



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

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COMMITTEE AGAINST TORTURE

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

Second periodic reports of States parties due in 1997

Addendum

MONACO*

[12 November 2002]

* The initial report submitted by the Government of Monaco is contained in document CAT/C/21/Add.1; for its consideration by the Committee, see documents CAT/C/SR.195 and 196 and *Official Records of the General Assembly, Fiftieth session, Supplement No. 44* (A/50/44), paragraphs 74-79.

The information submitted by Monaco in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in HRI/CORE/1/Add.118.

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Introduction

1. On 6 December 1991, the Principality of Monaco acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly of the United Nations on 10 December 1984. The Convention was given the force of law by Sovereign Ordinance No. 10,542 of 14 May 1992.
2. Under article 19 of the Convention, the Principality, as a State party, was required to submit to the Committee against Torture a report on the measures taken to give effect to its undertakings within one year of the entry into force of the Convention for Monaco and to submit supplementary reports every four years.
3. Monaco's initial report was submitted to the Committee against Torture in 1994. During the consideration of the report, the Rapporteur and Committee members asked various questions and the conclusions and recommendations were introduced.
4. In the light of the conclusions and recommendations¹ and of the obligation to submit periodic reports in 1997 and 2001 (CAT/C/60, 15 January 2001), this report has been prepared in accordance with the general guidelines regarding the form and contents of periodic reports to be submitted by States parties under article 19, paragraph 1, of the Convention (CAT/C/14/Rev.1).

I. INFORMATION ON NEW MEASURES RELATING TO THE IMPLEMENTATION OF THE CONVENTION

5. In the period since the Committee against Torture considered the initial report, Monaco has completed work on its Code of Criminal Procedure to bring its criminal law into line with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Act No. 1,173 of 13 December 1994 amending articles 6 to 10 and article 21 of the Code of Criminal Procedure). Thus, under article 8 (2) of the Code of Criminal Procedure, as amended, the perpetrator, joint perpetrators or accomplices of a crime consisting of an act of torture within the meaning of article 1 of the Convention may be prosecuted in Monegasque territory. All that is required is that the author or accomplice should actually be present in the Principality, whether as a resident or a visitor.
6. Monaco has also adopted an important law on extradition which reconciles effective international enforcement with individual freedom (Extradition Act (No. 1,222) of 28 December 1999) and has acceded to Protocols I and II Additional to the Geneva Conventions of 12 August 1949, relating to the protection of the victims of armed conflicts, adopted in Geneva on 8 June 1977 (Sovereign Ordinance No. 14,528 of 17 July 2000).

II. ADDITIONAL INFORMATION REQUESTED BY THE COMMITTEE DURING ITS CONSIDERATION OF THE INITIAL REPORT

A. Additional information relating to articles of the Convention

Article 1

Article 1, paragraph 1

7. In Monegasque law, article 20, paragraphs 2 and 3, of the Constitution prohibits cruel, inhuman or degrading treatment and abolishes the death penalty.

8. Monaco has acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly of the United Nations in New York on 10 December 1984 and given the force of law by Sovereign Ordinance No. 10,542 of 14 May 1992. Since then, the provisions of the Convention have formed part of Monegasque law and may be directly invoked by a judge, as they require no implementing measures in the form of domestic laws. Thus, a Monegasque judge may apply article 1, in which the term “torture” is defined, if the case before him or her involves the implementation of articles 228 and 278 of the Monegasque Criminal Code, which impose penalties for the use of methods of torture or the commission of acts of torture.

9. In this respect, the court has legal jurisdiction, established by title I of the preliminary book of the Code of Criminal Procedure, article 8 of which, as amended by Act No. 1,173 of 13 December 1994, stipulates the following:

“The following persons may be prosecuted and tried in the Principality:

1. ...

2. Any person who, outside the territory of the Principality, is guilty of acts defined as a crime or offence constituting torture within the meaning of article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted in New York on 10 December 1984, if the person is found in the Principality.”

Article 21 of the Code, also amended by Act No. 1,173 of 13 December 1994, stipulates that:

“The courts of the Principality have jurisdiction, under the rules set out below, to deal with all offences committed in its territory and those committed abroad in the cases specified in section II of the previous title.

A crime or offence is considered to have been committed in the territory of the Principality if an act comprising one of the elements constituting the infringement takes place there.”

10. Following the principle that an individual is governed by the system of criminal law to which he or she belongs as a citizen, Monegasque law penalizes offences and crimes committed outside the Principality in order to ensure the punishment or protection of guilty or wronged Monegasque nationals. Article 5 of the Code of Criminal Procedure states that:

“Any Monegasque person who, outside the territory of the Principality, is guilty of an act defined as a crime under Monegasque law may be prosecuted and tried in the Principality.”

and article 9 (1) stipulates that:

“A foreigner may be prosecuted and tried in the Principality if he or she is guilty outside its territory of:

1. A crime or an offence committed against a Monegasque person ...”.

11. The institution of criminal proceedings against the perpetrator, joint perpetrators or accomplices does not require the arrest or extradition of the accused. Offenders facing prosecution in a criminal court may be tried even in their absence, either by default (Code of Criminal Procedure, art. 378) or in adversarial proceedings (Code of Criminal Procedure, art. 374 (1)). If the offender is prosecuted in a criminal court and absconds, the court may convict the person in absentia (Code of Criminal Procedure, arts. 533 and 535).

12. Articles 8 (2) and 9 (2) of the Code of Criminal Procedure illustrate the principle of universal jurisdiction, whereby Monegasque courts have jurisdiction to deal with an offence committed abroad by a foreigner that harms the interests of the international community.

Article 1, paragraph 2

13. At the time of its accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Monaco was not a party to any other international instrument specifically intended to prevent and punish acts of torture.

Article 2

Article 2, paragraph 1

14. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was incorporated into the Monegasque legal system by Sovereign Ordinance No. 10,542 of 14 May 1992.

