



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

Distr.: General
7 October 2024

Original: English

Committee against Torture Eightieth session

Summary record of the 2121st meeting*

Held at the Palais Wilson, Geneva, on Tuesday, 16 July 2024, at 10 a.m.

Chair: Mr. Heller

Contents

Consideration of reports submitted by States parties under article 19 of the Convention
(*continued*)

Initial report of Côte d'Ivoire

* No summary records were issued for the 2117th to 2120th meetings.

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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 *(continued)*

Initial report of Côte d'Ivoire (CAT/C/CIV/1; CAT/C/CIV/QPR/1)

1. *At the invitation of the Chair, the delegation of Côte d'Ivoire joined the meeting.*
2. **The Chair** said that the significance of the meeting was, to an extent, historic, given that Côte d'Ivoire had initially been scheduled to submit its initial periodic report in 1997.
3. **A representative of Côte d'Ivoire** introducing his country's initial report, which had been long overdue, said that he was pleased that Côte d'Ivoire not only had been able to remedy the situation but also, through the regular submission of its reports, would lay the foundations for greater cooperation with the various treaty bodies.
4. Recent legal developments that might be of interest to the Committee included Act No. 2024-358 of 11 June 2024 amending the Criminal Code, which had increased the punishment for persons committing acts of torture to between 10 and 20 years' imprisonment or, in cases where the perpetrator was a public official, to life imprisonment. Act No. 2024-359 of 11 June 2024 amending the Code of Criminal Procedure provided that the period of police custody of minors must not exceed 48 hours and must not be extended by more than 24 hours, except in criminal cases, with the authorization of the public prosecutor.
5. Act No. 2024-349 of 6 June 2024 on extradition specified that extradition would not be granted if the person sought had been or would be subjected to torture and other cruel, inhuman or degrading treatment or punishment in the requesting State, or if there were substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearance or any other act prohibited by international law. It also gave Ivorian courts jurisdiction over cases when a treaty to which the Côte d'Ivoire was a party so provided, regardless of the nationality of the accused. Act No. 2023-590 of 7 June 2023 on refugee status provided that refugees or asylum-seekers could not be turned back at the border, expelled or exposed to any other measure intended to force them to return to or remain in a territory where their life, physical integrity or freedom might be threatened. It also stated that asylum-seekers who were in Côte d'Ivoire or were stopped at the country's border could not be subject to criminal prosecution for the sole fact of having attempted to enter or having been in the country in breach of immigration laws and regulations if it was established that they had arrived directly from a country where their life or freedom would be threatened.
6. The juvenile observation centre in Bingerville was now fully operational. On 10 July 2024, the Government had adopted a decree on the establishment, powers, composition and functioning of the anti-terrorism section of the Abidjan Court of First Instance, replacing the Special Unit for the Investigation, Prosecution and Combating of Terrorism. The new section comprised units for investigating, prosecuting and trying cases, all of which had been strengthened and reorganized to help it operate as effectively as possible. In addition to acts of or directly related to terrorism, its jurisdiction also covered particularly serious offences such as those relating to organized crime.
7. The Government had ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 3 May 2024 and the International Convention for the Protection of All Persons from Enforced Disappearance on 6 June 2024.
8. Act No. 2024-360 of 11 June 2024 amended existing counter-terrorism legislation, broadening the scope of the definition of the offence of terrorism and increasing the punishment to life imprisonment. Other recent pieces of legislation included Act No. 2024-361 of 11 June 2024 on mutual legal assistance in criminal matters, Act No. 2024-363 of 11 June 2024 ratifying Order No. 2023-875 of 23 November 2023 on the fight against money-laundering, financing of terrorism and the proliferation of weapons of mass destruction and Ordinance No. 2024-368 of 12 June 2024 on civil society organizations.
9. Despite the efforts made to ensure that all persons under its jurisdiction enjoy the full exercise of human rights, Côte d'Ivoire still faced many challenges, which it intended to take

up, including strengthening cooperation with international and regional human rights organizations, strengthening the operational capacity of the judicial system, improving the management of prisons and living conditions for prisoners, reinforcing prisoner reintegration programmes and applying alternatives to detention in a more systematic manner. Côte d'Ivoire was determined to fulfil its obligations under the Convention.

