BELARUS

CAT A/45/44 (1990)

197. The Committee considered the initial report of the Byelorussian Soviet Socialist Republic (CAT/C/5/Add.14) at its 32nd and 33rd meetings, held on 17 November 1989 (CAT/C/SR.32-33).

198. The report was introduced by the representative of the State party, who stated that, within the process of restructuring taking place in his country, a great deal of work was under way to guarantee the supremacy of the law. Proposed reforms included a radical review, codification and systematization of Byelorussian legislation, with particular attention being paid to the legal protection of the individual and the guarantee of his political, economic and social rights.

199. He outlined the major developments in the implementation of the Convention that had occurred since the preparation of his Government's report at the end of 1988. The adoption of the Status of the Courts Act in August 1989 had reinforced the independence of the courts and established the procedure for the election of judges. The Principles of the Judicial Systems, adopted in November 1989, provided for the participation of defense lawyers at the earliest stages of an investigation and further strengthened guarantees prohibiting torture and other illegal methods of investigation. In addition, two important drafts had been released for public debate, the draft fundamental principles of criminal legislation and the draft principles of criminal procedure; these drafts covered Soviet and Union Republic legislation and extended legislative guarantees of human rights. Far-reaching changes to the Correctional Labour Code were also being planned.

200. The members of the Committee thanked the delegation for the full and succinct report, which contained an impressive range of reforms, and for the oral presentation of recent developments in the rule of law in the Republic. They requested elaboration of several points in the report in relation to the implementation of the Convention.

201. Members asked, in general, whether the Convention was incorporated in existing domestic, legislation, and whether the Criminal Code contained a definition of torture in line with article 1 of the Convention. They wished to know what amendments to the decree of 1968, on procedures for examination of appeals against unlawful acts, had been instituted by the revised decree of March 1980. They requested information on the penalties that existed for refusing to institute criminal proceedings; whether it was possible to lodge an appeal against the unlawful institution of such proceedings; and whether it would be possible in future to refer cases to a court rather than a procurator. Members inquired whether measures were planned to disseminate the new legal provisions on human rights throughout the country. They also asked for clarification on the Government's position on capital punishment, in view of the reduction in the number of crimes to which such punishment was applied in the USSR.

202. Members asked for information on how article 3 of the Convention was being implemented in the Republic, and in particular whether the right of asylum, under article 36 of the Constitution,

would apply even to persons who had violated the Convention. They also asked whether asylum would be granted to a common criminal if there were grounds for believing that he would be subjected to torture if extradited to another State.

203. With specific reference to article 4 of the Convention, members requested clarification of the relationship between all-Union legislation and Byelorussian legislation on anti-torture measures, and whether new provisions were planned. They asked what legislative and practical measures had been taken to preclude the possibility of torture. Information was sought on the acts for which public officials might be prosecuted for obtaining statements by force; whether penalties for such offences were established under articles 166 to 168, 175 and 179 of the Criminal Code; and whether further changes in the Code were envisaged. They inquired whether there had been any prosecutions for acts of torture in the Republic, and whether statistics were available on the number of trials involving officials who had abused their authority. They wished to know whether the provisions of the Military Penal Code applied when torture was perpetrated by military personnel.

204. With regard to article 5 of the Convention, members wished to know under which authority citizens or stateless persons, committing crimes abroad would be brought to trial.

205. With reference to article 6 of the Convention, members asked for clarification on the legally defined grounds on which a person could be held in custody. They asked whether the judge or the procurator authorized the continued detention of an accused person. An explanation was sought on the difference in regulations between holding persons in preliminary custody and in short-term detention, the time-limits applicable in each case, and whether there had been any cases of administrative detention.

206. Members wished to know whether, in line with article 7 of the Convention, persons accused of torture abroad would be extradited and, if not, whether they would be tried in the Republic.

207. In connection with article 10 of the Convention, clarification was sought on whether medical personnel in prisons and police stations received training in the humane treatment of offenders.

