



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

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Committee against Torture

List of issues prior to submission of the initial report of Côte d'Ivoire*

Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations

Articles 1 and 4

1. Please provide detailed information on the measures taken to adopt a definition of torture in domestic criminal law that is consistent with article 1 of the Convention and that includes appropriate penalties, taking into account the grave nature of such acts. Please include information on measures taken to explicitly criminalize attempts to commit torture and acts constituting complicity or participation in torture and to define them as acts of torture. If there is no such definition, please provide information on criminal or legislative provisions covering all cases of torture and the associated penalties. Please indicate whether the Convention can be directly invoked before domestic courts. Please also provide specific examples and statistical data on cases, if any, in which the provisions of the Convention have been invoked before the courts.

Article 2

2. Please provide information on the measures taken by the State party and on the procedures in force to ensure that:

(a) All detainees enjoy in law and in practice all legal safeguards from the outset of their deprivation of liberty, in particular the rights to have access to a lawyer, to be examined by an independent physician of their choice, to be informed of their rights and of the charges against them, to notify a relative, and to be brought promptly before a judge, regardless of the reasons for their arrest;

(b) The legal time limits for police custody are respected in practice, especially in the premises of the National Security Directorate;

(c) Detention registers are kept scrupulously up to date;

(d) Legal aid is available to the most disadvantaged.

* Adopted by the Committee at its fifty-ninth session (7 November-7 December 2016).



3. Please indicate the legislative measures taken to ensure observance of the absolute prohibition on torture, including during states of emergency.
4. Please provide detailed information on the measures adopted to guarantee the full independence and impartiality of judges and prosecutors by ensuring, *inter alia*, that appointments are made according to objective criteria. Please include information on the procedure for the appointment of judges, the rules governing their tenure and the procedure according to which they may be dismissed. Please also provide information on the judicial reform undertaken in 2012 (the sectoral policy of the Côte d'Ivoire Ministry of Justice and its amendments).
5. Please provide information on the mandate and composition of the National Human Rights Commission and describe the measures taken to ensure that it operates in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), so as to guarantee its operational independence, and that adequate resources are assigned to it.
6. Please indicate whether there is any specific legislation with regard to the prohibition on invoking superior orders, including orders from military authorities, as a justification of torture. If so, please provide information on its practical implementation. Please provide information on the remedies available to subordinates whereby they can lawfully oppose an order to commit acts of torture.
7. Please provide information on legislative and other steps taken to combat and punish all forms of violence against women, including domestic violence and rape, and marital rape in particular. Please also provide information on the establishment of a commission to combat gender-based violence, including information about its mandate and the actions undertaken during the reporting period. Please also provide updated information, along with statistics disaggregated by the victims' age and ethnic origin, on the number of complaints of gender-based violence and the investigations, prosecutions, convictions and punishments resulting from those complaints since the entry into force of the Convention for the State party. In this regard, please provide detailed information on the results of investigations into cases of sexual violence and rape allegedly committed during the post-election crisis of 2010-2011, as well as information about any medical or psychological assistance for victims.
8. Please provide up-to-date statistics on complaints, investigations, prosecutions, convictions and sentences imposed on perpetrators of criminal acts related to harmful traditional practices, and on the assistance and compensation afforded to victims. In addition, please indicate the measures that the State party has taken to strengthen its efforts to combat harmful traditional practices, including female genital mutilation, early marriage and polygamy.
9. Please provide up-to-date information, broken down by the victims' age, sex and ethnic origin or nationality, on the number of complaints, investigations, prosecutions, convictions and sentences in relation to cases of human trafficking during the reporting period. Please also provide additional information on:
 - (a) Any new legislation or measure that has been adopted to prevent, combat and criminalize human trafficking;
 - (b) The measures adopted to ensure that victims of human trafficking have access to effective remedies and reparation;
 - (c) The signature of bilateral or subregional agreements with the countries concerned, including neighbouring countries, to prevent and combat human trafficking.

