



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

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COMMITTEE AGAINST TORTURE

Thirty-fifth session

SUMMARY RECORD OF THE 681st MEETING*

Held at the Palais des Nations, Geneva,
on Thursday, 17 November 2005, at 10 a.m.

Chairperson: Mr. MARIÑO MENÉNDEZ

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* No summary record was issued for the 680th meeting.

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 19 OF THE CONVENTION (agenda item 5) (continued)

Third periodic report of France (CAT/C/34/Add.19; CAT/C/35/L/FRA)

1. At the invitation of the Chairperson, the members of the delegation of France took places at the Committee table.
2. The CHAIRPERSON invited the delegation to introduce the third periodic report of France (CAT/C/34/Add.19).
3. Mr. DOUCIN (France) said that overcrowding in French prisons was a recent phenomenon which was partly due to the increased public awareness of the rights of women and children. The prison population had increased by 30 per cent between 2001 and 2004, but had stabilized since then. Owing to an increase in gang crime, which often required a large number of suspects to be held in pretrial detention, temporary holding facilities were much more crowded than prisons. Sexual offences and offences involving violence, in particular family violence, were also on the increase. A number of steps were being taken to improve conditions in prisons and pretrial detention facilities. For example, under a special plan for the construction and renovation of prisons, which had been launched in 2002, 13,200 additional places would be created in centres of detention by 2008. A sum of 17 million euros had been invested in the modernization of 524 police custody cells. Efforts were also being made to reintegrate former prisoners into society and prevent them from committing further offences.
4. The National Commission on Ethics and Security played a key role in supervising penal establishments. The public prosecutor, judges, lawyers and senators could visit places of detention at any time. The right of detainees to correspondence had been reinforced and the list of authorities whom they could contact extended. A special commission, responsible for protecting the rights of foreign detainees and ensuring that hygiene, equipment and facilities in places of detention were up to standard, had been established.
5. Special guarantees were in place to protect the rights of asylum-seekers. Under a law introduced on 10 December 2003, a “subsidiary protection status” was accorded to all persons who had not been recognized as refugees but were at risk of capital punishment, torture or inhuman or degrading treatment in their country of origin.
6. Police officers who broke the law or failed to respect the professional code of ethics incurred both penal and disciplinary sanctions. However, first-time offenders were often given suspended sentences. In addition, every effort was made to help victims of torture, inter alia, by establishing special centres where they could receive assistance, and by training the police to provide such assistance. In conclusion, he said that his Government was participating actively in the elaboration of various international norms on the prevention of torture and enforced disappearance.

7. Ms. GIL (France) said that incommunicado detention was prohibited under French legislation. Detainees could inform their families of their imprisonment immediately. They had the right to a lawyer, could receive visits, could write and receive letters and, in many institutions, were allowed to use the telephone. In some cases linked to terrorism and drug trafficking, suspects could be held in police custody for 72 hours without access to a lawyer. However, the public prosecutor was informed immediately of that measure and was responsible for monitoring the situation. The authorization of a judge was required to detain a suspect for more than 48 hours.

8. With a few exceptions, the gender dimension had not been incorporated into the legislation governing torture and related crimes. However, under a law of 9 March 2004, the fact that a crime had been prompted by the victim's sexual orientation could constitute an aggravating factor. In cases of sexual violence, the use of torture or barbaric acts constituted an aggravating factor which increased the penalty. Most perpetrators of sexual violence involving torture or barbaric acts received an unconditional prison sentence of 10 years or more.

9. Ms. DOUBLET (France) said that the Act of 30 June 2000 had introduced new procedures for interim measures before administrative courts, under which decisions such as refusal of entry to France could be subject to an interim suspension or an interim injunction. In the past, an interim suspension had required the existence of a risk of irreparable harm. At present, "urgency" and a serious doubt about the legality of the decision sufficed for the decision to be suspended. An interim injunction enabled the judge to order any measure which he deemed necessary to prevent a serious violation of fundamental freedoms, including the right to asylum. A decision to reject a request for asylum could be taken only if it had been found to be groundless upon careful examination.