208. Members requested information on several points under article 14 of the Convention: how many citizens had successfully claimed compensation for illegal acts by State or public bodies, and whether such compensation would also be available to non-citizens; the type of compensation provided to victims; whether medical rehabilitation would take place under the general health-care system or in specialized institutes; whether regulations regarding compensation had emanated from the Presidium of the Supreme Soviet or from the Council of Ministers; what other measures had been taken to rehabilitate persons who had suffered torture as a result of criminal behavior by officials; and the results of the review, by the special commission of the Politburo of the Central Committee, on the rehabilitation of victims of repression during the personality cult.

209. In his response to the general questions raised by members of the Committee, the representative explained that, as Byelorussian legislation covered the concept of torture within the meaning of the Convention, it had not been deemed necessary to introduce a specific definition of torture in domestic legislation. He informed members that the revised decree fo 1980 differed from the decree of 1968 in that all complaints against unlawful acts, such as torture, must be considered

within one month or be referred to a higher authority; if the courts deemed such acts unlawful, measures were taken to make amends for their consequences. He explained that, if decisions to initiate criminal proceedings were delayed or refused by public officials, such officials were liable to disciplinary measures, including dismissal; however, few cases of this kind had occurred. The Code of Criminal Procedure provided for the possibility of initiating proceedings against an official for negligence in considering a complaint if it had serious consequences which jeopardized the rights of a citizen; he added that there had not been such a case in the Republic. He further explained that challenges to the lawfulness of judgements could be lodged with the courts, although final decisions lay with the procurator. However, a new law on the subject would undoubtedly be enacted in the near future. On the question of providing the public with information on human rights instruments and the prohibition of torture, he indicated that was ensured in the Republic by the dissemination of the relevant international instruments. The text of the Convention against Torture had been published in the press and would also appear, with other instruments, in a manual to be published shortly in both Byelorussian and Russian. In addition, the population was informed of international human rights standards through lectures or information campaigns. With reference to capital punishment, he stated that, although opinions on this issue varied among both members of the judiciary and the public at large, the prevailing view seemed to be in favours of maintaining the death penalty. The Supreme Court, under its right of legislative initiative, wanted a drastic reduction in the number of cases in which it was imposed and the question would no doubt be considered in future, although could it already be assumed that it would be maintained in legislation but imposed only in extreme cases.

210. With specific reference to questions raised under article 3 of the Convention, the representative explained that that article was strictly applied in practice, although there were no specific legislative provisions prohibiting extradition. There had been no case of a request from another State for the extradition of Byelorussian citizen accused of torture. He added that article 36 of the Constitution indicated the persons to whom the right of asylum could be granted; these were essentially persons prosecuted in their own countries for progressive activities in the cause of peace, in particular members of national liberation movements. In no circumstances could they be persons who had committed acts contrary to the provisions of the Convention.

211. With regard to questions in connection with article 4 of the Convention, the representative stated that provisions defining unlawful acts and establishing penalties varied considerably from one Republic to another, and between the Republics and the Soviet Union, although all criminal codes prohibited recourse to unlawful procedures during investigations. He emphasized that articles 166 to 168 mentioned in the report were articles of the Byelorussian Criminal Code. As to whether domestic legislation excluded the possibility of recourse to torture, it had to be admitted that, in practice, the possibility did exist and that cases of torture sometimes occurred; the courts had recently convicted five militiamen and law-enforcement officials of having used interrogation methods leading accused persons to confess to acts they had not committed. He explained that the unlawful acts for which public officials might be punished were acts of violence, threats of acts of violence, or the use of weapons during investigation or detention. He added that the penalty for obtaining statements by force or coercion, under articles 166 to 168, 175 and 179 of the Criminal Code, was imprisonment from 3 to 10 years. He stated that the Supreme Court held that unlawful acts committed in the administration of justice must not be condoned. In illustration he said that, from 1988 to 1989, over 400 officials had received professional and administrative sanctions,

extending to dismissal, and 22 members of the Procurator's Office and of the internal security agency had been convicted of unlawful acts.

