



## **Interactive dialogue with the Special Rapporteur on Torture, Human Rights Council, Geneva, 27 March 2007**

Dear Sir,

The Association for the Prevention of Torture, the International Federation of ACAT, the International Rehabilitation Center for Torture Victims and the World Organisation Against Torture (OMCT) would like to thank you for your report (A/HRC/4/33) to this Council and more generally for your excellent work as a Special Rapporteur on Torture. As NGOs fighting against torture (including on the issue of prevention of torture), we value very much your commitment and the manner in which you fulfill your mandate by:

- being present and accessible for the victims;
- undertaking country visits which include visits to a variety of places of detention;
- strengthening the legal framework related to the absolute prohibition of torture and ill-treatment especially through thematic studies on key issues.

We would like to ask you the following three questions.

1- Part III of your most recent report is dedicated to the obligation of States Parties to establish their universal jurisdiction according to the principle *aut dedere aut judicare*. We found this study extremely interesting and we share your "call on States Parties to the Convention against Torture to make use of their rights and obligations under the Convention to exercise universal jurisdiction".

However, would you consider that this obligation reflects customary international law and consequently that the obligation to exercise universal jurisdiction is applicable to all United Nations Member States and thus is not only limited to the States Parties to the UNCAT?

2- Our second question is also linked with this above mentioned thematic study. In paragraph 41 of the study you state that "one of the major aims of the Convention against torture is the criminalization of torture and the enforcement under criminal law of the ban on torture. To this end the Convention obliges States parties to designate and define torture as a specific crime in national legislation", end of quote.

In our work at the national level, plus what we have witnessed in monitoring States Parties reports and dialogues with the Committee Against Torture, it appears that this obligation to criminalize torture is rarely implemented.

Given the fact that the *aut dedere aut judicare* principle is very much linked with the criminalization of torture, would you consider, as a follow-up to your most recent study,

dedicating part of a future report to this issue or would you consider more useful for the Committee Against Torture to adopt a general comment on Article 4 of the Convention?

3- Finally, our third and last question is related to your cooperation with regional mechanisms. Once again we value very much the different initiatives you have taken in that regard because we are convinced that such cooperation can only strengthen both the legal and institutional framework related to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

Therefore we would like to know whether it is likely that you will undertake joint country visits with the Special Rapporteur on prison conditions in Africa and the Follow-up Committee of the Robben Island Guidelines of the African Commission or with the Special Rapporteur on persons deprived of liberty of the Inter-American Commission?

Thank you.

For further information, please contact:  
OMCT: Patrick Mützenberg, 022 809 4939  
APT: Victoria Kuhn, 022 919 2170