



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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COMMITTEE AGAINST TORTURE
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**List of issues to be considered during the examination of the
third periodic report of FRANCE (CAT/C/34/Add.19)**

Article 2

1. Please specify whether current French legislation allows for incommunicado detention, the circumstances in which it is allowed and its maximum duration.
2. Please tell the Committee whether legislation prohibiting torture and cruel, inhuman and degrading treatment contains specific provisions regarding gender-based breaches of the Convention, including sexual violence. Please also describe the effective measures that have been taken to monitor the occurrence of and to prevent such acts, and provide data, disaggregated by sex, age and ethnicity of the victims, and information on investigation, prosecution and punishment of the perpetrators.

Article 3

3. Please explain what measures have been adopted in application of the Committee's recommendation in its previous concluding observations (A/53/44, para. 145) that the State party should pay greater attention to the provisions of article 3 of the Convention, which applies equally to expulsion, refoulement and extradition.
4. Please clarify the provisions of the Act of 30 June 2000 regarding interim measures before administrative courts, whereby refusal of entry into the territory resulting in refoulement may be the object of interim suspension when there is "urgency" and "a bona fide way of justifying the annulment of the contested decision", or an interim injunction handed down by a judge in cases of "serious and obviously illegal infringement of a fundamental freedom". Please provide examples.

5. Please explain whether in the case of the immediate enforcement of deportation orders a preliminary inquiry is held to assess the risk the person being expelled might run of being subjected to torture in the country of destination, particularly when he or she is accompanied by the police to the border of that country. How many orders have been enforced immediately since January 2002?

6. In response to the recommendations by the European Committee for the Prevention of Torture (CPT) following its visit of 17-21 June 2002 to Roissy-Charles de Gaulle airport, the Government of France stated that a new code of conduct would be drawn up for officials involved in executing deportation orders, and that it would prohibit techniques that might obstruct the respiratory tract, such as those causing positional asphyxia, and the binding of deportees' limbs with adhesive tape. What progress has there been in this regard?

7. Please provide statistics on the number of complaints received concerning acts of torture or cruel, inhuman or degrading treatment, including those resulting in unintentional homicide, committed during removal of persons from French territory since January 2002. What types of injuries have the complainants suffered? What has been the outcome of the complaints in terms of prosecutions, sanctions and compensation for the victims? Please give specific examples.

8. Please provide data, disaggregated by age, sex and nationality, for the years 2002, 2003 and 2004 on:

- (a) The number of asylum requests registered;
- (b) The number of requests granted;
- (c) The number of asylum-seekers whose requests were granted because they had been tortured or because they might be tortured if returned to their country of origin;
- (d) The number of forcible deportations or expulsions (please indicate how many of them involved rejected asylum-seekers);
- (e) The countries to which these persons were expelled.

Article 4

9. Please describe the steps that have been taken to incorporate into criminal law a definition of torture that is consistent with article 1 of the Convention, as recommended by the Committee in its previous concluding observations (A/53/44, para. 144).

10. Please specify the number and nature of cases in which the provisions of criminal law concerning offences such as attempted torture have been applied since January 2002. Please also describe the outcome of these cases, the penalties imposed or the grounds for acquittal.

Article 10

11. Paragraph 89 of the report refers to an ethics manual published in 1999 to supplement the code of ethics for law enforcement officers. Please specify whether this manual makes reference to the Convention and to the fact that torture is prohibited.

12. Please explain what training in identifying the physical and psychological signs of torture is given to law enforcement officers, forensic experts and medical staff responsible for examining arrestees, detainees, asylum-seekers or refugees.

Article 11

13. Please describe in detail the conditions of detention in solitary confinement blocks of penal institutions. What is the maximum period of time a person can be held in solitary confinement, in what circumstances, who decides to impose it and what recourse is available to contest the decision?

14. Paragraph 172 of the report refers to a bill relating to immigration control and the stay of aliens in France that provides for an increase in the length of administrative detention. Has this bill been adopted and, if so, what is the permitted period of detention?

Articles 12 and 13

15. How many complaints relating to torture have been examined by the National Security Ethics Committee since its establishment on 6 June 2000 and what action has been taken on them?

16. Please explain what has been done to implement the Committee's recommendation in connection with the consideration of France's second periodic report that, with a view to conforming to the provisions of article 12, the State party should consider abrogating the current system of "appropriateness of prosecution" in order to remove all doubt regarding the obligation of the competent authorities to institute systematically and at their own initiative impartial inquiries in all cases where there are reasonable grounds for believing that an act of torture has been committed anywhere within the territory under their jurisdiction.

17. Please indicate whether an inquiry has been held into the circumstances of the deaths of Ricardo Barrientos and Mariame Geto Hagos during a forcible return operation that took place in 2002. Please provide information on the conclusions of the inquiry and follow-up in this respect.

Article 14

18. Please clarify whether the right of a victim of torture to compensation depends on the existence of a judgement establishing that compensation should be awarded. Is compensation possible when the torturer has been the subject of disciplinary action rather than criminal prosecution? Please indicate the number of cases in 2002, 2003 and 2004 in which victims of torture were compensated by the State for acts by its officials, and give detailed information on the type of compensation awarded.

Other

19. Does France envisage ratifying the Optional Protocol to the Convention against Torture and if so, has a national mechanism that would conduct periodic visits to detention facilities in order to prevent torture or other cruel, inhuman or degrading treatment or punishment been set up or designated?

20. Please indicate whether French law prevents and prohibits the production, trade, export and use of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment and if so, please provide information on the contents and implementation of the legislation concerned; if not, please indicate whether the adoption of such legislation is being considered.

21. Please provide the Committee with the texts of the current anti-terrorist legislation and of the relevant administrative decrees. Please describe the relevant training given to law enforcement officers and the legal remedies available to persons subjected to anti-terrorist measures. Please also provide information on the number of complaints of non-observance of international standards, and the outcome of these complaints.
