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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 period report of Monaco (CAT/C/38/Add.2) by this Committee at its 32nd session on 5 and 6 May 2004.

At the end of this session, the Committee's Conclusions and Recommendations were transmitted to your Permanent Mission. In paragraph 7 of the Committee's Conclusions and Recommendations (CAT/C/CR/32/1) and pursuant to its rules of procedure, the Committee requested that Monaco submit, within one year, complementary written information in response to the Committee's recommendations which are appended to this letter.

I am grateful for your Government's responses on the matter, provided on 30 March 2006 (CAT/C/MCO/CO/4/Add.1). Noting that information sought by the Committee has been candidly provided, in part, on 5(c), 5(d) and 5(f), and from the analysis of this information, I would appreciate clarification as to the following concerns, where sufficient information has not been supplied with regard to the implementation of the Convention in Monaco.

Your Government's reply notes that the expulsion and/or return of detained people is effected only to the territory of the French Republic and France has been a party to the Convention since 1986. Your reply further identifies that, "to date the Monegasque authorities have no knowledge of any persons being expelled or returned to a State where they would have been exposed to a risk of [torture]." The Committee would appreciate more specific information, including any records or measures of assessment used by your Government to establish this assertion and thus, demonstrate compliance with the regard to article 3 of the Convention.

Your Government identifies bilateral extradition agreements and their provisions authorizing refusal of requests for extradition where there are "substantial reports" or "serious suppositions" regarding risk of torture or cruel, inhuman or degrading treatment or punishment. Your reply further identifies Law No. 1.222 and the relevant provision on extradition which specifically provides for refusal of a request to extradite when the person at issue may be subjected to the death penalty under law of the requesting State. The Committee would

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appreciate more specific information about the implementation of relevant provisions including any materials developed for monitoring and any procedure developed for reviewing extradition requests. The Committee would further appreciate any documentation of requests made to Monaco for extradition, including the Government's determination process and conclusion.

Your reply concludes that exposure of persons to treatment prohibited by article 3 of the Convention is "not likely" but does not directly address the Committee's request to "establish that appeals against deportation orders which mention the risk of torture in the country of destination automatically have suspensive effect." Please address whether this protective measure or another relevant provision has been established and implemented.

The Committee commends your Government's efforts to bring provisions of your Code of Criminal Procedure into compliance with international standards and your candor in presenting the current version of the bill. The Committee would appreciate more specific information about the law reform process, other versions of the bill, and any debate about the language and scope of this reform. In particular, the Committee notes with concern the lack of a requirement that persons detained be informed of their rights as to the entitlements proposed in the bill. Furthermore, there is no provision for general data-keeping of persons held in custody who do not make a statement – the information as identified in para. 17, subsection (e) should be implemented for all persons in custody. The Committee requests information about a timeline for revision, deliberation, enactment and implementation of this bill or similar legislation consonant with the spirit and requirements of the Convention.

The Committee welcomes your inclusion of Sovereign Ordinance No. 69 (2005), regulating the organization and function of the Government's prison. The Committee would appreciate further information about the implementation of these provisions and any records maintained on monitoring compliance and ensuring accountability.

The Committee appreciates your elaboration on the conditions under which persons sentenced to imprisonment in Monaco may be transferred to French penitentiary establishments under the 1963 treaty between France and Monaco. The Committee asks that you provide any additional information on those persons affected by transfer, such as relevant records on purpose of transfer and subsequent action including pardon and sentence reduction, as well as any protocol or further guidance used in decision-making and monitoring transfers.

The Committee further notes your Government's identification of steps necessary to comply with the Committee's recommendation to monitor treatment and physical conditions of relevant facilities for persons sentenced in Monegasque courts and serving terms in French penitentiary establishments. Respecting issues of state sovereignty, the Committee would appreciate any additional information on the process of consultation in which your Government is engaged, any proposed steps for implementation and resolution, and a schedule for action and completion.

Upon receipt of this additional information, the Committee will be able to assess whether further action is still needed. The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Monaco on the implementation of the Convention, and in this context, to receive additional follow-up on our enquiry.

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



Felice Gaer

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Committee Against Torture