15. In addition, the International Covenant on Civil and Political Rights, adopted by the General Assembly of the United Nations in New York on 16 December 1966, was given the force of law in the Principality by Sovereign Ordinance No. 13,330 of 12 February 1998. Torture is prohibited in article 7 of the Covenant, which reads as follows:

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”

16. Under the Monegasque Criminal Code, anyone who uses methods of torture or commits acts of cruelty in the execution of a crime is given the same punishment as a person found guilty of murder (art. 228) and anyone committing acts of torture receives the maximum fixed-term prison sentence (art. 278). These provisions, which are still in force, stem from Act No. 829 of 28 September 1967 amending the Criminal Code, a law enacted prior to ratification of the Convention.

Article 2, paragraph 2

17. In Monegasque law, no provision is made for circumstances that might be invoked to justify torture or exonerate anyone who commits it, either in the provisions of domestic laws or in those of any international convention to which Monaco is a party.

18. Sovereign Ordinance No. 14,528 of 17 July 2000 gave legal effect to accession to Protocols I and II Additional to the Geneva Conventions of 12 August 1949, adopted in Geneva on 8 June 1977. Article 4 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), stipulates the following:

“Fundamental guarantees

1. All persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honour and convictions and religious practices. They shall in all circumstances be treated humanely, without any adverse distinction. It is prohibited to order that there shall be no survivors.

2. Without prejudice to the generality of the foregoing, the following acts against the persons referred to in paragraph 1 are and shall remain prohibited at any time and in any place whatsoever:

(a) Violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment ...”.

Article 3

19. The procedures and conditions for extradition are governed by treaties between Monaco and foreign States. In the absence of a bilateral agreement with a given State, the Extradition Act (No. 1,222) of 28 December 1999 is applied. Articles 4 to 6 of the Act specify the cases in which extradition may be refused:

“Article 4. Extradition is refused when the offence is considered a political offence. An attack on a Head of State or a member of his or her family is not considered a political offence.

The offence is also considered political when there are reasons to believe that the request for extradition on the ground of a violation of ordinary law has been submitted for the purpose of prosecuting or punishing an individual for reasons of race or ethnic

origin, religion, nationality or political opinions or, more generally, reasons that violate the individual's dignity, or when the individual's situation might be aggravated for one or other of these reasons.

Article 5. Extradition is also refused:

1. When, under the law of the requesting State or Monegasque law, the time limit for bringing a prosecution or enforcing a sentence has passed;
2. When the acts have been subject to prosecution and final judgement in Monaco;
3. When the offence is of a purely military nature;
4. When the offence is a tax offence, in the sense of one committed in the area of taxes, levies or other duties, customs or currency exchange.

Article 6. Extradition may be refused if the offence for which it is requested:

1. Was committed in Monaco; or
2. Is the subject of proceedings in Monaco; or
3. Has been tried in a third State.

Extradition may also be refused if the offence for which it is requested is subject to the death penalty under the law of the requesting State, unless this State gives assurances deemed adequate by the Principality that the person being prosecuted will not be sentenced to death or, if such a sentence has been passed, that it will not be executed or that the person being prosecuted will not be subjected to treatment that harms his or her physical integrity.”

20. Extradition agreements concluded recently between Monaco and foreign States contain similar provisions. For example, article 5 (2) of the Treaty concerning extradition between the Government of the French Republic and the Government of His Serene Highness the Prince of Monaco, signed at Monaco on 11 May 1992 and given the force of law by Sovereign Ordinance No. 11,013 of 9 September 1993, stipulates the following:

“Article 5. Extradition shall not be granted:

1. ...
2. When the requested State has serious reason to believe that the request for extradition has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, or political opinions or that the situation of that person may be prejudiced for any of those reasons.”

21. Similarly, extradition agreements between the Government of His Serene Highness the Prince of Monaco and the Government of Australia are based on the same principles. Article 4 of the Treaty on extradition signed at Monaco on 19 October 1988 and given the force of law by Sovereign Ordinance No. 9,894 of 29 August 1990 states the following:

“Article 4. Exceptions to the obligation to extradite ...

1. Extradition shall not be granted in any of the following circumstances:

(a) ...

(b) When there are substantial grounds for believing that a request for extradition for an ordinary criminal offence has been made for the purpose of prosecuting or punishing a person on account of that person’s race, religion, nationality or political opinion or that that person’s position may be prejudiced for any of those reasons;

2. Extradition may be refused in any of the following circumstances:

(a) If the offence for which extradition is requested is punishable by death under the law of the requesting State, and if in respect of such offence the death penalty is not provided for by the law of the requested State or is not normally carried out, unless the Government of the requesting State gives such assurance as the Government of the requested State considers sufficient that the death penalty will not be carried out.”

The agreement signed at Paris on 13 September 1999 and given the force of law by Sovereign Ordinance No. 15,063 of 12 October 2001 contains similar provisions.

22. The rules on deportation are set out in Sovereign Ordinance No. 3,153 of 19 March 1964, on the entry and stay of aliens in the Principality, notably in articles 22 and 23.

Article 4

23. Monegasque criminal law contains provisions to punish acts of torture. In this respect, it meets the requirements of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

24. Articles 228 and 278 of the Criminal Code punish those who commit murder accompanied by acts of torture:

“Article 228. Anyone who, in executing their crime, uses methods of torture or commits acts of cruelty shall be given the same punishment as a person found guilty of murder.”

“Article 278. Those found guilty shall be punished with the maximum fixed-term prison sentence in each of the following three cases:

1. If the arrest was carried out by an unauthorized person, under a false name or using a forged authorization;
2. If the person arrested, detained or held against his or her will is threatened with death;
3. If he or she is subjected to torture.

The penalty shall be life imprisonment if, as a result of torture, the person suffers mutilation, amputation or deprivation of the use of a limb, blindness, loss of an eye or some other serious and permanent disability.”

25. Articles 41 and 42 of the Criminal Code punish the accomplices of the perpetrator of the same crime:

“Article 41. The accomplices to a crime or an offence shall receive the same punishment as the perpetrators of the crime or offence, except in cases in which the law provides otherwise.