10. An alien could not be deported to a country where he would be at risk of torture, inhuman treatment or punishment, or his life or freedom would be threatened. Whenever the issue arose, the administrative authority had to ascertain that the individual would not be exposed to such risks. To that end, steps were taken to verify the situation in the country to which the alien was to be sent, the situation of persons belonging to the same community as the alien, and, when necessary, the personal situation, past activities and the relationship with authorities of the alien concerned. Diplomatic assurances that the individual would not be maltreated had never been sought by the French authorities. If it was established that the alien would be at risk of torture or inhuman treatment or punishment in the country concerned, he was authorized to remain in France.

11. New guidelines on deportation operations had been issued in June 2003, which highlighted the need for specially trained personnel and provided technical advice on the execution of deportation orders. The use of excessive force and certain methods of restraint, including techniques that might obstruct the respiratory tract and the binding of deportees' limbs with adhesive tape, were prohibited. Operations involving persons who were likely to resist deportation were supervised by a superior officer.

12. Following complaints lodged by members of their families, investigations had been opened into the deaths of two foreign nationals during their forcible deportation from French territory. In the case of Ricardo Barrientos, charges of intentional violence leading to

involuntary homicide had been dismissed. Charges of involuntary manslaughter had been laid against the police officers who had escorted Mariame Geto Hagos to the aircraft; no hearing had been scheduled to date.

13. Statistics on the number of asylum requests registered; on the number of requests granted; and on the number of forcible deportations or expulsions were provided in the written replies. The statistics did not specify the countries to which those persons had been expelled.

14. Ms. GIL (France) said that French legislation codified torture and acts of barbarity as punishable offences. It could be deduced from jurisprudence that torture was defined as an act of exceptional gravity that inflicted severe pain and violated a person's dignity. Torture or acts of barbarity were punishable by 15 years' imprisonment. If committed by a person vested with public authority or a public servant in connection with the performance of his or her duties, such acts were punishable by 20 years' imprisonment.

15. Statistics on convictions relating to acts of torture for the years 2002-2004 were provided in the written replies. The figures did not differentiate between attempted torture and torture itself, since the imposable punishment was the same.

16. The French Code of Criminal Procedure gave French courts jurisdiction over acts of torture committed outside French territory. On 1 July 2005, a French court had sentenced a Mauritanian army officer, Ely Ould Dah, to 10 years' imprisonment. The officer had lodged a complaint with the European Court of Human Rights contesting the French court's jurisdiction.

17. Ms. DOUBLET (France) said that, although the Code of Ethics of the National Police Force did not specifically mention the term "torture", it made repeated reference to the prohibition of excessive use of force, unlawful violence or any form of inhuman or degrading treatment. However, in response to the Committee's concerns, a reference to the Convention against Torture would be included in the next edition of the Code.

18. Training curricula for judicial police officers highlighted the need to respect the rights of detainees and emphasized the crucial role of judicial police officers in ensuring respect for the physical integrity of persons in police custody. When there were reasonable grounds to suspect physical or psychological abuse of a detainee, judicial police officers could initiate a medical assessment without an express request from the detainee or relatives. Foreigners in holding zones or administrative detention were also examined for signs of abuse. Prison guards received special training for handling vulnerable inmates; all prisoners underwent medical examination upon arrival and regularly thereafter.

19. Ms. GIL (France) said that solitary confinement could be ordered either by a judge or by the prison administration. It might be imposed either at the request of the detainee or for security reasons. Detainees placed in solitary confinement had the right to send and receive correspondence, go for a walk and use sporting facilities. Some outdoor exercise areas were equipped with special security systems for particularly dangerous inmates. Under certain circumstances, prisoners in isolation units might be authorized to participate in communal

activities in small groups. While there was no maximum period of solitary confinement, extension beyond three months or one year must be approved by the regional prison administration or the Ministry of Justice respectively. Solitary confinement exceeding one year was only imposed under exceptional circumstances. Details on the number of persons in solitary confinement were provided in the written replies. A new directive, which would enter into force shortly, contained a number of provisions to protect the rights of prisoners in isolation. The detainee had the right to appeal against placement in solitary confinement or the extension of that measure; he was also eligible for compensation if the measure was considered unlawful. The European Court of Human Rights had ruled that the conditions and duration of the solitary confinement of Mr. Ilich Ramírez Sánchez did not constitute inhuman treatment; the claimant had appealed that decision and a final judgement was pending.

