

proposed by Joinet to deal with this question.

While it seemed at one point that the mandate of the Working Group would be restricted to administrative detention, the final mandate is wide, extending to "cases of detention imposed arbitrarily or otherwise inconsistently with relevant international standards as set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the states concerned." This agreement on the mandate was significant, as it meant full agreement with the principle that a Working Group may legitimately investigate cases of detention imposed inconsistently with the Declaration. This establishes a new landmark standard in this area.

The resolution also empowers the Working Group to seek and receive information from NGOs, victims and their families as well as governments.

Torture

In response to the Report of the Special Rapporteur on Torture, the Commission adopted a resolution stressing the importance of limiting - and eventually declaring illegal - incommunicado detention under national law, since the majority of torture allegations were practised during incommunicado detention. It stressed again the recommendation of the Special Rapporteur that legal provisions should be adopted prescribing that persons be given prompt access to legal counsel after they had been arrested and making it obligatory to promptly inform the relatives of an arrested person of both the arrest and place of detention. It further stressed the organization of proper medical inspections for arrested or detained persons as promptly as possible after their admission to the place of detention and after every transfer to another place of detention and that, whenever a person was found to be responsible for acts of torture or severe maltreatment, he or she should be brought to trial and, if found guilty, severely punished.

Item 10 also included discussion of the Draft Optional Protocol to the Convention Against Torture, which would allow the torture committee to visit places of detention. During the Commission, a number of delegations spoke up in favour of the Optional Protocol and Austria, Belgium, Greece, Italy, Spain and Switzerland were among the co-sponsors of a draft decision to consider the "Question of a Draft Optional Protocol" as a separate sub-item under Item 10. While the draft is not expected to be finalized for some years, the issue is now squarely on the agenda of the CHR.