybody, regardless of their status. A comprehensive study had been undertaken to ensure that it was compatible with the Constitution and State practice. The purpose of the amnesty had been to lay the basis for reform and to restore stability, and not to grant immunity to certain individuals. Decree No. 56 emphasized the comprehensive nature of the earlier decree. If it was abrogated, the provisions of Decree No. 10 would remain unchanged but old wounds that the State had promised to heal would be reopened. The amnesty was confined to crimes against State security and crimes committed during the period prior to the amnesty legislation, which could not be revoked or applied to any crime committed even one hour after its enactment.

34. Nobody had filed a claim for civil compensation based on allegations of torture and nobody had brought a claim before the Constitutional Court alleging that Decree No. 56 of 2002 was unconstitutional. That proved the unsound nature and lack of credibility of claims for compensation that failed to exhaust domestic remedies. In effect, such claims merely damaged the interests of those who had suffered human rights violations.

35. His Government continued to offer opportunities for compensation to all those who had suffered harm during the period in question through torture, ill-treatment, terrorism, arson or vandalism. It was not in the Government's interest to exploit individual pain and suffering for temporary political gains.

36. Bahrain had welcomed back all returnees and the political leaders had provided them with facilities to earn a living. Those who had been dismissed from their jobs had been reinstated and given financial assistance, and many others had received humanitarian assistance.

37. Bahrain was making every effort to promote non-discrimination and to prevent discrimination against any vulnerable group. When opening the building that housed the Constitutional Court, His Majesty the King had referred to the ratification by Bahrain of all international treaties for the protection of human rights and the abolition of discrimination, including the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.

38. Mr. AL-BOAINAIN (Bahrain) said Bahraini legislation permitted extradition if the crime in question had been committed within a territory subject to the jurisdiction of the requesting State and if the act constituted a crime both in Bahrain and in the requesting State. Article 415 of the Code of Criminal Procedure prohibited extradition for offences relating to non-fulfilment of military duties or political matters. The High Criminal Court took a decision on the

extradition request and communicated it to the Ministry of Justice. If the person to be extradited claimed that he or she would be subjected to torture if returned to the requesting country and the Court considered that the claim was credible, it was required to apply the relevant provisions of international treaties in accordance with article 412 of the Code of Criminal Procedure. If a foreign national charged with committing an offence under Bahraini law made a similar claim that was deemed credible, the Court could decide not to expel him but merely to impose the normal penalty for such an offence. Moreover, if the Court imposed the penalty of removal, the foreign national could appeal the sentence to a higher court or, in an emergency, or to the Urgent Matters Court.

39. With regard to the use of torture or force to obtain a confession, articles 19 and 20 of the Constitution prohibited all forms of physical or mental torture and inhuman or degrading treatment. Article 208 of the Criminal Code prohibited the use by a public official of torture or force against an accused person, a witness or an expert in order to induce that person to confess to an offence or to proffer statements or information relating thereto. The penalty was life imprisonment if the use of torture or force led to the death of the victim. Article 232 prescribed a sentence of imprisonment for at least six months for any person other than a public official who perpetrated similar acts.

40. Article 344 of the Criminal Code imposed a life sentence for the crime of rape. Rape of a female under the age of 16 was punishable by the death penalty or a life sentence. Article 345 afforded special protection to minors. Anyone who had sexual intercourse with a minor between the ages of 14 and 16 was punishable by imprisonment for a maximum term of 20 years. The maximum penalty for intercourse with a woman aged between 16 and 21 was a prison term of 10 years.

41. Article 20 of the Constitution stipulated that every accused person had the right to legal counsel of his or her own choosing. Article 61 (2) of the Code of Criminal Procedure stipulated that arrested persons had the right to seek the assistance of counsel. Article 64 stated that accused persons had the right to communicate with counsel without the presence of a third party.

42. Article 135 of the Code of Criminal Procedure stipulated that defence counsel should be acquainted with the evidence prior to questioning or a hearing. Article 134 stipulated that members of the Public Prosecutor's Office could not question the accused or witnesses without inviting defence counsel to attend.