20. Ms. DOUBLET (France) said that, pursuant to legislation adopted on 26 November 2003 relating to immigration control and the stay of aliens in France, the maximum duration of administrative detention of foreigners had been extended to 32 days. The initial detention for a duration of 48 hours could be extended to 15 days at the discretion of the liberty and custody judge. Further 5- to 15-day extensions were permissible if the deportation operation was delayed for reasons beyond the control of the authorities. In practice, the average period of administrative detention did not exceed 10 days.

21. Mr. MIHRAJE (France) said that, between its creation in June 2000 and 2004, the National Security Ethics Committee had examined a total of 49 complaints against members of the national police, the border police, the prison administration and security agents of the Paris Public Transport Authority (RATP); more specific data were provided in the written replies. All complaints had been communicated to the various ministries concerned; four complaints had been brought before the public prosecutor's office. Details on the complaints and the responses by the relevant authorities were contained in the National Security Ethics Committee's annual reports. The complaints lodged with that body concerned violations of the Code of Ethics; no specific information could be provided on violations of the Convention against Torture.

22. Ms. GIL (France) said that there were currently no plans to abrogate the principle of "appropriateness of prosecution"; the principle did not violate victims' right to bring action. Act No. 2004-204 articulated the obligation to revoke the dismissal of action when the author of the crime was identified. It established a hierarchical remedy against a decision not to prosecute and provided for legal aid.

23. Victims of violations could pursue compensation independently of criminal proceedings, including in cases where the identity of the author of the crime was unknown. Victims of grave violations received full compensation for death, disability, incapacitation from work for one month or more, rape, sexual abuse, trafficking, or sexual offences involving children of under 15 years of age. Limited compensation was available for victims of violations resulting in incapacitation from work for less than one month. Victims of terrorist acts were compensated directly through the Guarantee Fund for the Victims of Acts of Terrorism and Other Offences (FGTI). Victims of serious crimes, including torture and acts of barbarity, were granted legal aid.

24. Mr. MIHRAJE (France) said that France had signed the Optional Protocol to the Convention against Torture on 16 September 2005; ratification would ensue without undue delay. No decision had been taken thus far on the nature of the national mechanism that would conduct periodic visits to detention facilities in order to prevent torture or other cruel, inhuman or degrading treatment or punishment. Consultations on the matter were under way.
25. French legislation contained no provisions prohibiting the production, trade, export and use of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment. To close that legal gap, steps had been taken to incorporate into domestic legislation Council Regulation (EC) No. 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. That Regulation made direct reference to the relevant United Nations and European Conventions and complemented existing European regulations governing the export of weapons and dual-use systems.
26. Ms. GIL (France) said that anti-terrorist legislation in France had been strengthened progressively since the attacks of 11 September 2001. Terrorist suspects could be held in police custody for up to 96 hours; adult suspects had no access to legal counsel during the first 72 hours of detention. Special investigation techniques and separate legal proceedings applied; all due process rights were guaranteed. An anti-terrorist department with specialized examining magistrates had been set up within the Paris Court of Major Jurisdiction, and the National College of Magistrates offered ongoing training in the matter.
27. Mr. CAMARA (Country Rapporteur) said that, while he regretted the late submission of the State party report, the quality of both the report and the written replies to the list of issues were commendable. However, the documents referred exclusively to the implementation of the Convention in metropolitan France, and additional information was required on other territories under French jurisdiction. He also wished to know how the State party ensured compliance with the Convention by French troops operating abroad.
28. A clear distinction must be made in criminal legislation between general violence and violence used for the purpose of criminal proceedings, for example to obtain confessions. The State party's inability to provide disaggregated data on torture, for example, resulted from the failure to distinguish between the two. Torture or other cruel or inhuman treatment inflicted on a person in State custody must be codified as a separate criminal offence.
29. Expedition of asylum proceedings in cases where the applicant might be subjected to torture on return could lead to a violation of article 3 of the Convention. When a person first arrived, it was difficult to ascertain whether he was requesting asylum on the basis of the Convention relating to the Status of Refugees or of article 3 of the Convention against Torture. He asked what system was in place to ensure that asylum-seekers could articulate the basis for their request and exercise all legal remedies guaranteed by law.
30. As far as the treatment of asylum-seekers was concerned, there was a problem under article 3 with respect to appeal procedures. The latter must be effective, which meant that a certain number of conditions must be met: *inter alia*, they must be available to all persons under

the law and not only at the judge's discretion. A further problem was that of penalties; if a person considered that a penalty had been imposed unfairly, there was no point in continuing the application of that penalty once appeal procedures had been initiated.