212. In connection with article 5 of the Convention, he explained that under article 4 of the Criminal Code, anyone committing an offence in the territory of the Republic was subject to Byelorussian criminal law, and any Byelorussian citizen committing an offence abroad was liable under the Byelorussian Criminal Code.

213. With reference to questions raised in connection with article 6 of the Convention, the representative stated that persons suspected of crimes punishable by imprisonment for more than one year could be placed in pre-trial detention. The length of such detention was established under article 92 of the code of Criminal Procedure and in principle must not exceed two months, but it could be extended by the procurators of the Republics and regions if the case was particularly complex or if new information came to light; that had happened in just over 1 per cent of cases. He stated that custody could not last more than three days and upon lack of evidence the person arrested must be released or, if evidence was furnished, he could be placed in pre-trial detention, released or placed under judicial supervision.

214. With regard to the implementation of article 7 of the Convention, the representative said that article 35 of the Constitution guaranteed to foreigners the rights and freedoms provided for by law, including the right to go to court; the provisions of the Code of Criminal Procedure were also fully applicable to foreigners.

215. In response to questions raised under article 10 of the Convention, the representative indicated that in 1988 a research and training centre had been established for the training, or retraining, of prison and medical personnel, where lectures were given by specialists in international law and medicine and by prominent members of judicial bodies. In addition, various higher educational institutes and military colleges provided practice-oriented tuition by specialists in international and criminal law.

216. With reference to questions raised under article 14 of the Convention, the representative informed the members that compensations was provided for under article 443 of the Civil Code, and that victims were fully compensated for prejudice suffered as a result of unlawful accusation, arrest, detention or treatment, regardless of the offence or relative guilt of the persons responsible. During the first six months of 1989, 117 cases of illegal arrest, trial or sentencing had been heard and compensation of approximately 38,000 roubles had been paid to the victims of such unlawful acts. He was unable to provide statistics for 1988 but did not believe that action had been brought for failure to make compensation in such cases. Compensation was paid in the form of a wage or allowance in order to restore all material rights to a victim, and all legal costs were reimbursed. In the event of the victim's death, the right to compensation passed to his heirs. He explained that the provisions for compensation had been incorporated in the Civil and Criminal Codes and the Code of Criminal Procedure following an order from the Supreme Soviet of the USSR in May 1981. With regard to the victims of repression, he stated that a special commission on rehabilitation had been set up under the Office of the Central Committee of the Communist Party to consider all cases of repression between 1930s and 1950s. It was considering all the documents placed at its disposal to ascertain the names of all victims. During the first half of 1989, over 23,000 unlawfully convicted

citizens had been judicially rehabilitated and the relevant details published in the media. The commission had held two further sessions, in September and October 1989, and would continue to do so until rehabilitation had been provided to all those unlawfully accused or arrested during the period of repression.

217. In concluding their consideration of the report, the members of the Committee thanked the delegation for its very detailed and precise replies to the many questions they had raised. They expressed the hope that the efforts made to punish unlawful acts that might be committed in the Republic would continue, and they wished every success to the Republic in its efforts to combat torture.

CAT A/48/44 (1993)

230. The Committee considered the second periodic report of Belarus (CAT/C/17/Add.6) at its 132nd and 134th meetings, on 18 and 19 November 1992 (see CAT/C/SR.132, 133/Add.2 and 134/Add.1).