Article 42. The following shall be punished as accomplices to an act defined as a crime or offence:

Anyone who, by gift, promise, threat, abuse of authority or power, conspiracy or culpable device, causes such an act to be committed or gives instructions to have it committed or facilitates its execution;

Anyone who obtains arms, instruments or any other means used in the act in the knowledge that they will be used for that purpose;

Anyone who knowingly aids or abets the perpetrator or perpetrators of the act in actions that prepare for or facilitate the act, or in those that complete it, without prejudice to the penalties specially set out in this Code for anyone plotting or inciting acts detrimental to the internal or external security of the State, even in cases where the crime that is the subject of the conspiracy or incitement is not committed.”

Article 5

26. The jurisdiction of Monegasque judges, both *ratione personae* and *ratione loci*, is extensive.

27. The principle of the territoriality of criminal law is affirmed in article 21 of the Code of Criminal Procedure, in the following terms:

“The courts in the Principality have jurisdiction, under the rules set out below, to deal with all offences committed in its territory and those committed abroad in the cases specified in section II of the previous title.

A crime or offence is considered to have been committed in the territory of the Principality if an act comprising one of the elements constituting the infringement takes place there.”

28. However, the criminal jurisdiction of the Monegasque courts has been gradually extended to cover offences committed outside Monaco’s borders. Thus, article 8, paragraph 2, of the Code of Criminal Procedure is aimed at:

“Any person who, outside the territory of the Principality, is guilty of acts defined as a crime or offence constituting torture within the meaning of article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted in New York on 10 December 1984, if the person is found in the Principality.”

29. The commission in the Principality of acts closely linked to a crime or an offence committed in foreign territory from which they cannot be separated is the basis for the jurisdiction of the Monegasque criminal courts, which take into account evidence of an offence (Code of Criminal Procedure, art. 21 (2)), possession of an object of criminal origin (art. 9 (2)) or evidence of complicity (art. 8 (1)).

Article 5, paragraph 1 (a)

30. Monegasque law contains provisions granting the criminal courts in the Principality jurisdiction over offences committed on board aircraft and ships and authorizing them to punish offenders in such cases.

Offences committed on board aircraft registered in Monaco

31. Monaco has acceded to the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963,² the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970,³ and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971.⁴ These three conventions require States of registration to take all necessary measures to deal with offences committed on board aircraft.

32. The Monegasque criminal courts have jurisdiction over crimes and offences committed on board aircraft registered in the Principality, which are an extension of Monegasque territory, even when they are flying over foreign territory. Article 26 of the Civil Aviation Act (No. 622) of 5 November 1956 provides as follows:

“Any person guilty of an act that is defined as a crime or offence by Monegasque law and that is committed on board an aircraft registered in Monaco may be prosecuted and tried in the Principality, even when the act is committed outside Monegasque airspace.

The provisions of section II of title I of the preliminary book of the Code of Criminal Procedure are applicable to offences committed on board a foreign aircraft, in whichever airspace the offence is committed.”

Offences committed on board ships registered in the Principality

33. As every ship flying the Monegasque flag is deemed to be an integral part of the national territory, territorial jurisdiction is extended to such ships wherever they are, as established in the Maritime Code. Criminal offences committed on board ships are penalized under articles L.631-1 and L.631-3 to 633-9 of the Maritime Code, which lay down the rules governing jurisdiction. Articles L.631-1 and L.631-3 read as follows:

“Article L.631-1. The provisions of this title apply, wherever the ship may be, to all persons, whatever their nationality, who are on board either as crew members or in any other capacity.

They also apply, in the event of the loss of the ship, to crew members until they are handed over to the competent authority and to other persons on board who have requested treatment as crew.

Article L.631-3. Jurisdiction over crimes, offences and misdemeanours committed by the persons mentioned in article L.631-1 lies with the ordinary law courts.”

Article 6

34. Under article 21 of the Code of Criminal Procedure, the courts of the Principality have jurisdiction over all offences committed inside its territory, whatever the nationality of the perpetrator of the act of torture or of his or her accomplice, according to the rules set out in the Code of Criminal Procedure, which include those governing detention (arts. 180 et seq. governing custody).

Article 6, paragraph 2

35. Book I of the Code of Criminal Procedure deals with judicial investigations. Articles 31 to 33 read as follows:

“Article 31. The criminal investigation police record violations of criminal law, collect evidence of them and seek out the perpetrators.

Article 32. [The investigation] is conducted, under the authority of the court of appeal and the supervision of the public prosecutor, by criminal investigation and other police officers, State security officials and, in the cases specified therein, the officials designated by special laws.

Article 33. The Minister of State may call on criminal investigation police officers, as appropriate, to take all necessary action to record violations of criminal law and seek out the perpetrators.”

Article 6, paragraph 3

36. Persons held in custody may ask to be put in contact with representatives of the State of which they are a national. Their requests are transmitted by the Monegasque judicial authority to the consulate of the State concerned.

Article 6, paragraph 4

37. So far, the Monegasque criminal courts have not needed to apply the provisions of article 6, paragraph 4.

Article 7

Article 7, paragraph 1

38. Article 7 of the Extradition Act (No. 1,222) of 28 December 1999 stipulates that a person who has not been extradited may be prosecuted and sentenced in Monaco. The article reads as follows:

“The Principality does not extradite its nationals.

However, in cases where extradition is refused on the ground of the nationality of the person whose extradition is being sought, the case is transmitted, at the request of the requesting State, to the public prosecutor so that a prosecution may be conducted if necessary. For this purpose, the files, information and objects relating to the violation(s) are sent to this authority.

The requesting State is informed of the outcome of its request.”

Article 7, paragraph 2

39. The provisions of the Code of Criminal Procedure grant jurisdiction to Monegasque courts to deal with crimes or offences committed either in Monaco or abroad by a person of Monegasque or foreign nationality; they provide the same punishments for crimes and offences regardless of the perpetrator’s nationality.

Article 7, paragraph 3

40. The rules governing criminal procedure are applied regardless of the nationality of the perpetrator of the crime or offence.

41. Monaco is a party to the International Covenant on Civil and Political Rights, which guarantees a fair hearing at every stage of the proceedings to everyone charged with an offence. Article 14, paragraph 1, of the Covenant reads as follows:

“All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law ...”.