10. **Mr. Rouwane** (Country Rapporteur) said that it was regrettable that the State party had not submitted its initial report until nearly three decades after it had ratified the Convention, because the Committee could otherwise have supported Côte d'Ivoire in its ongoing reform processes during that time. Notwithstanding the constitutional, legislative and institutional advances made in recent years to criminalize torture and other cruel, inhuman or degrading treatment or punishment, the country had also faced several political crises in which a number of serious and systematic violations, including torture and ill-treatment, had been committed.

11. The Committee would have wished to have a delegation that included representatives of at least the departments most directly concerned with the issues covered by the Convention, for example the Ministry of the Interior and Security and the Prison Service; their presence would not only have enriched the dialogue but also helped ensure the best possible follow-up in the departments in question on the delegation's return to Côte d'Ivoire.

12. The definition of torture provided for in article 399 of the Criminal Code was not fully in line with the provisions of article 1 of the Convention. The fact that the article referred to "any person" who committed an act of torture failed to comply with the obligation to recognize an act or omission by the State or its officials in the commission of acts of torture; after all, the Convention imposed obligations on States parties, not on individuals. The definition also needed to make it possible to consider as a perpetrator any person who, even if not an agent of the State, was acting in an official capacity. In the case of Côte d'Ivoire, that would include traditional chiefs, *dozos* (traditional hunters) and members of militias involved in the various crises that the country had experienced, as well as rebel and insurgent groups who exercised certain powers comparable to those normally exercised by a legitimate government. Article 402 of the Code also failed to comply with the Convention because, while recognizing the seriousness of acts when perpetrated by public officials, it did not refer either to acts of omission or those committed with their consent or acquiescence. It could be concluded, therefore, that the provisions of the Code did not clearly address the issue of the failure of the authorities to intervene, which encouraged and enhanced the danger of privately inflicted harm. The criterion of pain or suffering inflicted by, at the instigation of, or with the consent or acquiescence of public officials should be explicitly stated in the definition in article 399 of the Code, rather than being considered an aggravating circumstance entailing a heavier penalty as provided for in article 402 of the Code.

13. The provisions of the Code, in particular articles 3, 399 and 402, envisaged two possible scenarios in relation to the criminalization of torture, since acts of torture were considered misdemeanours when committed by private individuals and crimes with aggravating circumstances when committed by public officials. However, the position of the Committee was that the same penalties should apply to all perpetrators.

14. Criminal law in the State party did not appear to provide for an absolute ban on torture in all circumstances in accordance with the provisions of article 2 of the Convention. Meanwhile, the wording of article 28 of the Code, combined with the lack of a specific provision in the country's laws for attempts to commit acts of torture, gave the impression that such attempts were not criminal offences in themselves. He would welcome clarification on those points from the delegation.

15. With regard to the responsibility of the hierarchical superior, the Committee would appreciate an explanation of the legal consequences arising from article 399 of the Code, which stated that an order to commit an act of torture was unlawful. It was also unclear whether or not statutory limitations applied to acts of torture in the State party, since Ivorian law included no provisions covering that specific issue.

16. Noting that the initial report recognized that acts of torture were not considered to be offences to which universal jurisdiction applied regardless of where they were committed or the nationality of the perpetrator or victim, he would be grateful to know what further steps

had been taken, or were planned, to remedy that shortcoming in the State party's legislation, to bring it into conformity with article 5 of the Convention.

17. In the light of article 349 of the Criminal Code, which appeared to leave it to judges to decide whether or not confessions obtained under torture could be admitted in legal proceedings, and reports that had reached the Committee of confessions obtained under torture in the facilities of the National Surveillance Directorate being used to bring charges against six persons in the State party, he would like to know whether or not confessions obtained under torture could be admitted in court. It would also be interesting to hear about any cases in which the provisions of the Convention had been invoked before the courts. Information about the case brought against three persons charged in relation to the murder of Luc Valen Bomahé, a young volunteer teacher from the village of Zéo, would also be helpful.

18. He would welcome the delegation's comments about concerns that persons in police custody rarely used the right to have access to a lawyer because they were unaware of the procedures or lacked the necessary financial resources, and that the right of persons deprived of their liberty to a medical examination was only exercised if they or their family so requested. The Committee had also received reports that those rights, and the 96-hour maximum period of police custody, were often not respected in practice.

19. He wondered whether the provisions of article 168 of the Code of Criminal Procedure essentially rendered meaningless the time limits apparently imposed on periods of pretrial detention in articles 166 and 167 of the Code and violated the principle of the presumption of innocence. He also wondered what steps had been taken to address the concerns expressed by the Court of Justice of the Economic Community of West African States (ECOWAS) that article 605 of the Code did not comply with international standards on protecting the right to liberty and the presumption of innocence. The Committee had also learned of several cases of foreign detainees who had allegedly not benefited from certain legal guarantees, in particular the right to inform and be contacted by the consulates of their countries.