231. The report was introduced by the representative of the State party, who declared that since the submission of the initial report there had been momentous changes in the political, legislative, economic and judicial life of Belarus. Those changes had found their reflection in a draft constitution which was being considered on second reading in the Supreme Soviet of Belarus. He emphasized that the measures designed to protect human rights included, besides the new Constitution, the establishment, of a Constitutional Court, the separation of powers and the parliament's decision to implement judicial reforms, among them the introduction of a new criminal and civil code and a review of the status of judges, as well as the ratification of the first Optional Protocol to the International Covenant on Civil and Political Rights. The Republic of Belarus had heeded the advice the Committee had given it during consideration of the initial report and had given priority to the inclusion in the Constitution of provisions of the Convention which had not existed in the previous Constitution. On the basis of the new Constitution, the Ministry of Justice had prepared a Draft Code of Criminal Procedure and was reviewing the labour and other codes, ensuring notably that they complied with the provisions of the Convention against Torture.

232. The representative informed the Committee that, according to the new Constitution, no one could be subjected to torture and other cruel, inhuman or degrading treatment and a person could not be forced to undergo medical or other examination without his consent; the restriction of personal freedom was subject to stringent conditions laid down by law; persons in custody were entitled to request a judicial review or examination of their detention or arrest; citizens were entitled to seek compensation before the courts for any material or physical damage; they also had the right to legal assistance paid out of State funds.

233. The representative stated that the Republic of Belarus recognized the primacy of international law. If any legislation of Belarus conflicted with the provisions of an international agreement to which Belarus was a party, the agreement took precedence. Courts were therefore free to apply international instruments, for instance the Convention against Torture, directly.

234. Members of the Committee stated that the oral introduction by the Belarus delegation had helped clarify a number of queries that they had about the supplementary report, which was somewhat short and had not provided all the answers the Committee had hoped for. Having welcomed the changes in legislation aimed at improving the legal system and combating torture, they requested the delegation to provide information on whether individual cases of torture existed in Belarus and statistics and information on the specific measures taken to combat torture and other treatment or punishment which was incompatible with respect for human dignity. Members of the Committee also wanted to know what the current situation was with regard to the death penalty and what the legal provisions were for carrying out the death penalty. They sought further clarification on the actual procedure followed when there was a conflict between domestic law and an article of the Convention.

235. Members of the Committee were interested to know how the country was coping with difficulties caused by the weight of the past; how the judicial bodies, the police and the administration were proceeding with current changes; whether a parliamentary commission dealing with human rights existed in Belarus; whether Belarus intended to accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty; whether Belarus would make the declaration under articles 21 and 22 of the Convention against Torture and whether it would consider recognizing the competence of the Committee under article 20.

236. With respect to article 3 of the Convention, members of the Committee asked what was being done to implement that article and whether new provisions were being planned to that effect.

237. In connection with article 6 of the Convention, members of the Committee, having noted that detention in Belarus could extend to up to six months from the date of the arrest, drew the attention of the delegation to the statement made at the time of the consideration of the initial report of Belarus, according to which custody could not last more than three days, and requested clarification on that discrepancy. They wished to know exactly what the maximum period of detention was and whether pre-trial detention meant that a person was detained until sentencing.

238. Concerning article 7 of the Convention, members of the Committee sought further information on the rights of the defense and in particular asked how that complex problem was covered in the new draft code of criminal procedure; whether there were cases in which no defense counsel was present and whether the presence of a lawyer was compulsory in cases concerning torture.

239. Regarding article 8 of the Convention, members of the Committee noted that no information had been given about the question of extradition and asked whether legislation was in line with the relevant provisions of the Convention.

240. With respect to article 10 of the Convention, members of the Committee wished to know what efforts were being made to disseminate information on the Convention in the population and among detainees; what training was being provided to jurists, to prison staff in corrective labour institutions and to the medical personnel; and whether there had been any exchanges in the courses taught in faculties of law to include questions of human rights and, in particular, efforts to combat torture.