Article 8

42. By law, crimes are extraditable offences, and acts of torture are crimes. Anyone who commits such an offence is therefore liable to be extradited (see paras. 19-22 above). Moreover, the following provision from the Convention is by its nature self-executing: “The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States parties.”

Article 9

43. Monaco has concluded treaties on mutual judicial assistance with many States (e.g. the German-Monegasque Convention on mutual assistance in criminal matters, signed at Bonn on 21 May 1962 and given the force of law by Sovereign Ordinance No. 3,309 of 29 March 1965). Provisions relating to mutual assistance in criminal matters are also included in bilateral extradition agreements.

44. The judicial and police services have direct access to the central database of Interpol, which has a national office in Monaco, where this international criminal police organization was founded in 1914.

Article 10

45. Article 10 of the Convention stipulates that “each State party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment”. Paragraph 2 of this article provides for the inclusion of this prohibition in the rules or instructions issued in regard to the duties and functions of any such persons. In Monaco, the training programmes for such personnel take into account the various treaties and conventions to which the Principality is a party.

46. As far as torture is concerned, staff training includes the study of issues relating to torture in the modules on general and special criminal law, since the Criminal Code takes account of acts of torture either as essential elements of the offence (art. 228) or as aggravating circumstances (art. 278).

47. Moreover, trainee police officers who will one day be responsible for law enforcement, and will thus be authorized to conduct examinations and interrogations and, in general, to deal with anyone who has been arrested or detained, receive training in which respect for the individual and avoidance of any form of torture are a constant and fundamental concern.

48. Furthermore, the Code of Criminal Procedure makes provision, in article 50 and elsewhere, for the activities of criminal investigation police officers to be monitored by the Court of Appeal as a plenary court or in chambers.

49. The staff of the short-stay prison, particularly warders, receive general and ongoing training in their duties and obligations. This training is supplemented by various courses designed to improve their knowledge of how to behave towards prisoners.

50. Sovereign Ordinance No. 9,749 of 9 March 1990, containing the regulations on the short-stay prison, stipulates, in article 2, that the prison governor is responsible for:

- (1) Keeping the prisoners in custody;
- (2) Maintaining good order and discipline in the prison;
- (3) Participating in the social and professional reintegration of prisoners;
- (4) Managing subordinates;
- (5) Ensuring that the prison register is kept, as well as the registers on a list drawn up by order of the Director of Judicial Services.

The governor must comply strictly with all the legal and regulatory provisions applicable to the prison.

51. Article 71 (1) of Sovereign Ordinance No. 9,749 of 9 March 1990, containing the regulations on the short-stay prison, prohibits prison staff from acts of physical or mental violence directed at prisoners.

Article 11

52. The rules concerning the conditions of interrogation, custody and imprisonment are set out in section VI of the Code of Criminal Procedure, entitled “Interrogation, appointment of defence lawyers, communications and procedures”.

53. Detention conditions are governed by Sovereign Ordinance No. 9,749 of 9 March 1990, containing the regulations on the short-stay prison, and by order No. 90-3 of 19 March 1990 of the Director of Judicial Services, in which detailed rules are set out on the implementation of that ordinance.

Article 12

54. Ordinary Monegasque law makes it a duty to report crimes. Title V of the Code of Criminal Procedure, entitled “Accusations, complaints and private parties associating themselves with the prosecution”, deals with accusations and complaints. Its provisions include the following:

“Article 61. Any authority, civil servant or public official who, in the course of their duties, learns of a crime or an offence is required to notify the public prosecutor immediately and forward to this official all information, documents and certificates that might be of use in punishing it.

Article 62. Any person who witnesses an act that is harmful to public security or to the life or property of an individual is likewise required to notify the public prosecutor or a criminal investigation police officer.

Article 64. Any person with knowledge of a crime or an offence is to report it.”

Article 13

55. The right to lodge a complaint is provided for in articles 73 and 74 of the Code of Criminal Procedure, which provide as follows:

“Article 73. The person harmed by a crime, an offence or a misdemeanour, or permitted under article 68 to lodge a complaint on behalf of someone else, may associate himself or herself with the prosecution before the competent court, at least until the hearing is terminated.

Article 74. The person harmed by a crime or an offence may also appear before an investigating judge as a civil party.

The latter communicates the complaint within 48 hours to the public prosecutor, who, within the same period, submits a request to the president of the court that a judge be appointed to conduct the investigation into it.

The latter, after hearing, where necessary, the private party associated with the prosecution and after making the payment provided for in article 77, is required, upon application by the public prosecutor, to conduct an investigation and take a decision, as stated in articles 84 and 85.

The complainant can at any time associate himself or herself with the prosecution, provided that the investigation has not been concluded.”

56. Articles 123 to 126 of the Criminal Code punish “abuses of authority”.

57. Articles 230 et seq. of the Criminal Code protect anyone who is threatened with poisoning or murder or any kind of attack.

58. In addition, article 304 of the Criminal Code states the following:

“Article 304. Anyone who, in the light of or during proceedings and under any circumstances, uses promises, propositions or gifts, pressure, threats or violence, ploys or tricks to persuade someone to make an untruthful deposition or statement or to issue a false attestation, whether or not this subordination produces the intended effect, shall be punished by a prison sentence of between six months and three years and the fine provided for in article 26, paragraph 3, without prejudice to the stiffer penalties provided for in the previous articles, if he or she is a party to false testimony defined as a crime or offence.”

Article 14

59. Monegasque criminal law establishes the right to redress for the victim of a crime or offence. Under the Monegasque Code of Criminal Procedure, the criminal judge has the authority to award damages.

60. Articles 1229 and 1230 of the Civil Code establish the principle of the civil liability of the person who causes injury to another person:

“Article 1229. Any act whatsoever by a person that causes injury to another person renders the person responsible for it liable for compensation.

Article 1230. Each individual is responsible for the damage he or she causes, not only through an act, but also through negligence or carelessness.”