20. Taking note of the provisions of the country's counter-terrorism law of 2015, which allowed periods of custody of persons accused of terrorism to be extended to up to eight days, he wished to draw the delegation's attention to the Committee's position that the renewal of police custody must be limited to justified exceptional circumstances and comply with the principles of necessity and proportionality, including in matters of terrorism. He pointed out that the 18 suspects arrested in relation to the terrorist attack in Grand-Bassam on 13 March 2016 had been tried six years after their initial detention.

21. The principle of non-refoulement set out in the State party's law on the status of refugees of 2023 did not fully comply with article 3 of the Convention, as the law limited the grounds for non-refoulement to a danger to life, limb or liberty on the basis of various characteristics of the person rather than "substantial grounds for believing that he would be in danger of being subjected to torture". The law also provided grounds for revoking refugee status, and therefore international protection, which was also at variance with the content and spirit of article 3. The Committee was concerned about reports that restrictions had been placed on asylum-seekers, such as the measure requiring them to enter only through official entry points and those who did not to be returned.

22. As paragraph 200 of the initial report stated that it was not possible to indicate the frequency with which interrogation rules, instructions, methods and practices and arrangements for the custody of persons subjected to any form of arrest, detention or imprisonment were reviewed, he would appreciate information on measures to ensure the fulfilment of the State party's obligation under article 11 of the Convention to keep under systematic review those rules, instructions, methods and practices, with a view to preventing torture and other forms of ill-treatment. The Committee was aware of a number of allegations of torture and ill-treatment committed by the police and security forces that had not been subject to investigation or punishment, in part due to the lack of any effective and independent mechanism to receive and investigate those allegations. Information on any developments in that regard since the submission of the initial report would be welcome.

23. With regard to the independence of the judiciary, it would be helpful to learn how the second Sectoral Policy Action Plan 2016–2020 and the National Development Plan for 2016–2020 had been evaluated and what they had achieved in terms of strengthening the

independence of the judiciary, promoting access to justice and, more specifically, enhancing the role of the judiciary in the investigation and prosecution of acts of torture or ill-treatment. He wondered what measures had been taken to address the issues of costly access to justice; ineffective legal aid; the lack of public awareness of the right to justice and recourse to the courts; delays and lack of confidence in the justice system; the drawing of judicial districts that did not meet the needs of users and geographical distribution of courts that did not meet local needs; and inadequate archiving of court decisions and lack of published statistics on appeals against court decisions.

24. He would appreciate an update on the establishment of a national preventive mechanism in keeping with the *principles* relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). Clarification on the rules concerning visits to places of detention by non-governmental organizations would also be welcome. It was not clear whether prior authorization for visits was required. Information on the visits made to places of detention by national and international non-governmental organizations, including the International Committee of the Red Cross, would be appreciated, as would details of visits made by the public prosecutor to police holding cells and places of deprivation of liberty run by the National Surveillance Directorate. He also wondered whether the National Human Rights Council made visits to all places of deprivation of liberty, including police holding cells and those run by the National Surveillance Directorate, and whether there was any follow-up to those visits. He would welcome further information on complaints of torture and ill-treatment received and investigated by the National Human Rights Council and their follow-up. Details of the action taken to reform the selection process for members of the National Human Rights Council and to strengthen the Council's mandate and financial and human resources, as recommended by the Subcommittee on Accreditation would also be appreciated.

25. It was regrettable that the statistics on redress and compensation measures for victims of torture or ill-treatment, requested in the list of issues, were not available. It would be helpful to know how the Criminal Code and Code of Criminal Procedure provided for victims of torture or ill-treatment to receive all forms of reparation. Further details of the application of those provisions, including statistics on cases dealt with and their outcomes, would be useful.

26. **Mr. Buchwald** (Country Rapporteur) said that he was particularly pleased to welcome members of the delegation from the national human rights institution and looked forward to hearing more about the measures taken so far to implement the Convention. Information available to the Committee indicated that legislative and other measures to reduce overcrowding in prisons had had little impact; he would appreciate updated statistics on overcrowding in prisons and further information on the extent to which the measures referred to in paragraphs 223–228 of the initial report, such as community service and judicial supervision, had reduced overcrowding and encouraged the use of non-traditional sentences. He would appreciate hearing the delegation's views on how the excessive use of preventive detention contributed to prison overcrowding; it would be helpful to have statistics on the proportion of persons held in preventive detention beyond the deadlines set out in the Code of Criminal Procedure – disaggregated by demographic features, length of additional detention, and reason for detention and outcome of cases. Details of the mechanism to compensate persons held in preventive detention for excessive periods and of any measures planned to reduce the rate and length of application of preventive detention would also be welcome.