Article 3

10. Please describe the measures taken during the period under review to ensure that no person is returned to a country where he or she would be in danger of torture. Please indicate the procedure followed when a person invokes this right and whether individuals facing expulsion, return or extradition are informed that they have the right to seek asylum and to appeal a deportation decision. If so, please indicate whether such an appeal has suspensive effect.

11. Please provide information about the contents of the bill on the right of asylum and indicate its current status. Please also provide information on the number of asylum applications received during the period under review and the number of successful applications, including the number of asylum seekers whose applications were accepted because they had been tortured or might be tortured if returned to their country of origin. Please provide information disaggregated by sex, age and country of origin on the number of persons returned, extradited or expelled during the period under review. Please provide details on the grounds on which they were sent back and a list of countries to which they were returned. Please provide updated information on the type of appeal mechanisms that may exist, on whether any appeals have been made and if so, on their outcome.

12. Please indicate how many refoulements, extraditions and expulsions have been carried out by the State party during the reporting period through the acceptance of diplomatic assurances or the equivalent thereof, as well as any instances in which the State party has itself given such diplomatic assurances or guarantees. Please indicate the minimum contents of any such assurances or guarantees, whether given or received, and the measures taken with regard to subsequent monitoring in such cases.

13. Please provide information on measures, legislative and otherwise, that have been taken to identify and determine the status of stateless persons and on the procedural safeguards aimed at improving such persons' access to these procedures. In this regard, please provide detailed and up-to-date statistical data.

Articles 5-9

14. Please provide information on the legislative or other measures taken to implement article 5 of the Convention. Please indicate whether acts of torture are considered universal crimes under national law, wherever they occur and whatever the nationality of the perpetrator or victim. Please provide any relevant examples of prosecutions.

15. Please inform the Committee of any extradition agreements concluded with other States parties and specify whether the offences referred to in article 4 of the Convention are included as extraditable offences in such agreements.

16. Please indicate what mutual judicial assistance treaties or agreements Côte d'Ivoire has entered into with other entities, whether they be States, international tribunals or international institutions. Please specify whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment. Please provide examples.

Article 10

17. Please provide up-to-date information on training and educational programmes developed by the State party to ensure that law enforcement officials, members of the armed forces and prison personnel are fully familiar with the provisions of the Convention and aware of the fact that breaches will not be tolerated and will be investigated, and that offenders will be prosecuted. Please indicate whether the State party has developed a methodology to assess the effectiveness of training and educational programmes aimed at

reducing the number of cases of torture and ill-treatment, and, if so, please provide information on that methodology.

18. Please provide detailed information on training programmes for judges, prosecutors, forensic doctors and medical personnel dealing with detained persons, to detect and document physical and psychological sequelae of torture. Please indicate whether such programmes include specific training with regard to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

Article 11

19. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any interrogation rules, instructions, methods and practices and arrangements for the custody of persons subjected to any form of arrest, detention or imprisonment that may have been introduced since the entry into force of the Convention for the State party. Please also indicate the frequency with which these are reviewed. Please clarify the respective roles played by the police, the gendarmerie and the Forces Républicaines de Côte d'Ivoire (FRCI) in situations of deprivation of liberty.

20. Please provide information on efforts to establish a national system to effectively monitor and inspect all places of detention and to react to the findings of that systematic review. Please indicate whether the representatives of national and international non-governmental organizations (NGOs), including the International Committee of the Red Cross, are permitted to conduct regular and unannounced visits to all places of detention. In this regard, please provide information about the possibilities for visiting the headquarters of the National Surveillance Directorate.

21. With regard to NGO reports of unofficial detention, please provide information on measures taken to investigate whether or not such practices are in fact carried out. In this regard, please provide information on the alleged unofficial detention of the following persons: Captain Abéhi, Captain Séka-Séka and Mr. Amadé Ourémi.

22. Please describe the measures taken by the State party to reduce prison overcrowding, including alternatives to imprisonment, both before and after trial. Please provide updated statistical data, disaggregated by sex, age and ethnic origin or nationality, on the number of pretrial detainees and convicted prisoners and the occupancy rate of all places of detention. Please inform the Committee about the measures taken to put an end to prolonged pretrial detention.