241. Concerning article 14 of the Convention, members of the Committee wished to know what results had been achieved in terms of rehabilitation of the victims of repression during the period of the personality cult. They also requested further details on the compensation of victims of repression. In addition, they asked who was responsible for compensation; whether the victim could initiate proceedings to obtain compensation, and to bring an action against the State and against the person who had tortured him; what measures were being taken to bring former torturers to justice; what measures had been taken to ensure medical rehabilitation of the victims of torture.

242. With reference to article 16 of the Convention, members of the Committee wished to know under what circumstances a person could be held in isolation; what the relevant legal provisions were in this respect and whether the isolation was a preventive measure or was applied once a final judgement had been pronounced; what the minimum and maximum period of detention in isolation

cells was and who decided whether to place persons in isolation cells.

243 In reply, the representative of the State party described his country's three categories of courts, remarking in particular that in judicial matters an effort was being made to avoid a sudden break with the past and to emphasize the gradual reform of institution, phased over a period of one or two years. Now judges were elected for life and their independence was guaranteed, which had not been the case in the past. The competence of the Public Security Committee had been strictly defined and limited and measures had also been taken to restrict the possibilities of intervention by the Ministry of the Interior. The Government Procurator's Office was being transformed into an independent organization that would no longer be able to bring pressure on the courts. However, the entire reform process was complicated by the difficult economic situation and its consequences, especially the increase in criminality. Under a draft law currently before Parliament, the constitutional court would consist of 10 judges elected by the Parliament. Should that court detect any irregularity or incompatibility, it could amend the texts in question and it would even be empowered to annul any unlawful decisions of the Supreme Council of the Republic. At its first session, the Supreme Council had established a Standing Parliamentary Commission on transparency, the media and human rights.

244. Since 1975, the number of capital offences had declined considerably; capital punishment was rarely carried out and was regarded above all as a deterrent. Under the draft criminal code currently being examined, capital punishment would be retained for a total of four major crimes, namely homicide with aggravating circumstances, high treason, genocide and acts of terrorism.

245. International law took precedence over domestic law. In the event of a conflict between international rules and the provisions of domestic law, international law prevailed. That principle was embodied in the Republic's declaration of sovereignty. The law of 25 August 1991 contained a declaration that international instruments were applied directly. The courts were required to use ratified international conventions as models and to ensure that they were applied. He would not fail to raise with his country's competent authorities the question of the Committee's concern regarding the declarations provided for under articles 21 and 22 of the Convention.

246. Concerning article 1 of the Convention, he explained why the legislation of Belarus did not contain a definition of torture: in particular, the definition set out in the Convention, while applicable in Belarus, did not, in the opinion of his country's experts, cover all possible cases. In such circumstances, the courts could, in his view, be called upon to determine for themselves, on a case-by-case basis, whether an act constituted torture.

247. Regarding article 4 of the Convention, he said that in 1992 the courts had sentenced five torturers, four of them to deprivation of liberty for one to four years. In addition, disciplinary measures had been taken against 300 officials of the Government Procurator's Office in the Ministry of the Interior who had been found guilty of abusing their powers. The maximum punishment for persons found guilty of torture or torture or ill-treatment was 10 years' imprisonment.

248. Concerning article 7 of the Convention, he said that, under the new provisions of article 49 of the Code of Criminal Procedure, any person who was arrested was authorized to contact a lawyer as soon as he was charged and, in any event, within 24 hours of his arrest. He had the right to meet

his lawyer as often as necessary and to be heard only in the lawyer's presence. However, a detainee who refused a lawyer's assistance would not be forced to accept it. Nevertheless, the participation of a lawyer was mandatory when the accused was liable to a death sentence and in a few other cases. When accused or detained persons were impecunious, their legal aid costs were defrayed by the State.

249. Regarding article 8 of the Convention, he said that the constituent republics of the Commonwealth of Independent States were currently drafting an extradition convention. Naturally, when there was compelling evidence that, if extradited, a person would be tortured, extradition was refused. He quoted specific examples of recent practice in that respect.