27. He would appreciate information on the rate of infectious disease among the prison population compared to the general population and on screening for infectious diseases in the prison system. He would welcome the State party's comments on reports that some prisons did not provide the minimum calorie intake for detainees, that no special nutritional provision was made for those who were ill or pregnant, and that 13 deaths had taken place in prisons in the first half of 2023 due to beriberi, which was caused by severe malnutrition. In the light of information stating that there was a lack of access to medical care in prisons, he wished to learn more about the work of the State party with the International Committee of the Red Cross in that regard and about further action to increase the number of medical personnel in prisons and to renovate old and dilapidated prisons.

28. He wished to know what plans were in place to address the issue of separation of detainees, since information available to the Committee indicated that untried and convicted detainees were not separated, despite legal requirements, and that children were not always separated from adults, including adults of the opposite sex. It would be helpful to learn about efforts to meet the particular needs of children, women and persons with disabilities in prisons, including how the situation of minors was monitored; whether alternatives to detention were available for minors; whether staff responsible for minors received special training; whether specific complaints mechanisms were available to minors; how women with young children were accommodated; and the number of female members of staff working with female detainees.

29. He wished to know what steps the State party was taking to combat the reportedly high rate of inter-prisoner violence, including with regard to training, reporting requirements, medical care and other monitoring mechanisms, and whether it planned to increase its capacity to compile and analyse statistics on the topic. He would welcome information on the number of deaths in custody disaggregated by detention facility. He was struck by the fact that, of all 1,286 deaths in custody during the reporting period – a total he had arrived at by adding up the numbers from the report – none had been deemed suspicious enough to warrant an investigation. Could the State party provide a breakdown of the natural causes of death in all those cases, as determined by the attending physician?

30. The Committee would be interested to learn whether prisons had their own written regulations and procedures to govern the disciplining of detainees and whether those documents were made publicly available, including to detainees. It would be helpful to know in what situations solitary confinement was used, whether periods of solitary confinement ever exceeded the maximum duration set out in Decree No. 69-189 of 14 May 1969 and whether solitary confinement could be used against juveniles or persons with disabilities. He wondered whether the rules on solitary confinement stated that it should be used only as a measure of last resort and for the shortest time possible and whether the State party would consider reducing the maximum duration of solitary confinement to 15 days, in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Statistics on the use of shackles would be welcome, as would information on the due process rights allowing persons to challenge the use of solitary confinement and other disciplinary sanctions.

31. It would be useful to know what legal rules applied to the use of physical force against prisoners, whether official guidance had been developed on the topic, whether prisoners were made aware of the rules and their rights, including the right to submit complaints, and whether all instances of the use of force and other special measures were documented and reported. He would welcome information on the number of cases in which excessive force had been used and on the penalties imposed on those responsible. He would also be interested to learn what protocols were in place for reporting evidence of torture or ill-treatment detected by medical personnel and whether any training on such protocols was carried out.

32. He wondered whether all civil society organizations and national and international non-governmental organizations were permitted to freely visit places of detention without prior authorization, whether that right included the ability to meet with inmates, including persons held in connection with politically sensitive matters, and whether it applied to all places of deprivation of liberty, including facilities operated by the National Surveillance Directorate. It would also be useful to know whether journalists who were investigating prison conditions faced threats and violence and what measures were taken to protect them.

33. The Committee had received reports regarding the use of unofficial places of detention to house dissidents and incidents of torture, abuse, incommunicado detention and forced confessions at facilities operated by the National Surveillance Directorate. It was unclear what was preventing the State party from putting an end to the practice of detention at premises operated by the Directorate, what was the legal basis giving the Directorate the authority to detain persons and how many persons detained at such premises had received visits from the National Human Rights Council. It would also be useful to learn whether any other places of detention outside the normal incarceration system were operated by any part of the State and whether the public prosecutor could freely and without advance notice visit all areas of Directorate-run facilities and meet with all detained persons in private.

Information on the number of visits by the public prosecutor to Directorate-run facilities and on the number of prisoners visited in recent years would be welcome. How did the State party ensure that all detained persons could contact the public prosecutor to report problems?

