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Excellency,

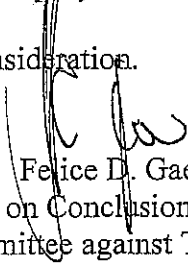
In my capacity as Rapporteur for follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, I refer to the examination of the initial report of the Democratic Republic of the Congo (CAT/C/37/Add.6) by this Committee, at its 35th session, from 7 to 25 November 2005. At the end of that session, the Committee's Conclusions and Recommendations (CAT/C/DRC/CO/1) were transmitted to your Permanent Mission. In paragraph 17 of those Conclusions and Recommendations, the Committee asked, pursuant to its rules of procedures, that the Democratic Republic of the Congo provide, within one year (by November 2006) further information regarding areas of particular concern identified by the Committee in paragraph 5 (a), (b) and (c) (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's Conclusions and Recommendations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of the Democratic Republic of the Congo on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Excellency, the assurances of my highest consideration.


Felice D. Gaer

Rapporteur for Follow-up on Conclusions and Recommendations
Committee against Torture

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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Conclusions and recommendations of the Committee against Torture
(Extracts for follow-up)

DEMOCRATIC REPUBLIC OF THE CONGO

(...)

D. Subjects of concern and recommendations

5. The Committee notes with concern that the State party has neither incorporated the Convention in its domestic legislation nor adopted legal provisions to ensure its implementation, and notes in particular:

(a) That there is as yet no definition of torture in domestic law that strictly corresponds to the definition contained in article 1 of the Convention;

(b) That the law of the Democratic Republic of the Congo does not confer universal jurisdiction for acts of torture;

(c) That there are no provisions giving effect to other articles of the Convention, particularly articles 6 to 9.

The Committee recommends to the State party that it take all necessary legislative, administrative and judicial measures to prevent acts of torture and ill-treatment in its territory, and in particular that it:

(a) **Adopt a definition of torture encompassing all the constituent elements contained in article 1 of the Convention and amend its domestic criminal legislation accordingly;**

(b) **Ensure that acts of torture constitute offences over which it has jurisdiction, in accordance with article 5 of the Convention;**

(c) **Provide for implementation of the Convention, especially its articles 6 to 9.**

(...)

17. The Committee requests the State party to provide, within one year, information on measures taken in response to the Committee's recommendations contained in paragraph 5 (a), (b) and (c) above.

(...)