Article 15

61. The use of torture by either police or judicial officers to obtain information is prohibited. Consequently, no use can be made of information obtained under torture.

Article 16

62. The principle prohibiting the use of cruel, inhuman or degrading treatment is set forth in article 20 of the Constitution, as follows: “No one shall be subjected to cruel, inhuman or degrading treatment.”

B. Replies to questions raised by the Rapporteur and the Chairman

Mr. El Ibrashi said he would like to know whether Monaco had adopted any measures to ensure the practical application of each of the articles of the Convention, or whether it was deemed sufficient that the Constitution and Criminal Code reflected the Convention’s spirit and values. Most constitutions stated specifically that, once a State became party to a convention, that convention’s provisions had the same force as internal legislation.

63. In Monegasque law, international conventions that have been duly incorporated into the legal system are one rung below the Constitution in the legislative hierarchy but are higher than laws, including those that predate them (Court of Appeal, 12 March 1974, *Monegasque Gas Company and Monegasque Electricity Company v. Social Services Compensation Fund*, *Recueil des décisions des juridictions de l’ordre judiciaire*) as well as those that post-date them (Court of Review, 21 April 1980, *Mrs. Maier, the widow Naneau Smyth v. Mrs. Quere, the widow Priol*, *Recueil des décisions des juridictions de l’ordre judiciaire*). When the convention’s provisions are of a self-executing nature, Monegasque judges apply them directly as required (see also paras. 77-79 below).

Mr. El Ibrashi, noting that paragraph 7 of the report stated that the Monegasque legal system provided for compensation to claim for damages against the perpetrator of the offence, asked whether that meant that the victim had to wait until a court had found the perpetrator guilty of the offence before he could make his or her claim.

64. In Monegasque law, the victim is not required to wait until the offender is convicted before filing a claim. In fact, articles 2 and 3 of the Code of Criminal Procedure establish the following:

“Article 2. A claim for compensation for the harm caused directly by an act constituting an offence may be lodged by all persons who have suffered personally as a result of it.

Such a claim shall be admissible, without distinction, for all categories of damage, both material and physical or mental.

Article 3. The civil action may be pursued at the same time and before the same judges as the public prosecution.

It may also be pursued separately: in this case, it is suspended until a final ruling has been made in the public prosecution brought before or during the prosecution of the civil action.”

65. In contrast, if the victim of an offence or crime sues for civil damages, the judge hearing the case must wait until the criminal judge has ruled on criminal culpability before adjudicating on the compensation claim (Court of Appeal, 20 March 1972, *Azur Service v. Castrillo*, *Recueil des décisions des juridictions de l'ordre judiciaire*).

In connection with article 3 of the Convention, Mr. El Ibrashi said he would like to know whether there were any provisions in Monegasque domestic law expressly prohibiting the expulsion, return, refoulement or extradition of a person to a State where there were substantial grounds for believing that the person concerned was in danger of being subjected to torture. The Committee would also be interested in hearing how the police and law enforcement officials were made aware of their obligations under the Convention, and whether they received any special training or instruction for that purpose.

66. The procedures and conditions for extradition are governed by the treaties concluded between Monaco and foreign States. In the absence of a bilateral or multilateral agreement, the Extradition Act (No. 1,222) of 28 December 1999 is applied. Articles 4 to 6 of the Act make provision for cases in which extradition may be refused:

“Article 4. Extradition is refused when the offence is considered a political offence. An attack on a Head of State or a member of his or her family is not considered a political offence.

The offence is also considered political when there are reasons to believe that the request for extradition on the ground of a violation of ordinary law has been submitted for the purpose of prosecuting or punishing an individual for reasons of race or ethnic origin, religion, nationality or political opinions or, more generally, reasons that violate the individual's dignity or when the individual's situation might be aggravated for one or other of these reasons.

Article 5. Extradition is also refused:

1. When, under the law of the requesting State or Monegasque law, the time limit for bringing a prosecution or enforcing a sentence has passed;
2. When the acts have been subject to prosecution and final judgement in Monaco;
3. When the offence is of a purely military nature;
4. When the offence is a tax offence, in the sense of one committed in the area of taxes, levies or other duties, customs or currency exchange.

Article 6. Extradition may be refused if the offence for which it is requested:

1. Was committed in Monaco; or
2. Is the subject of proceedings in Monaco; or
3. Has been tried in a third State.

Extradition may also be refused if the offence for which it is requested is subject to the death penalty under the law of the requesting State, unless this State gives assurances deemed adequate by the Principality that the person being prosecuted will not be sentenced to death or, if such a sentence has been passed, that it will not be executed or that the person being prosecuted will not be subjected to treatment that harms his or her physical integrity.”

[See also paras. 45-51 above.]

Mrs. Iliopoulos Strangas said that, as she understood it, the Constitution had the force of law in Monaco. She asked what would happen if the Criminal Code, or the Code of Criminal Procedure, were changed in such a way as to make them incompatible with the Convention. She also asked whether the Constitution guaranteed that no one could be brought to court unless charged with an indictable offence, whether Monaco’s criminal procedure provided for a detainee’s right to make immediate contact with his or her lawyer, family and the doctor of his or her choice and whether Monaco had made the declarations under articles 21 and 22 of the Convention recognizing the competence of the Committee to receive and consider communications.

The Constitution

67. The Constitution has the highest ranking in the legislative hierarchy.

Possible conflicts between a code and the Convention

68. Should a conflict arise between an article of the Criminal Code or the Code of Criminal Procedure (legislative norms) and a provision from a convention that has been duly incorporated into the legal system, the latter would take precedence because of its higher rank in the legislative hierarchy, and the article from the code would be set aside by the judge.

Appearance before a court

69. Articles 19 and 20 of the Constitution set out the following fundamental principles:

“Article 19. Individual freedom and security are guaranteed. No one may be prosecuted except in cases provided for by law, before legally appointed judges and in the manner prescribed by law.

Except in cases of flagrante delicto, no one may be arrested except by reasoned order of the judge, which must be produced at the time of arrest or, at the latest, within 24 hours. Any detention must be preceded by an examination.

Article 20. No penalty may be introduced or applied except by law.