34. He would appreciate information on whether training for prison staff covered the Convention, the Nelson Mandela Rules, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). It would be interesting to learn who was required to take such training, what proportion of such persons had received training and whether the State party had, as alleged in reports, recruited a large cohort of military veterans with minimal training as prison staff following the post-election violence of 2010 and 2011.

35. The Committee would appreciate data on the number of complaints submitted by prisoners, disaggregated by year, facility and event, the number of visits made by the prosecutor general in connection with complaints, the number of investigations conducted, prosecutions launched and convictions handed down, and the penalties imposed in such cases. Information on the complaints procedure for inmates would also be helpful, in particular regarding the measures in place to ensure the confidentiality of the complainant and the independence of the investigator.

36. Given the reports that all judicial proceedings in connection with the post-election crisis of 2010 and 2011 had been halted, it would be useful to learn whether the Government remained committed to implementing the announced measures to ensure accountability for crimes committed in connection with those events and to prosecuting those responsible. Article 2 of Order No. 2018-669 of 6 August 2018 granting amnesty to prisoners seemed to suggest that only certain named military figures and members of armed groups would be excluded from the amnesty. It was unclear whether that was the case and, if so, whether a list of those persons had ever been published. It would also be useful to know whether persons accused of international crimes and murder and similar crimes were excluded from the amnesty, how the State party intended to ensure that war crimes, crimes against humanity and crimes of torture committed during the crisis were punished, whether the amnesty applied to non-military personnel and persons not in armed groups who were accused of committing sexual and gender-based violence during the crisis and, if so, what the justification for such a decision was. He also wished to know what law gave the President the authority to grant amnesties and whether that law contained restrictions to prevent amnesty for international crimes, including the crime of torture.

37. He would welcome the State party's comments on the reports of ongoing harassment and intimidation of journalists, human rights defenders – especially women human rights defenders accused of destroying tradition – and representatives of non-governmental organizations critical of detention practices. It would be useful to know whether the mechanism for the protection of human rights defenders was indeed under the authority of the Ministry of Justice and Human Rights and whether human rights defenders were represented within the mechanism. Given the broad nature of certain provisions of the State party's criminal law, especially in Act No. 2015-493 of 7 July 2015 on the suppression of terrorism, he would like to know what was being done to prevent such laws being used against journalists, human rights defenders and anyone with dissenting views. Would the Government consider amending such laws to minimize that risk?

38. **Ms. Racu** said that she wished to know whether the State party would consider accepting the individual complaints procedure provided for under article 22 of the Convention.

39. The Committee would appreciate statistics on the number of complaints of gender-based violence received, disaggregated by the victim's age and ethnic origin, in addition to the number of investigations, prosecutions and convictions carried out in connection with those complaints, and the punishments handed down to perpetrators. She would like to know what measures had been taken to ensure that victims could exercise their right to file a complaint and to guarantee that all complaints were thoroughly investigated and the perpetrators duly prosecuted.

40. With regard to harmful traditional practices, she would welcome statistics on the prevalence of female genital mutilation, early marriage and polygamy, the number of investigations launched, prosecutions brought and convictions obtained, and the punishments imposed. As such practices reportedly remained common, despite being banned, she wished to know what the State party was doing to combat them in practice, how many shelters were available for victims in need of protective services and whether victims had access to redress and compensation. In connection with the sexual violence that had occurred during the post-election crisis of 2010 and 2011, she wondered what progress had been made in implementing the national reconciliation and social cohesion strategy and in paying compensation to victims.

41. She would be interested to receive information on the State party's psychiatric and social welfare institutions, including on the legislation in force governing involuntary placement and treatment of persons and the use of physical or chemical restraints. An explanation of the system in place to ensure regular monitoring of psychiatric institutions, the mechanism for receiving complaints concerning the treatment of psychiatric patients and the measures that had been taken to recruit and build the capacities of psychiatric specialists would likewise be welcome.

The meeting was suspended at noon and resumed at 12.25 p.m.

42. **A representative of Côte d'Ivoire** said that the definition of torture contained in article 399 of the Criminal Code of 2019 was broader in scope than that contained in article 1 of the Convention, since it was not limited to acts of torture in which the perpetrators or instigators were public officials or other persons acting in an official capacity. Under article 399, any act of torture, whether committed by a private individual or a public official, was punishable by law. While the definition under the Convention was more restrictive, article 1 (2) of the Convention provided for the possibility that national legislation might be broader in scope. Moreover, in the definition of torture contained in article 7 of the Rome Statute of the International Criminal Court, no specific reference was made to acts committed by public officials; instead, it referred to the "intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused". It was important to take into account developments in international law when assessing the definitions used in national law.