250. Concerning article 10 of the Convention, he informed the Committee that the text of the Convention and of the ratification decree had been published and widely disseminated in Belarus. The third edition of the compendium of all international instruments of which Belarus was a signatory had also been published and was available in bookshops and libraries throughout the country. Seminars on the international human rights norms to be respected were held for officials, particularly judicial officials, parliamentary representatives and members of the militia. Regarding the training of medical and prison personnel, a basic and advanced training centre had been laid down by international instruments, particularly the obligations under the Convention against Torture.

251. Concerning article 11 of the Convention, he said that when detainees asked to undergo a medical examination because they alleged torture or ill-treatment, their request was granted.

252. With respect to article 14 of the Convention, he said that at its first session in 1990 the Parliament of Belarus had established a Standing Parliamentary Commission for the rehabilitation of victims of repression. In addition, a law had been adopted on rehabilitation procedures for such victims. At its current session, the Supreme Council had before it two new draft laws, one on supplementary measures for compensating victims of repression and the other on the amounts of such compensation. More that 120,000 cases connected with the rehabilitation of victims of repression would be examined within the next two or three years.

253. With respect to the rehabilitation of torture victims, a specialized hospital had been established near Minsk in 1990 for disabled ex-servicemen, but also for victims of Stalin's repressive policies, and persons who had recently been victims of torture or ill-treatment. The cost of treating victims was borne by the State. Torture victims were also entitled to free consultations and outpatient treatment.

254. Compensation for victims was obtainable only through the State, which could bring actions against offender, whether they were members of the police or of another body. Each request for compensation had to be addressed to the judge trying the offence involving torture or ill-treatment. The judge granted redress for the material injury and the moral wrong suffered by the victim.

255. Regarding article 16 of the Convention, he said that a person accused of a serious offence could, if necessary, be detained incommunicado for 72 hours. A detainee guilty of violating prison regulations could be placed in solitary confinement for a maximum of two months. That form of

isolation was not contrary to the relevant international rules.

256. The authorities of Belarus were prepared to provide the Committee with the texts of the main draft laws under discussion and would be extremely grateful to it for any assistance it could provide in the creation of a State based on the rule of law.

Conclusions and recommendations

257. The Committee thanked the Government of Belarus for its timely, but incomplete periodic report; it also thanked the representatives of Belarus for the additional information and clarification provided.

258. The Committee noted that the political and legal situation in Belarus allowed for reforms that were broad and far-reaching enough to eliminate torture and other cruel, inhuman or degrading treatment or punishment.

259. The Committee especially congratulated the Government of Belarus on its new plans for a modern Constitution, a Criminal Code, a Code of Criminal Procedure and a Prisons Code, which should be in keeping with the provisions of the Convention so as to guarantee its full implementation in the territory of Belarus.

260. The Committee recommended that the Centre for Human Rights of the United Nations Secretariat should provide the Government of Belarus, at its request, with advisory services in legal matters and the training of the personnel referred to in article 10 of the Convention. It would also be grateful if it could be kept fully informed of the legislative and other measures taken and the results achieved in the implementation of the Convention.

CAT A/56/44 (2001)

40. The Committee considered the third periodic report of Belarus (CAT/C/34/Add.12) at its 442nd, 445th and 449th meetings, held on 15, 16 and 20 November 2000 (CAT/C/SR.442, 445 and 449), and adopted the following conclusions and recommendations.

A. Introduction

41. The Committee welcomes the third periodic report of Belarus, although it notes that the report, due in June 1996, was submitted with three years' delay. It also notes that the report was not submitted in conformity with the guidelines for the preparation of State party periodic reports. The Committee regrets that the report lacked detailed information on the implementation of the Convention in practice, but wishes to express its appreciation for the extensive and informative oral update given by the representative of the State party during the consideration of the report.

B. Positive aspects

42. The Committee welcomes the information presented by the representatives of the State party that the Government of Belarus has decided to withdraw its reservation to article 20 of the Convention regarding the inquiry procedure.