31. With regard to article 6, he referred to the case of Ely Ould Dah arrested on the basis of universal jurisdiction and subsequently tried in absentia by an assize court. In so doing, the State party had failed to comply with its obligation under article 6 to ensure the presence of a person alleged to have committed torture on its territory until he was brought before the courts. Some clarification in that regard would be welcome.

32. Mr. MAVROMMATIS said that his initial comments and questions were on behalf of Mr. Grossman, Alternate Country Rapporteur, who was unable to attend the meeting. The third periodic report of France was very thorough and clearly illustrated the measures adopted by the State party to comply with its obligations under the Convention, inter alia, through the efforts of the National Security Ethics Committee. However, there had been reports of human rights violations by the police that warranted clarification. He endorsed Mr. Camara's comments with regard to article 1.

33. Turning to article 2, he sought confirmation of the report that a person had been held incommunicado in the State party for a period of nine years. It was difficult to believe that such detention could last so long, and he warned of its serious consequences for the detainee. Under current French legislation detainees could not meet with a lawyer for 36 hours following their remand in custody under certain circumstances, such as where the investigation involved aggravated procuring or extortion. Under other circumstances, including terrorism and drug trafficking, that period could be extended to 72 hours. Why was 36 hours not sufficient, and what procedures must be complied with to extend that period? What steps had the State party taken to ensure that there was no ill-treatment during the extended period of detention?

34. With regard to article 3, he said that apparently, under the Council Framework Decision of 13 June 2002 on the European arrest warrant (EAW) and the surrender procedures between Member States, there was no routine risk assessment. If that was the case, the matter should be followed-up, since it could not yet be asserted that every Member State of the European Union (EU) was free of torture. Furthermore, he asked why France had not adopted consideration 13 of the European arrest warrant (EAW) provisions whereby no person should be removed, expelled or extradited to a State where there was a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment. He did not agree that the reservation entered by France on 10 February 1986 when ratifying the European Convention on Extradition covered the case.

35. He asked for further information on new legislation introduced in 2003 and 2004 whereby aliens entering France no longer automatically benefited from one day's grace before they had to submit an application for asylum on the grounds of the risk of torture in their home country. He sought clarification concerning the report that aliens entering the country without travel documents were not provided with the services of an interpreter free of charge. That was a matter of particular concern, since it was well known that many genuine asylum-seekers deliberately destroyed their travel documents before arriving at their country of destination.

36. Under legislation introduced in December 2003 amending the Asylum Act of 1952, the Government could refuse asylum to persons who would have access to protection in part of the territory of their country of origin when the persons had no reason to fear persecution or the risk of a serious attack and it was reasonable to consider that they could remain in that part of the country. How could such legislation be reconciled with the Convention?

37. According to a report issued by the European Committee for the Prevention of Torture (CPT) in May 2000, the State party's procedures for examining asylum applications did not meet the requisite standards. Many of the officials handling asylum applications had not received special training on the human rights situations in other countries.

38. The idea of drawing up a list of safe countries of origin had been debated in the European Parliament, but had been rejected when the issue had been put to the vote. Some ministers had been willing to accept the idea as long as applicants had the right to rebut the presumption of safety. In June 2005, the French Government had decided that the following countries of origin were safe, in accordance with legislation governing the entry and stay of aliens and the right of asylum: Benin, Bosnia and Herzegovina, Cape Verde, Croatia, Georgia, Ghana, India, Mali, Mauritius, Mongolia, Senegal and Ukraine. That list was not definitive and could be amended in the event of deterioration in the situation of any of the countries in question. He recalled the obligation of States parties to examine individual claims on a case-by-case basis. Did the State party intend to maintain that list?