Criminal legislation must ensure respect for human personality and dignity. No one may be subjected to cruel, inhuman or degrading treatment.

The death penalty is abolished.

Criminal laws may not have retroactive effect.”

Detainee’s right to legal assistance

70. Article 166 of the Code of Criminal Procedure guarantees the detainee’s right to legal assistance:

“Article 166. When the accused first appear before the investigating judge, the latter ascertains their identity, notifies them of the acts attributed to them and takes statements from them, after warning them that they are free to refrain from making one.

The record must mention this warning, failing which the decision taken in subsequent proceedings will be invalid.

At this first examination, the judge notifies the accused that they are entitled to choose a lawyer from the defence lawyers or lawyers practising at the Court of Appeal in Monaco or one will be officially assigned to them if they so request.

The completion of this formality shall also be mentioned, again if the procedure is to be valid, in the case of minors below the age of 18 and persons facing criminal charges.

The appointment shall be made, in all cases, by the president of the court.

A private party which has duly associated itself with the prosecution shall also be entitled to legal assistance.”

71. The procedures for providing legal assistance to the accused or detainee are also governed by articles 274 and 286 of the Code of Criminal Procedure and by Sovereign Ordinance No. 9,749 of 9 March 1990, containing the regulations on the short-stay prison (section IV, “Correspondence”; section V, “Visits”; and section VIII, “Health services”).

72. With regard to the declarations referred to in articles 21 and 22 of the Convention, concerning recognition of the competence of the Committee against Torture, Monaco made the following declarations upon depositing its instrument of accession:

“1. In accordance with paragraph 1 of article 21 of the Convention, the Principality of Monaco declares that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention.

2. In accordance with paragraph 1 of article 22 of the Convention, the Principality of Monaco declares that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.”

These declarations were published in the *Journal de Monaco* (the official gazette) of 22 May 1992 (Sovereign Ordinance No. 10,542 of 14 May 1992, giving the Convention the force of law).

According to Mrs. Iliopoulos Strangas, it would be useful to know how many prisons there were in Monaco, how many prisoners, and whether there had been any cases involving the extradition of foreigners which might come within the scope of article 3 of the Convention.

73. There is a single short-stay prison in Monaco, and it has recently been renovated and extended. As at 16 September 2002, it held 35 prisoners. These are Monegasque nationals who have been sentenced to prison terms of varying lengths, or foreigners serving very short prison sentences.

74. Individuals sentenced to long prison terms are held in penal institutions in France. Article 14, paragraph 1, of the Convention on good-neighbourliness signed by Monaco and France at Paris on 18 May 1963 and given the force of law by Sovereign Ordinance No. 3,039 of 19 August 1963, stipulates the following:

“Persons sentenced to imprisonment for crimes under ordinary law shall be held in penal institutions in France; they shall be subject to the system applied in these institutions, in accordance with the provisions of the Code of Penal Procedure. Minors in respect of whom a rehabilitation order has been handed down shall be admitted to French reform centres.”

75. Even though they are held in penal institutions in France, persons serving long prison sentences are eligible, like prisoners in Monaco, for pardons or reductions of their sentence. According to article 14, paragraphs 2 and 3:

“Pardons or reductions of sentence granted by His Serene Highness the Prince of Monaco shall be communicated through the diplomatic channel to the French Government, which shall make the necessary arrangements to see that those measures are carried out.

The French authorities shall indicate to the Government of Monaco, as appropriate, which prisoners, in its view, are deserving of pardon or parole and which minors can, based on their behaviour in the reform centres, be granted a provisional release or any other favourable treatment.”

76. There have been no cases of extradition carried out in violation of article 3.

Mr. Burns asked whether Monaco had adopted a monistic or a dualistic approach to international conventions and whether specific legislative action had to be taken before all of the provisions of the Convention could become incorporated into domestic law. If that were so, he asked whether such action had, in fact, been taken.

77. All the international treaties to which Monaco is a party have been expressly incorporated into domestic law by sovereign ordinance. This formality gives a convention the status of a rule of domestic law. It reflects the dualistic nature of the Monegasque system.

78. In the case in point, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was given the force of law by Sovereign Ordinance No. 10,542 of 14 May 1992.

79. Once duly incorporated into domestic law, a convention has the effect usually associated with the primacy of international law over domestic law. However, its effects vis-à-vis third parties are inextricably linked to publication, in that the sovereign ordinance takes effect with regard to third parties only on the day after it is published in the *Journal de Monaco* (Constitution, art. 69).

According to Mr. Burns, the reference to compensation in paragraph 7 of the report did not seem sufficient to deal with the question of State responsibility. He wished to know whether the State was, vicariously or otherwise, liable for the illegal conduct of an official who abused his powers, since the official concerned might well not be in a position to compensate the victim adequately.

80. Claims for compensation for damage arising from an abuse of authority by a civil servant or public official can be submitted to a criminal judge under articles 2 and 3 of the Code of Criminal Procedure, which permit the joinder of civil and criminal actions.

81. The rules on civil damages applicable to public officials are laid down in article 4 of the Civil Liability (Public Officials) Act (No. 983) of 26 May 1976, which provides as follows:

“Article 4. A third party who is the victim of personal errors by public officials related in any way to the discharge of their functions may, in addition to his or her claim against the official, claim compensation for the totality of the damage from the authorities.

The same applies in cases where an administrative error is combined with the personal error by a public official to produce the damage.

The action against the authorities and the action against the official may be undertaken separately or concurrently.

The authorities and the official have restricted joint and several liability towards the person concerned.”

Mr. Sorensen drew the delegation’s attention to the existence of the United Nations Voluntary Fund for Victims of Torture, and suggested that Monaco might wish to make a donation to it. Such a gesture would be valuable in moral as well as monetary terms, since it was encouraging for victims to know that a wide range of countries had shown them respect by supporting the Fund.

82. Monaco has been a regular contributor to the United Nations Voluntary Fund for Victims of Torture ever since becoming a Member of the United Nations. For the Committee’s information, the table below summarizes the level of Monaco’s voluntary contributions to the Fund.