23. Please provide information on efforts by the State party to meet the special needs of minors, women and persons with disabilities in detention. Please clarify the current policy regarding the use of solitary confinement and the application of means of restraint to prisoners. Please also provide information on the specific measures taken by the State party to address concerns about the poor quality of the food and the unsanitary conditions in places of detention. Please explain whether measures have been taken to ensure the availability of medical services in all places of detention and to increase the number of resident doctors and expert physicians. Please indicate the measures taken to ensure that men are separated from women, untried prisoners from convicted prisoners, and adults from minors in all places of detention.

24. Please provide information on the frequency of inter-prisoner violence, including any cases involving negligence on the part of law enforcement personnel, and the number of complaints made in this regard. Please indicate what preventive measures have been taken.

25. Please provide statistical data on deaths in custody during the period under consideration, broken down by place of detention, sex, age and ethnicity or nationality of the deceased and specifying the cause of death. Please provide detailed information on the results of the investigations into these deaths and on the measures taken to prevent the reoccurrence of similar cases. Please indicate whether, in any of the cases, relatives received compensation.

Articles 12 and 13

26. Please provide up-to-date statistical data disaggregated by sex, age, ethnic origin or nationality and place of detention on the individuals concerned by complaints of torture, ill-treatment and excessive use of force, including during peaceful demonstrations, that were received during the reporting period. Please include information on investigations, disciplinary and criminal proceedings, convictions and the criminal or disciplinary sanctions applied. In this regard, please provide examples of relevant cases and/or judicial decisions. Please also provide information on measures taken to protect victims, witnesses and judicial officials from reprisals.

27. Please indicate the current status of the structural and legislative reforms concerning the competencies of the different internal security forces, specifying whether the persons responsible for violations committed during and after the post-election crisis are excluded from serving in the army or in any other security force.

28. Please comment on the report by the United Nations Operation in Côte d'Ivoire entitled *Rapport sur les abus des droits de l'Homme commis par des Dozos en République de Côte d'Ivoire* (Report on human rights abuses committed by Dozos in the Republic of Côte d'Ivoire), which alleges that acts of torture and cruel, inhuman or degrading treatment were committed by Dozos during and after the post-electoral crisis. Please also clarify the status of Dozos with regard to the interministerial circular adopted on 5 June 2012 that prohibited them from conducting security missions, subject to punishment or prosecution.

29. Please provide information on measures taken to investigate and prosecute the alleged perpetrators of acts of torture and cruel, inhuman or degrading treatment committed during the armed conflict between 2002 and 2007 and during the post-election crisis of 2010-2011, particularly in the west of the country in the regions of Moyen Cavally and Dix-Huit Montagnes, as well as violations committed since then, particularly the attack on the Nahibly camp, by all parties to the conflict, including FRCI, the Forces armées des Forces Nouvelles, Dozos and the Invisible Commandos. Please provide information on measures taken to investigate the mass graves in Youpougou and Nahibly.

30. Please comment on the allegations made in a number of NGO reports about cases of torture and ill-treatment, as well as arbitrary arrests and illegal detentions in the Adjamé, Anti-Riot Squad and Dabou military camps, and please provide information on the investigations and prosecutions carried out in response to these allegations.

31. Please comment on the information provided to the Committee alleging a lack of impartiality in the investigations and criminal prosecutions of human rights violations committed by all parties during the 2002-2007 conflict and the post-election crisis of 2010-2011, in particular by members of FRCI.

32. Please provide information on the measures taken to investigate the acts committed by FRCI and agents of the Société de développement des forêts (Forest Development Corporation) referred to by the Independent Expert on the situation of human rights in Côte d'Ivoire (A/HRC/25/73, para. 21) and on the prosecutions initiated, if any. Please also comment on the allegations received by the Committee concerning acts of extortion and physical violence carried out by the same State agents against inhabitants of protected forests.