43. The Committee notes the cooperation of the Government of Belarus with United Nations treaty bodies and other human rights mechanisms, particularly in permitting the visits of the Special Rapporteur on freedom of opinion and expression and, recently, the Special Rapporteur on the independence of the judiciary.

44. The Committee welcomes the information given by the representatives of the State party that the Government of Belarus has decided to accede to the 1951 Convention relating to the Status of Refugees.

C. Subjects of concern

45. The Committee expresses concern about the following:

(a) The deterioration of the human rights situation in Belarus since the consideration of its second periodic report in 1992, including persistent abrogations of the right to freedom of expression, such as limitations of the independence of the press, and of the right to peaceful assembly, which create obstacles for the full implementation of the Convention;

(b) The absence of a definition of torture, as provided in article 1 of the Convention, in the Criminal Code of the State party and the lack of a specific offence of torture, with the result that the offence of torture is not punishable by appropriate penalties, as required in article 4, paragraph 2, of the Convention;

(c) The numerous continuing allegations of torture and other cruel, inhuman and degrading

punishment or treatment, committed by officials of the State party or with their acquiescence, particularly affecting political opponents of the Government and peaceful demonstrators, and including disappearances, beatings and other actions in breach of the Convention;

(d) The lack of an independent procuracy, in particular as the Procurator has the competence to exercise oversight on the appropriateness of the duration of pre-trial detention, which can be for a period of up to 18 months;

(e) The pattern of failure of officials to conduct prompt, impartial and full investigations into the many allegations of torture reported to the authorities, as well as a failure to prosecute alleged perpetrators, which are not in conformity with articles 12 and 13 of the Convention;

(f) The lack of an independent judiciary, with the President of the State party maintaining the sole power to appoint and dismiss from office most judges, who must also pass a probationary initial term and whose tenure lacks certain necessary safeguards;

(g) Presidential Decree No. 12, which restricts the independence of lawyers, subordinating them to the control of the Ministry of Justice and introducing obligatory membership in a State-controlled Collegium of Advocates, in direct contravention of the United Nations Basic Principles on the Role of Lawyers;

(h) The overcrowding, poor diet and lack of access to facilities for basic hygiene and adequate medical care, as well as the prevalence of tuberculosis, in prisons and pre-trial detention centres;

(i) The continuing use of the death penalty, and the inadequate procedures for appeals, lack of transparency about those being held on death row and the reported refusal to return the bodies of those executed to their relatives, inhibiting any investigation into charges of torture or ill-treatment in prison.

D. Recommendations

46. The Committee recommends that:

(a) The State party amend its domestic penal law to include the crime of torture, consistent with the definition contained in article 1 of the Convention and supported by an adequate penalty;

(b) Urgent and effective steps be taken to establish a fully independent complaints mechanism, to ensure prompt, impartial and full investigations into the many allegations of torture reported to the authorities and the prosecution and punishment, as appropriate, of the alleged perpetrators;

(c) The State party consider establishing an independent and impartial governmental and non-governmental national human rights commission with effective powers to, inter alia, promote human rights and investigate all complaints of human rights violations, in particular those pertaining to the implementation of the Convention;

(d) Measures be taken, including the review of the Constitution, laws and decrees, to establish and ensure the independence of the judiciary and lawyers in the performance of their duties, in conformity with international standards;

(e) Efforts be made to improve conditions in prisons and pre-trial detention centres, and that the State party establish a system allowing for inspections of prisons and detention centres by credible impartial monitors, whose findings should be made public;

(f) Provide independent judicial oversight of the period and conditions of pre-trial detention;

(g) The State party consider making the appropriate declarations under articles 21 and 22 of the Convention;

(h) The Committee's conclusions and recommendations, and the summary records of the review of the State party's third periodic report, be widely distributed in the country, including by publication in both the Government-controlled and independent media.