Year	1994	1995	1996	1997	1998	1999	2000	2001	2002
Amount of contribution (in US\$)	15 000	16 778	16 280	10 810	8 183	10 582	10 000	10 000	10 000

The variations in the amounts from year to year reflect fluctuations in the United States dollar exchange rate and increases in Monaco’s total voluntary contributions to various United Nations funds and programmes.

Mr. Gil Lavedra said that, in his view, the report was somewhat too brief. Paragraph 2 stated that criminal legislation prohibited public officials from engaging in acts of torture. He would like to know what specific penalties were provided under the Criminal Code for such conduct and whether there had been any allegations of abuses or ill-treatment by the police. Like Mr. Burns, he would appreciate an explanation of how the police force was controlled and structured.

83. There have been no allegations of acts of torture committed in Monegasque territory by police or law-enforcement officers.

Mr. Ben Ammar said he would like some information on the organization of the judiciary in Monaco and on its status, particularly the manner in which judges were appointed and

promoted, and how - if the need arose - they were punished. He asked what penalty was imposed for the crime of torture and to what extent that penalty was made commensurate with the gravity of the offence.

84. Article 88 of the Constitution of 17 December 1962 (as revised by Act No. 1,249 of 2 April 2002) stipulates the following:

“Judicial power is vested in the Prince, who, under this Constitution, delegates its full exercise to the courts. The courts hand down justice in the name of the Prince.

The independence of judges is guaranteed.

The organization, competence and functioning of the courts, as well as the regulations governing judges, are established by law.”

85. Moreover, article 92 of the Constitution states that:

“A sovereign ordinance defines the organization and functioning of the Supreme Court, including qualifications for membership, matters affecting the eligibility of members and the regulations governing them, the rotation of members of the administrative division, court procedure, the effects of remedies and decisions, the procedure for and effects of conflicts of jurisdiction and the necessary temporary measures.”

86. Under article 90 of the Constitution, the Supreme Court hears “applications for judicial review and appeals challenging the validity of a decision and compensation in cases involving a threat to the freedoms and rights set out in title III of the Constitution”. It also acts as a special administrative court, ruling on:

“1. Applications for judicial review of decisions of the various administrative authorities and sovereign ordinances giving effect to laws, as well as the resulting compensation awards;

2. Appeals on points of law against last-instance decisions of the administrative courts;

3. Appeals for interpretation and appeals challenging the validity of the decisions of the various administrative authorities and sovereign ordinances giving effect to laws.”

87. The High Court is governed by Sovereign Ordinance No. 2,984 of 16 April 1963, on the organization and functioning of the Supreme Court.

88. The organization of the judiciary is governed by the following legislation:

(a) The ordinance of 9 March 1918 organizing the Department of Judicial Services;

(b) Ordinance No. 3,141 of 1 January 1946, which codifies and amends the regulations establishing the statutes governing staff of the Department of Judicial Services;

(c) The Organization of the Judiciary Act (No. 783) of 15 July 1965, which stipulates, in article 2, that “members of the various courts are appointed by sovereign ordinance, at the proposal of Director of Judicial Services” and, in article 6, that “judges are appointed for life”.

89. With regard to criminal courts, the Director of Judicial Services is the administrative head of a judicial structure comprising the investigating courts (investigating judges and the Court of Appeal in chambers), the trial courts (the court of summary jurisdiction, the criminal court trying misdemeanours, the criminal appeal court, the criminal court and the court of judicial review) and a single Crown Counsel’s Office for all criminal and civil courts, headed by the principal public prosecutor, who is assisted by deputies.

90. Judges’ salaries and promotions are governed by articles 12 to 15 of Ordinance No. 3,141 of 1 January 1946 (see paragraph 88 (b) above), as follows:

“Article 12. The salaries of the judges, registrars, civil servants, employees and officials referred to in titles I and II of this ordinance, as well as the periodic increases built into these salaries, are set by sovereign decisions, certified copies of which shall be deposited with the secretary of the department.

Article 13. The same sovereign decisions shall determine, for each post or position, a set number of categories.

The letter of appointment indicates the category in which the person concerned will be placed initially. In the absence of any such indication, the person will be placed automatically in the lowest category for his or her post or position.

Article 14. Three types of promotion are provided for:

Normal promotion, after three years of service in the same category;

Accelerated promotion, after two years of service in the same conditions;

Fast-track promotion, for exceptional merit, after only one year of service.

All these promotions shall be awarded only if the director submits a report and proposal and on the basis of the information supplied in the personal performance rating drawn up for each judge, registrar, civil servant, employee or official.

Article 15. Every judge, registrar, civil servant, employee or official who is promoted to a higher post or position receives the salary for the category specified in the official notification of promotion.

If the category is not specified, the person concerned shall be automatically placed in the category corresponding to his or her former salary, but shall receive a seniority increment of 18 months.”

According to Mr. Ben Ammar, information would also be welcome on the regulations governing detention in custody and on whether Monaco intended to make the declarations provided for under articles 21 and 22 of the Convention.

91. Pre-trial detention is governed by articles 180 to 186 of the Code of Criminal Procedure, as follows:

“Article 180 (Act No. 1,200 of 13 January 1998). Accused persons in pre-trial detention are held, as far as possible, separately from each other.

They may not receive or send any correspondence without the permission of the investigating judge or the principal public prosecutor, as the case may be.

However, they are entitled to write, under sealed cover, to these judges, to the Minister of State and to their defence counsel.

Article 181 (Act No. 1,200 of 13 January 1998). Permits to visit the accused are issued by either the investigating judge or the principal public prosecutor, as appropriate, subject to the ban provided for in the following article.

Article 182 (Act No. 1,200 of 13 January 1998). The investigating judge may, exceptionally, by special ordinance giving reasons, impose a communications ban on the accused.

Article 183 (Act No. 1,200 of 13 January 1998). This ban must not exceed a period of eight days; if circumstances so require, it may be renewed by the investigating judge once, for an equal period of time.

It is never applicable to the accused’s defence counsel.

Article 184 (Act No. 1,200 of 13 January 1998). The accused may file an appeal against a decision by the investigating judge to impose or renew a communications ban.

