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REFERENCE: jmn/mm/fg/follow-up/CAT

17 February 2006

Mr. Ambassador,

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 second periodic report of Monaco (CAT/C/38/Add.2) by this Committee, at its 32nd session, from 3 to 21 May 2004. At the end of that session, the Committee's Conclusions and Recommendations (CAT/C/CR/32/1) were transmitted to your Permanent Mission. In paragraph 7 of those Conclusions and Recommendations, the Committee asked, pursuant to its rules of procedures, that Monaco provide, within one year (by May 2005), further information regarding areas of particular concern identified by the Committee in paragraph 5 (c), (d) and (f) (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 Monaco on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Mr. Ambassador, the assurances of my highest consideration.

A handwritten signature in cursive script, appearing to read 'Felice D. Gaer'.

Felice D. Gaer
Rapporteur for Follow-up on Conclusions and Recommendations
Committee against Torture

H.E. Mr. Philippe Blanchi
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Permanent Representative of Monaco
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COMMITTEE AGAINST TORTURE
Thirty-second session
3-21 May 2004

**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)

MONACO

(...)

D. Recommendations

5. The Committee recommends that the State party:

(...)

(c) Respect the principle laid down in article 3 of the Convention, including in cases involving the expulsion and return (refoulement) of foreigners, and establish that appeals against deportation orders which mention the risk of torture in the country of destination automatically have suspensive effect. The Committee, noting that individuals are expelled or returned only to France, reminds the State party that it must satisfy itself that no one will be returned to a third country where there might be a risk of torture;

(d) Guarantee the right of individuals in detention to have access to a lawyer of their choosing and inform their next of kin within the first few hours of being detained;

(...)

(f) Monitor physical prison conditions and how prisoners are treated in French penitentiary establishments;

(...)

7. The Committee requests the State party to provide within one year information on the action it has taken on its recommendations contained in paragraph 5 (c), (d) and (f) above.