43. The Minister of Justice appointed a lawyer employed by the Government to provide free legal assistance to the accused. The lawyer had a right to meet with his client to discuss the case in private in the presence of a prison warder. As to the accused's rights, the Criminal Code guaranteed special rights at the time of arrest. The investigating police officer must immediately listen to the accused, and if no evidence was produced warranting his release, he must be heard by a judge within 48 hours. A person could not be convicted or imprisoned without clear orders from the competent authorities. The person's dignity must be preserved, and he could not be harmed mentally or physically. He must be told on what charge he was being arrested, and had the right to contact his family and a lawyer. Persons could only be imprisoned in lawfully established jails, and prison governors could not accept any prisoner without a warrant signed by the competent authority. The prison term could not exceed the length indicated in that warrant.

44. Judges and the public prosecutor had the right to search prisons to ensure there were no illegal prisoners and to vet prison registers and warrants of commitment. Prison staff must provide them with all necessary assistance and relevant information. Prisoners had the right to submit written or oral complaints to the governor who forwarded them to the President of the Court of Appeal or High Civil Court or to the public prosecutor.

45. Detainees also had the right to receive visits once a week, to be brought food and drink from outside the prison, to wear their own civilian clothing, and to have three free meals a day, free health services, and access to books and newspapers. Given that investigations were conducted in Arabic, the public prosecutor could call on the services of an interpreter if the accused or witnesses did not understand that language. In one case, for example, two foreigners had been charged with importing narcotics and been sentenced to 10 years' imprisonment by the High Court. They had appealed the decision, and the Court of Appeal had pronounced them innocent because the public prosecutor had not shown in the records the language used to charge them and had not proven that an interpreter had been used.

46. On the question of the independence of the judiciary, under the Constitution judges were independent and no authority had any power over the judge in his jurisdiction. In no case could there be any interference in the process of justice. Judges were nominated by Royal Decree in accordance with proposals by the Council of Justice, without interference from the Executive. Judges could be dismissed only in accordance with the law, and their mandate could only be terminated for one of the following reasons: death, resignation, end of contract, reaching the age of retirement or ill health. Under the Criminal Code, anybody who attempted to interfere with the work of judges could be fined or imprisoned. The Arab Judicial Forum had been held in Bahrain in 2003, in collaboration with the United States, and in the same year the Ministry of Justice had made new members of the judiciary undergo transparent tests.

47. As to the public prosecutor, he was the guarantor of the law. It was his duty to initiate criminal proceedings and bring them before the court, as well as to investigate the crime, collect evidence and conduct the substantive investigation. Police officers were involved only in the preliminary phase of the investigation.

48. As to women and the judiciary, under Bahraini legislation there was nothing to stop women from occupying judicial positions. For example, there were four women working as assistants in the Public Prosecutor's Office.

49. Freedom of expression and scientific research was guaranteed under the Constitution, and everyone had the right to express his opinion orally or in writing, without prejudice to Islamic law and the unity of the people. Freedom of expression and the press was guaranteed in accordance with the provisions of the 2002 law on the press and media. It should be noted that the activity of the Minister of Information was supervised by the judiciary in accordance with that law. The press was guaranteed independence and a journalist could not be forced to disclose his sources. The confiscation of newspapers was not authorized, nor was the banning of a press organ, except by a court judgement. In addition, there was no right to restrict freedom of speech, although there were certain restrictions in accordance with the law relating to respect for the reputation of others and the need to preserve public order and security.

50. With regard to confessions, in two recent cases persons accused of importing narcotics and armed robbery had been found innocent because of doubts concerning the validity of their confessions.

51. Mr. RASHED BUHAMOOD (Bahrain), responding to questions on practical measures taken in cases of torture of prisoners, said there were many means of redress. Any person who knew that a crime had been committed was required to report it to the competent authorities, who would take all necessary measures to prosecute the crime and bring the case to court. Forensic physicians, witnesses, victims and perpetrators must all be interrogated, and full reports drawn up. Other measures were provided for under the law on criminal proceedings and the inspection of prisons, and the law on public security forces provided for an ombudsman. The department of legal affairs within the Ministry of the Interior investigated complaints. In addition to the perpetrators being sentenced to a prison term, disciplinary action must be taken and could take the form of dismissal or a fine. Many persons had been convicted under that system, not only for torture, but also for ill-treatment of civilians. In 2004, 19 criminal proceedings had been brought against military officers.