43. Under article 100 of the Code, concerning acts carried out on the orders of a legitimate authority, it was stated that the article's provisions did not apply when the order was manifestly unlawful, which was true of torture. Act No. 2024/358 of 11 June 2024 amending the Code had recently been adopted in an effort to bring Ivorian law closer into line with the Convention and relevant jurisprudence. For example, under the amended article 399, the penalty for acts of torture had been increased to a term of imprisonment of between 10 and 20 years and a fine of up to 5 million CFA francs. In certain cases, such as when the act had been committed by, at the instigation of or with the consent of a public official, the punishment was life imprisonment. Acts of torture and other offences committed or instigated by public officials attracted heavier penalties, since the involvement of a public official was considered an aggravating factor. Article 3 of the Code provided that an offence was categorized as a criminal offence if it was punishable by either a life term sentence or at least 10 years' imprisonment. The penalties applicable for acts of torture were therefore appropriate and in keeping with the gravity of the crime.

44. Regarding attempted torture, the amendments to the Criminal Code in June 2024 had also served to correct a small discrepancy concerning attempted acts, meaning that, under article 28, the attempted commission of an offence, where the perpetrator had a clear intention to commit the act, was punishable as though the act had been committed. Attempted torture was therefore considered an act of torture and punishable as such.

45. Article 5 of the Constitution of Côte d'Ivoire expressly prohibited torture. In the absence of any legal provisions specifying any circumstances in which torture was justified, the prohibition of torture must be considered as absolute and applicable at all times, including in states of emergency.

46. It was not necessarily the case that statutes of limitations were an obstacle to the rights of victims to redress, compensation and rehabilitation. The civil courts were an appropriate

avenue for victims to exercise their rights in that regard, thereby remedying the absence in Ivorian legislation of an explicit provision removing the statute of limitations for acts of torture. There was, however, no statute of limitations for acts of torture committed in the context of crimes against humanity.

47. On the issue of non-refoulement, it was true that articles 16 and 17 of Act No. 2023/590 of 7 June 2023 on refugee status were somewhat restrictive, since they applied the principle of non-refoulement to refugees and asylum-seekers alone. To address the oversight, Act No. 2024/349 of 28 June 2024 on extradition had been introduced. Among other things, it provided that extradition would not be granted in cases where the person claimed that he or she had been or would be subjected to torture or other cruel, degrading or inhuman treatment or punishment in the requesting State, or where there were substantial grounds to believe that he or she would be at risk of enforced disappearance or any other act prohibited by international law. The principle of non-refoulement was therefore fully covered in Ivorian legislation. Moreover, it was also applied in cases where the person might be subject to the death penalty in the requesting State, since Côte d'Ivoire had abolished the death penalty and had acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The same Act also contained provisions on universal jurisdiction, providing for the extradition or prosecution of perpetrators of criminal acts, irrespective of their nationality, in application of an international convention to which Côte d'Ivoire was a party. Those provisions could therefore be applied to perpetrators of acts of torture and other cruel, inhuman or degrading treatment or punishment, in accordance with the Convention.

48. On the inadmissibility of evidence obtained under torture, it should be noted that, under the Code of Criminal Procedure, it was stated that, except where otherwise provided by law, any statement or report – police reports included – of an offence were valid for information purposes only. Such reports could be excluded from the proceedings by the judge if it was proved that the information they contained had been obtained through torture. Similarly, judges had discretion regarding confessions, as with any other piece of evidence, and were responsible for determining whether a confession had been obtained through torture, acting in accordance with the law, the Constitution and the human rights treaties to which Côte d'Ivoire was a party.

49. Lastly, judicial statistics on cases of torture had only recently begun to be collected; over time, all courts would contribute information, thereby ensuring that reliable data would be available in the future. The current lack of data did not, however, mean that acts of torture were not being punished. For example, in the case of the killing of Luc Valen Bomahé, three persons had been arrested and charged with acts of torture, inhuman and degrading treatment, and causing fatal injury. It was worth pointing out that, had the definition of torture in Ivorian law been limited to acts committed by or at the instigation of public officials, it would not have been possible to charge the persons in question with those offences.

The meeting rose at 1 p.m.