39. According to the 2005 Amnesty International France country report, four passengers on board a flight at Charles de Gaulle airport in August 2005 had faced charges of interfering with air traffic and disturbing the peace after protesting about police brutality. They had reported seeing French officers hitting a Mali national who was being forcibly deported. As a result of their protests they had been escorted off the aircraft and held for several hours in police custody. What had happened to those individuals, and was the report of police abuse being investigated?

40. In September 2004, the Paris Court of Appeal had dismissed the case concerning the death in 2002 of Ricardo Barrientos while being forcibly deported on an aeroplane by two police officers and two gendarmes. It had been found that Mr. Barrientos had not been subjected to acts of violence leading unintentionally to death, because the officers had only been obeying orders to keep him under restraint. Did France follow the CPT guidelines on the use of force and means of restraint during the deportation of foreigners by air?

41. With reference to article 10, he said that the organization Citoyens-Justice-Police (Citizens-Justice-Police) reported that between July 2002 and June 2004, 60 per cent of the victims of police violence had been foreigners, while the remaining 40 per cent had been French nationals whose name or appearance indicated foreign origin. What racial sensitivity training was provided for law-enforcement officers? Did France envisage signing the Framework Convention for the Protection of National Minorities or Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms which prohibited discrimination by public authorities? How did the Code of Ethics of the National Police Force address the issue of racial, religious or national discrimination and how successfully were those provisions applied?

42. The National School of Prison Administration (ENAP) had shortened its eight-month training programme in 2003 and again in 2004. How had France maintained its training standards for prison staff despite those changes?
43. According to Amnesty International, in 2002 an assize court had sentenced a police officer to a three-year suspended prison term for shooting an unarmed man in a car. The President of the Court had stated he believed the tragic death had been the result of a series of blunders and 11 months of insufficient training at a police academy. Had France taken any steps to establish whether the police officer's mistakes had been caused by poor training and, if so, what measures had been adopted to address the problems identified?
44. The 2003 National Security Ethics Committee report had referred to significant breaches by public security officers and a growing number of complaints of police abuse and violence. What measures had been taken to remedy the situation?
45. Under the Code of Criminal Procedure, a person held in police custody was entitled to a medical examination. If the examination revealed that there had been ill-treatment, would the matter automatically be brought to the attention of the prosecutor or other authorities? Was the provision in the French Code of Medical Ethics requiring doctors to inform the judicial authorities of ill-treatment suffered by prisoners applied in practice when the abuse was caused by an authority with which the medical examiner interacted? Had there been cases where medical authorities had been put under pressure to keep quiet about such abuses?
46. In 2003, the Assistance Nationale d'Assistance aux Frontières pour les Etrangers (National Association for Assisting Foreigners at Borders) had published documentation of numerous instances of overcrowding, violence and abuse at Charles de Gaulle airport holding areas, almost exclusively involving persons of non-Western origin. Did France intend to implement a new code of conduct for officials responsible for detention at airports and other borders in order to prevent such abuse?
47. In 2004, in the Slimani v. France case, the European Court of Human Rights had found that an effective inquiry into a death in custody must automatically keep the families of victims informed of the proceedings without their having to join the process as a civil party, as the French authorities had argued. It had also found that France had violated article 2 of the European Convention on Human Rights by failing to keep the deceased's partner informed of the proceedings. What measures had France taken to respect the opinion of the Court in subsequent cases of similar human rights violations?
48. In 1999 the European Court of Human Rights had found that France had violated the prohibition of torture in the case of Ahmed Selmouni, who had been severely abused by five police officers in 1991. In 2000, the Court of Cassation had upheld extremely lenient sentences for the officers while noting that their acts clearly violated the Code of Conduct. In 2002, Amnesty International had reported that the officers had not yet been subject to any internal disciplinary proceedings. Had there been any further developments in the case? If a criminal sentence was passed, would disciplinary proceedings be suspended?

49. At present individuals who wished to lodge complaints relating to misconduct by public security officials could only do so through the Prime Minister, the Ombudsperson for Minors, a senator or a member of the National Assembly. Would France consider allowing individuals to avoid the delays of going through an intermediary by submitting complaints directly to the National Security Ethics Committee?