52. Under the law on prisons, if a prisoner died, his family must be immediately informed, and a forensic physician must conduct an examination to determine the cause of death. The prison governor must write a full report to the head of police and the Minister of the Interior so that a judge could be appointed to carry out an investigation. Any case of death or injury in custody must be referred to the public prosecutor. If the prisoner was a foreigner, his embassy must be informed.

53. Referring to prison conditions, he said that there was a central prison composed of six buildings. Cells varied in size from between 15 and 17 feet by 7 feet, and all had toilets. Each wing had restaurants, television and video. Additional information could be provided in writing if necessary.

54. Ms. ABDUL RASOOL (Bahrain), referring to the disbandment of the Bahraini Association for Human Rights, said that the Association had been among the bodies authorized under the law on associations. It had been disbanded because it had committed a number of abuses and contravened public order. Although it had been warned several times, it had not heeded the warnings, and the competent minister had been forced to disband it in accordance with the Constitution. The Association had appealed, but the court of first instance had confirmed the Minister's decision.

55. As to the law on vice and virtue, it had been proposed in parliament and was currently being examined by the Government, which had not yet issued an opinion. The law would establish a guidance body, whose opinion would be advisory rather than obligatory. The functions of such a body were currently performed by the Islamic Religious Council.

56. Regarding the Human Rights Committee of the Shura Council, the Committee itself had not been disbanded, but rather its supervisory body, the Shura Council; it followed that all subordinate bodies of the Council must also be disbanded.

57. On the question of the enactment of the family planning law and the law on personal status, the religious courts were competent to deal with related cases. The National Action Charter had been the basis for the legislation, which aimed to ensure social stability. The Government had mobilized all associations concerned with the family, especially the Supreme Council for Women, to assist in drafting a law to govern matters of personal status such as marriage, divorce and inheritance. The draft legislation was currently being discussed by all stakeholders.

58. Regarding the suggestion of discrimination in Shariah courts, she said the religious courts formed part of the judicial system and ensured that all people enjoyed their rights. Those courts were governed by the Shariah, which was considered one of the sources of comparative law. It was not correct to refer to discrimination in the religious courts, as Shariah law guaranteed equality. The adjudication system had two levels in order to prevent injustices being committed by any court.

59. As to violence in the family, one of the Government's priorities was to increase awareness of violence in all its forms. The Government had taken a number of measures, including using the mass media to change traditions and attitudes that condoned violence. The competent authorities had also opened offices to receive complaints in conjunction with the Supreme Council for Women. A guidance office and a centre for the training of counsellors had been established, and a number of workshops and conferences organized. A special centre was to be established to deal with cases of violence.

60. The Labour Code protected the rights and duties of foreign workers, and protected them from abuse. All intermediaries wishing to bring foreign workers into Bahrain must receive official authorization in order to avert abuse. The Criminal Code imposed penalties for attacks or prejudicial action against foreign workers, and criminalized prostitution. Forced labour and detention were prohibited by law. The State had instituted a number of measures, including the establishment of a national committee composed of representatives of the Ministries of Foreign Affairs, the Interior, Health and Justice, which had drafted a policy and plan of action for the protection of foreign workers. That committee had also issued guidelines and manuals in several languages, providing information on the prevention of abuse and exploitation; copies had been distributed in the meeting room.

61. Mr. AL-KHALIFA (Bahrain) said that further information on training for law enforcement officials and prison doctors would be provided to the Committee in writing in due course. The establishment of the National Human Rights Committee had been an important positive step, and he urged the Committee against Torture to acknowledge the efforts that had been made in Bahrain over recent years. His Government welcomed the efforts of NGOs in the field of human rights, and in particular the work carried out by Bahraini national NGOs. The NGO case that had been mentioned by the Committee was currently before the Court of Appeal. He assured the Committee that there were no obstacles to joining or being active in an NGO in Bahrain.

62. Ms. GAER (Country Rapporteur), thanking the delegation of Bahrain for its answers to the Committee's questions, said the Committee agreed that information from national NGOs was extremely valuable as a means of understanding fully the laws and practices of States parties to

the Convention. Progress could not be made when NGOs were obstructed in their work or closed down, or when their members were threatened, harassed or arrested. Scrutiny by NGOs was particularly important for raising awareness of human rights violations, instituting court proceedings and bringing abuses to the attention of international bodies. The Committee had been informed that the Bahraini Human Rights Association had been closed down by the authorities, and that legal action had been taken against its leaders. She wished to know whether the Government had indeed closed down certain NGOs, whether the Government intended to ensure the full and effective functioning of such organizations, whether the national NGOs that had presented information to the Committee would be able to carry on with their work unhindered when they returned to Bahrain, and whether NGOs would in future be permitted to visit places of detention.