The appeal shall not suspend implementation.

It shall be heard at the earliest opportunity by the Court of Appeal in chambers, without the presence of the parties, on the basis of the statements and documents produced.

Article 185 (Act No. 1,200 of 13 January 1998). Accused persons held in pre-trial detention are subject, with respect to all matters not provided for in the articles of this Code, to the general regulations governing the prison service.

Article 186 (Act No. 1,200 of 13 January 1998). Pre-trial detention in the Principality, during the investigation phase, may not exceed two months. After this period, if continued detention appears to be necessary, the investigating judge may

prolong it for a renewable period of the same duration, by means of a reasoned order issued following substantiated submissions by the principal public prosecutor. Orders to prolong detention are made known to the accused and his or her counsel. They are liable to appeal, but recourse to this remedy shall not suspend implementation.”

The Chairman, Mr. Dipanda Mouelle, suggested that, since the representative of Monaco was a member of the judiciary, he could perhaps inform the Committee on whether any cases of ill-treatment by the police had occurred and whether Monaco was indeed free of an evil that was frequently encountered elsewhere in the world.

92. No one has claimed to have been tortured or to be aware of any cases of torture in Monegasque territory. No Monegasque court has convicted anyone of perpetrating or being an accomplice to an act of torture.

III. COMPLIANCE WITH THE COMMITTEE’S CONCLUSIONS AND RECOMMENDATIONS

93. The definition of torture given in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was introduced into Monegasque law by Act No. 1,173 of 13 December 1994, amending articles 6 to 10 and article 21 of the Code of Criminal Procedure. Article 8, paragraph 2, of the Code, as amended, expressly refers to article 1 of the Convention in legally defining torture as a crime.

94. This report, which is intended to supplement the initial report and provide the information required of a periodic report, was prepared for the Committee against Torture, bearing in mind, on the one hand, the Committee’s conclusions and recommendations and, on the other, the legal norms and realities specific to the Principality.

Notes

¹ “The Committee also hopes that the next periodic report, to be submitted by Monaco together with the core document relating to general information on the State party, will be in conformity with the Committee’s guidelines regarding the submission of reports” (A/50/44, para. 79).

² Given the force of law by Sovereign Ordinance No. 7,963 of 24 April 1984.

³ Given the force of law by Sovereign Ordinance No. 7,962 of 24 April 1984.

⁴ Given the force of law by Sovereign Ordinance No. 7,964 of 24 April 1984, this convention was the subject of a protocol dated 24 February 1988 and given the force of law by Sovereign Ordinance No. 11,177 of 10 February 1994.

List of annexes*

Annex 1 (paragraphs 1, 8 and 14 of the report):

Sovereign Ordinance No. 10,542 of 14 May 1992, giving legal effect to Monaco's accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Annex 2 (paragraphs 5 and 9 of the report):

Act No. 1,173 of 13 December 1994, amending articles 6-10 and article 21 of the Code of Criminal Procedure.

Annex 3 (paragraphs 6, 19 and 38 of the report):

Extradition Act (No. 1,222) of 28 December 1999.

Annex 4 (paragraphs 6 and 18 of the report):

Sovereign Ordinance No. 14,528 of 17 July 2000, giving legal effect to Monaco's accession to Protocols I and II Additional to the Geneva Conventions of 12 August 1949, adopted in Geneva on 8 June 1977.

Annex 5 (paragraph 7 of the report):

Constitution of 17 December 1962, as revised by Act No. 1,249 of 2 April 2002.

Act No. 1,249 of 2 April 2002.

Annex 6 (paragraphs 15 and 41 of the report):

Sovereign Ordinance No. 13,330 of 12 February 1998, giving the force of law to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

Annex 7 (paragraph 16 of the report):

Act No. 829 of 28 September 1967, amending the Criminal Code.

Annex 8 (paragraph 20 of the report):

Sovereign Ordinance No. 11,013 of 9 September 1993, giving the force of law to the Treaty concerning extradition between the Government of the French Republic and the Government of His Serene Highness the Prince of Monaco.

* The annexes to this report may be consulted in the files of the secretariat.

Annex 9 (paragraph 21 of the report):

Sovereign Ordinance No. 9,894 of 29 August 1990, giving the force of law to the Treaty on extradition between the Government of Australia and the Government of His Serene Highness the Prince of Monaco.

Annex 10 (paragraph 21 of the report):

Sovereign Ordinance No. 15,063 of 12 October 2001, giving the force of law to the Convention on mutual assistance in criminal matters between the Government of His Serene Highness the Prince of Monaco and the Government of Australia.

Annex 11 (paragraph 22 of the report):

Sovereign Ordinance No. 3,153 of 19 March 1964, on the entry and stay of aliens in the Principality.

Annex 12 (paragraph 31 of the report):

Sovereign Ordinance No. 7,963 of 24 April 1984, giving the force of law to the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963.

Annex 13 (paragraph 31 of the report):

Sovereign Ordinance No. 7,962 of 24 April 1984, giving the force of law to the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970.

Annex 14 (paragraph 31 of the report):

Sovereign Ordinance No. 7,964 of 24 April 1984, giving the force of law to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971.

Annex 15 (paragraph 31 of the report):

Sovereign Ordinance No. 11,177 of 10 February 1994, giving the force of law to the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation.

Annex 16 (paragraph 32 of the report):

Civil Aviation Act (No. 622) of 5 November 1956.

Annex 17 (paragraph 43 of the report):

Sovereign Ordinance No. 3,309 of 29 March 1965, giving the force of law to the German-Monegasque Convention on mutual assistance in criminal matters.

Annex 18 (paragraphs 50 and 53 of the report):

Sovereign Ordinance No. 9,749 of 9 March 1990, containing the regulations on the short-stay prison.

Annex 19 (paragraph 53 of the report):

Order No. 90-3 of 19 March 1990 of the Director of Judicial Services, in which detailed rules are set out on the implementation of Sovereign Ordinance No. 9,749 of 9 March 1990, containing the regulations on the short-stay prison.