50. Turning to his own comments and questions, he said that many of the issues had been referred to by the delegation in the context of amendments to legislation. He was interested in ascertaining whether such amendments were beginning to yield results in practice.

51. On the subject of prisons, he considered that the State party should endeavour to alleviate overcrowding through alternative forms of punishment to prison sentences and possibly amnesties. He also recommended that an independent body should be responsible for monitoring the situation, making periodic recommendations and finding long-term and short-term solutions to the problem. Pending the construction of new prisons, what measures was the State party taking to combat overcrowding?

52. It was to be hoped that the State party would ratify the Optional Protocol without further delay. It would also be desirable to establish a new body to conduct periodic visits of detention facilities.

53. The State party had indicated that it did not accept diplomatic assurances from third countries where torture was endemic; yet NGO sources had reported cases of asylum-seekers being returned to countries where they had subsequently been subjected to torture. What measures was France taking to prevent further such cases?

54. With regard to statistics, he understood that there were no specific data relating to the ethnic origin of French nationals. However, such information might prove useful in particular cases, inter alia, with a view to combating discrimination. He sought clarification concerning reports that almost 40 per cent of cases of violence against individuals involved persons of African origin, that prisoners of the same ethnic origin were detained in the same prison quarters and that there had been mass arrests of people of ethnic origin.

55. Mr. RASMUSSEN welcomed the clarifications by the French delegation in its introductory statement, particularly since the written replies were available in French only. He appreciated the emphasis laid by the delegation on the serious problem of prison overcrowding. According to CPT, which had conducted an ad hoc visit of French prisons in June 2003, at that time there had been overcrowding of 250 per cent. CPT had issued recommendations concerning the need for an immediate improvement in the conditions of two institutions in particular - Loos and Toulon. However, from the introductory statement he understood that the problem had not yet been resolved. CPT had described the conditions in the Loos institution, which dated back to the early 1900s and had a capacity for around 460 prisoners but a population of 11,000, as tantamount to inhuman and degrading treatment. In 2003, the prison population in France of 100 per 100,000 inhabitants had also been alarmingly high compared with that of neighbouring countries. What were the current figures? A further aspect of overcrowding which was often overlooked but warranted consideration was its effect on prison staff.

56. He expressed concern about the high number of remand prisoners, who should be presumed innocent until proved guilty, in accordance with the Council of Europe's Recommendation No. R (99) 22 of the Committee of Ministers on prison overcrowding and prison population inflation. Were there any statistics on the number of remand prisoners who had been found not guilty? Had they sought compensation commensurate with the length of time spent in prison?
57. It would be useful to learn whether any complaints of inhuman or degrading treatment as a result of prison overcrowding had been brought before the courts. Did juveniles suffer from the same cramped, unhealthy conditions as those experienced by the adult prison population?
58. The reporting State should indicate what measures it took to prevent the spread of tuberculosis and other infectious diseases in prisons. Statistics on tuberculosis infection in the prison population should be provided. Updated data on suicide in prison would be useful. The State party should indicate whether further measures had been adopted to prevent suicides, in the light of the apparently ineffective steps that had been taken after publication of the alarming prison suicide rate in 2003.
59. He wished to know whether the number of cases in which guards had used force to control prison inmates had increased. It would be useful to learn whether inter-prisoner violence was monitored and whether it had become more widespread. Further details on the number of prisoners who inflicted physical injury on themselves should be provided.
60. Had there been an increase in the number of prison guards who took sick leave, and in the length of such leave? Had the phenomenon of burnout been observed among prison staff? Were any mental health services available to staff to prevent burnout? He wished to know whether staff absence as a result of illness had adversely affected prison security.
61. He noted with satisfaction that, despite the poor conditions in French prisons, CPT delegation had heard no allegations of ill-treatment by prison staff. He also commended the State party on the small number of cases of excessive force by the police during the riots of the previous three weeks in France.
62. Mr. EL MASRY asked whether the Minister of the Interior's instruction that foreigners convicted of criminal acts during the recent riots should be expelled, regardless of whether they had regular administrative status and residence permits, did not constitute a form of punishment. Those threatened with expulsion might be denied a fair and public hearing before an independent and impartial tribunal. That measure also appeared somewhat discriminatory, since it targeted foreign nationals only. If an expulsion order specified the country to which a person should be sent, what guarantees could the French Government give to ensure that no one would risk becoming a victim of torture?
63. He requested further information on the rule that deprived detainees from making contact with the outside world for 72 hours. Was that rule limited to certain crimes? Could the detention period be extended beyond 72 hours and, if so, by what authority? Did that rule apply to people detained during the recent riots?