63. The Criminal Code of Bahrain provided for the punishment of persons attending meetings in foreign countries without State permission, persons making statements against the prestige of the country and persons disrupting security or jeopardizing the public interest. She wished to know whether those provisions applied to representatives of human rights NGOs. The Committee had requested statistics on deaths in custody, which the delegation had not provided. She asked how victims of abuse in custody could be compensated or rehabilitated, since there were no procedures for determining whether they had indeed been victims of abuse or breaches of law. The delegation had stated that no claims for compensation had been filed. She wished to know whether a procedure had been established to facilitate applications for compensation, medical assistance and rehabilitation.

64. The Committee had been informed that Colonel Adil Jassim Flaifel had returned to Bahrain under the protection of the amnesty laws. She wondered how the amnesty laws and the rights protected in the Convention against Torture were reconciled. The Committee was particularly concerned about persons who had been responsible for abuses in the past being able to maintain their professional status and benefit from impunity. Also in connection with amnesty she understood that decree No. 56 stated that appeals precluded the hearing of any case; she wished to be quite clear about whether “any case” included situations that involved the death of one of the parties.

65. The Committee appreciated the information that had been provided on the independence of the judiciary, but remained concerned that members of the Al-Khalifa family were active in the courts and remained involved in cases involving the Government. The delegation should comment on whether that affected the independence of the judiciary. Turning to the issue of the proposed vice and virtue committee, she said that in other States similar committees had been established and had committed human rights abuses that had not been reviewed by a higher authority or judicial body. She wished to know what steps would be taken to ensure that the committee’s activities were monitored and kept in line with the Convention against Torture.

66. Mr. YAKOVLEV (Alternate Country Rapporteur) endorsed the questions raised by Ms. Gaer.

67. Mr. MAVROMMATIS said he hoped that the delegation would transmit the Committee’s views on the amnesty laws to the Government of Bahrain. He took it that the Government would initiate a programme of legislation and practices aimed at the full

implementation of the Convention, including the provisions on universal jurisdiction and refoulement. The State's next periodic report should include further information on the practices of judicial bodies, with case examples.

68. The CHAIRPERSON welcomed the fact that a new anti-terrorism law, which took account of human rights protection, would be examined in Bahrain. His question on whether imprisonment for debt was common had not been answered.

69. Mr. AL-KHALIFA (Bahrain) said that the Al-Khalifa family was a large tribe with over 3,000 members. It had no constitutional status as a family. The members of the family who were judicial officers were independent since they had no part in rule over the country. The Government understood that development, the rule of law and progress could not exist without the participation of NGOs. Efforts were being made to establish a State based on the Constitution. Bahrain was a democratic country and a balance must be struck between the protection of individuals and the protection of society as a whole, particularly with regard to freedom of expression. A member of parliament had submitted a proposal on the establishment of a vice and virtue committee and, in accordance with the law, that proposal had been submitted to the Government for consideration. The proposal had not been based on the establishment of such committees in other countries. The committee, if established, would not function in the same manner as committees in other countries, since Bahrain was a democratic society, based on the rule of law.

70. Turning to the issue of amnesty, he said that the Government had provided assistance to many people who had returned to Bahrain and were playing a significant role in society. The amnesty decree had been meant for all. The Government could not deviate from an amnesty decreed by the King, since that would jeopardize development. Reform was a painful process, and Bahrain was a small country with limited resources. The Government would not hesitate to make assistance available to all victims of the events that had taken place during the 1990s.

71. Ms. ABDUL RASOOL (Bahrain) said that debt was punishable by imprisonment in only two circumstances: first, for persons who refused to pay off debts in spite of having the means to do so; and secondly, for refusal to provide alimony.

72. The CHAIRPERSON thanked the delegation for its replies. The Committee's concluding observations would be issued in due course.

The meeting rose at 6 p.m.