33. Please provide information on the work undertaken by the Special Investigation Unit and the resources made available to the Unit. Please also comment on allegations that it is not independent.

34. Please indicate whether the State party plans to set up an independent and impartial body to investigate allegations of acts of torture and ill-treatment by members of the security forces and prison personnel. Please also provide information on the measures taken to establish an effective complaints mechanism for persons deprived of their liberty.

Article 14

35. Please provide up-to-date statistics, disaggregated by sex, age, ethnic origin and nationality, on redress and compensation measures, including rehabilitation, ordered by the courts and actually delivered to victims of torture or ill-treatment or their families since the entry into force of the Convention for the State party. This information should include the number of requests made, the number granted, and the amount of compensation ordered and actually provided in each case. Please also provide information on any ongoing reparation programmes, including treatment of trauma and other forms of rehabilitation provided to victims of torture and ill-treatment, and on the material, human and budgetary resources allocated for their effective functioning.

36. Please specify the measures taken by the Government after the post-electoral crisis to guarantee that there is no recurrence of the violations and to provide adequate, effective and prompt reparation to the victims and their families. In this regard, please provide information on the scope of the mandate of the National Commission for Reconciliation and Compensation for Victims (the successor of the Dialogue, Truth and Reconciliation Commission) and the National Programme for Social Cohesion as well as the steps taken so that they may successfully carry out their duties in an impartial and independent manner. Please specify whether the final report of the Dialogue, Truth and Reconciliation Commission has been published and made public. If so, please provide a copy of the report.

37. Please provide information on the process of disarmament, demobilization and reintegration that has been initiated in the State party as well as the current status of that process.

Article 15

38. Please provide information on the legal provisions and other specific measures adopted to ensure that the principle of inadmissibility of evidence obtained under torture is actually observed. Please provide examples of any cases that have been dismissed by the courts due to the introduction of evidence or testimony obtained through torture or ill-treatment.

Article 16

39. Please explain whether acts of cruel, inhuman or degrading treatment or punishment are defined or otherwise dealt with in domestic law.

40. In the light of the information made available to the Committee, please provide information on the contents and implementation of Act No. 2014-388 of 20 June 2014 on the promotion and protection of human rights defenders, which aims to protect them and to punish acts of violence, torture or intimidation against them. Please also indicate the current status of the implementing decree for the Act.

41. Please provide information on the measures taken to ensure that all crimes and acts of violence and intimidation that target persons on the basis of their sexual orientation are properly and promptly investigated and prosecuted.

42. Please comment on the numerous allegations that abuses against persons with albinism, particularly kidnappings, are commonplace. Please provide information on the steps taken in this regard.

43. In the light of information before the Committee, please provide information on specific measures taken to eradicate child labour. In addition, please provide information on the specific measures adopted to combat the sexual abuse and ill-treatment of children, including corporal punishment in all contexts — in the home, in schools and in alternative care settings. In this regard, please provide information on the implementation and results of the National Child Protection Policy launched on 16 June 2014.

Other matters

44. Please provide updated information on the measures taken by the State party to respond to threats of terrorism, and describe if and how those antiterrorism measures have affected human rights safeguards in law and practice. Please explain how the State party has ensured that those measures comply with all its obligations under international law, especially the Convention, in accordance with relevant Security Council resolutions, in particular resolution 1624 (2005). Please describe the relevant training given to law enforcement officers, the number and types of convictions handed down under antiterrorist legislation, and the legal remedies available to persons subjected to antiterrorist measures. Please state whether any complaints have been made of non-observance of international standards and what the outcome of these complaints has been.

45. Please indicate whether the State party is considering accepting the competence of the Committee under articles 21 and 22 of the Convention.

46. Please indicate whether the State party intends to ratify the Optional Protocol to the Convention and, if so, the status of the ratification process.

General information regarding other measures and developments relating to the implementation of the Convention in the State party

47. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken by the State party to implement the provisions of the Convention. Such measures may include institutional developments, plans or programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State party considers relevant.