64. It would be useful to know whether, during deportation, a complete and specific prohibition had been introduced on all methods of restraint that blocked the respiratory system.

65. He wished to emphasize that, when a State party denied the Committee's request for interim measures, it nullified the effective right of a complainant under article 22 of the Convention and rendered the Committee's final decision on the merits of the case futile. In the case of Mr. Mafhoud Brada, who had been deported to Algeria despite the Committee's request for interim measures, it would be difficult to find a proper remedy to his plight. Diplomatic measures should be implemented, and the State party should make every effort to reach a solution that was acceptable to all concerned.

66. Ms. GAER asked what measures the State party could take to collect disaggregated data, since such data often highlighted discriminatory practices. It would be interesting to learn which institutions were being considered as the national preventive mechanism under the Optional Protocol to the Convention, and if that body could be responsible for gathering disaggregated data.

67. The reporting State should respond to NGO reports that, while the police were quick to deal with charges against other citizens, charges against police personnel were reviewed only after long delays, if at all. The procedure followed when police officers were accused of exceeding their authority or contravening the law required clarification. With regard to the Barrientos case, had the officials involved been suspended from duty during the investigation? It was unclear whether the police had been given any guidelines or specific rules on questioning detainees in custody.

68. Additional information should be provided on the number of women and minors detained during the recent riots. It would also be useful to know where they had been detained.

69. She asked whether a refugee who had committed a crime had ever been expelled from the State party while maintaining his refugee status and residence permit. While that possibility would appear to exist under current legislation, it would surely contradict the law. The State party should indicate whether a refugee who could not be expelled had ever been granted a compulsory residence permit under close supervision. It would be useful to know whether the Minister of the Interior had been referring to such provisions in his recent pronouncement, and whether such provisions did not violate the State party's obligations under the Convention. How could the Government be sure that a person who was deported was not at risk of torture or ill-treatment, given that there was reportedly no systematic risk assessment on an individual basis?

70. Additional information on the number of people who had been committed for psychiatric treatment without their consent should be provided. It would be useful to have those statistics disaggregated by age and gender.

71. The State party should indicate what guidelines were in place for body cavity searches of detainees. How was the issue of consent addressed in that context?

72. She wished to know whether the State party used diplomatic assurances in the context of people facing capital punishment or the death penalty. If so, it would be useful to know how the Government ensured that those assurances were applied.

73. The reporting State should be more specific as to whether all types of sexual violence in prisons were monitored.

74. The CHAIRPERSON asked whether the State party's broad interpretation of the Convention relating to the Status of Refugees, described in paragraph 58 of France's written replies to the list of issues (CAT/C/35/L/FRA), could also be applied to the Convention against Torture.

75. Given that draft legislation was being prepared to incorporate the Rome Statute of the International Criminal Court into French law, thus making the crime of torture a crime against humanity, the role of the public prosecutor's office should be clarified. Would a foreign victim of torture be able to bring a case directly before the French courts, even if the crime had been committed by foreign nationals on foreign territory, or was the intervention of the public prosecutor required?

76. Had the new anti-terrorist legislation introduced extraterritorial or universal jurisdiction allowing the French courts to judge suspected terrorists who could not be returned to a country where they risked persecution? Were foreign victims of acts of terrorism entitled to compensation under domestic law, even when the acts had been committed abroad and the perpetrators tried in France?

77. If the French authorities returned a person to a country in which that person was subsequently tortured, and proof of torture was provided, could that person request compensation before the French courts?

78. Mr. CAMARA requested clarification on the right to compensation of victims of torture at the hands of foreign nationals who had been arrested in the State party and tried by French courts.

79. The State party should be more specific about the prescription of the public right of action regarding torture under French law.

The meeting rose at 1.05 p.m.