

## COLOMBIA

### CAT A/45/44 (1990)

313. The Committee considered the initial report of Colombia (CAT/C/7/Add.1) at its 36<sup>th</sup> and 37<sup>th</sup> meetings, held on 21 November 1989 (CAT/C/SR.36-37).

314. In his introduction, the representative of the State party referred to provisions of the Colombian Constitution concerning the protection of the life, honour and property of all persons living in Colombia, as well as the liability of public officials in cases of violation of the Constitution and the laws. He pointed out that the crime of torture was dealt with in article 279 of the Colombian Penal Code.

315. He also stated that the Public Prosecutor's Department, through the Office of the Attorney-General of the nation, exercised overall supervision over public officials in the performance of their duties, could impose disciplinary sanctions on them, and was empowered to bring legal proceedings when grounds existed therefor. By decision No. 030 of 15 August 1986, the Attorney-General had entrusted the Second Office for the National Police with the task of ensuring the observance and protection of human rights, including the right not to be tortured or subjected to degrading treatment.

316. Furthermore, instructions and circulars of the Ministry of Defence, the Police Directorate-General, and the Army Intelligence and Control Command regulated the conduct of officials and guaranteed respect for the rights of individuals. Violation of those rules gave rise to judicial proceedings against the State. On two recent occasions, in 1985 and 1988, the Council of State, the supreme administrative tribunal of Colombia, had declared the nation guilty of conduct contrary to the duties of the police with regard to the right of prisoners to be treated in accordance with the obligations imposed by law, and ordered it to provide redress for the injuries caused and to indemnify the families of the victims.

317. The representative then referred to legal measures providing for control to be exercised by the judiciary in Colombia to prevent and punish abuses by public officials during a public emergency or a state of siege. He pointed out that the principle by virtue of which an order from a superior officer could not be invoked in justification for torture, was incorporated as a comprehensive rule, for all offences, in article 21 of the Colombia Constitution. Exception was made for acts committed by members of the armed forces in the course of their duties, liability for which would rest solely with the superior officer who gave the order. The new Military Code, promulgated in 1988, for the first time included torture among punishable acts by members of the armed forces on active duty, when the unlawful act was related to duty, without prejudice to any penalties that might be imposed on the basis of other provisions in force. Moreover, articles 13 and 15 of the Penal Code regulated the application of the principles of territoriality and extraterritoriality for any type of serious offence, including torture. Other provisions of the Penal Code ensured compliance with articles 6, 7 and 8 of the Convention.

318. The representative emphasized that the task of promoting due respect for human rights, in the midst of a political and social situation characterized by a high level of violence, had been the constant preoccupation of the Colombia authorities. In this connection, the Presidential Advisory Council for the Defence, Protection and Promotion of Human Rights had been established in November 1987, and the armed forces had been revising their disciplinary regulations with the aim of strengthening guarantees for individuals.

319. The members of the Committee thanked the Government of Colombia for its detailed and well structured report and its representative for his oral introduction. They noted that Colombia was going through a difficult period and had long been encountering a situation of violence leading to social disorder. Despite that situation and notwithstanding its economic difficulties, Colombia was developing measures to promote democracy and human rights. In that connection, members of the Committee wished to receive more information on the general principles underlying the political structure of the country and the organization of the executive, the legislature and the judiciary. Information was requested in particular on the legal status and composition of the Advisory Council referred to in the report.

320. Reference was made to information provided by non-governmental organizations such as Amnesty International according to which, in the period since Colombia had ratified the Convention, some 2,500 persons had been killed in the country, 250 had disappeared and doctors had participated in torture. Acts of violence against trade unionists and human rights activists had also been reported by the International Association against Torture. In order to understand the broad geopolitical problem facing the Colombian Government, it was asked to what extent the civil authorities had the capacity to govern throughout the country and to control the conduct of their police and military personnel, and what practical difficulties the Government was facing in preventing paramilitary forces from conducting clandestine executions and obstructing the course of justice. It was observed that there seemed to be a gap between the law and its enforcement in Colombia, and it was asked whether there were any legal provisions in force that did not comply with the Convention and what was the machinery employed to enforce the provisions of the Convention.

321. In respect of article 1 of the Convention, members of the Committee wished to receive further details about the definition of torture in the Colombian Penal Code and to know in what way, if any, it differed from the definition in the Convention.

322. With regard to article 2 of the Convention, an explanation was requested on political liability in respect of which charges could be brought against public officials, and on how enforcement through Congress operated. It was asked, in that connection, what penalty an official would incur if he was held to be liable. It was also asked what the machinery was for lodging a direct action for compensation against the Colombian State, what was the definition of a state of economic emergency, which ministers exercised political control over the declaration of a state of emergency and whether the exercise of political and constitutional control, followed by an opinion from the Council of State, was sufficient to authorize such a declaration. Furthermore, it was noted from the report that liability for acts committed in the course of their duties by members of the armed forces rested solely with the superior officer who gave the order, and it was inquired what the position was when such an order was blatantly illegal and whether the subordinate had no right to disobey. It was

also noted from the report that a punishable act was justified in compliance with a lawful order given by a competent authority in due form of law, and it was asked what was the exact meaning of “lawful order” in that case, in what particular circumstances such an act would be justified, and how an unlawful order could be given in due form of law. It was observed that the general provision that such an order justified the commission of an otherwise punishable act seemed to be at variance with the provision in the new Military Penal Code of Colombia that any person who inflicted physical or mental torture or another was liable to imprisonment. It was further observed that the fact that the Colombian Penal Code did not apply to serving military personnel acting under orders could not be reconciled with the categorical provision in article 2, paragraph 3, of the Convention.

323. Questions were raised by members of the Committee in respect of extradition under articles 3 and 8 of the Convention. It was noted from the report that, traditionally, the position of Colombia had been to refuse the extradition of Colombian nationals. It appeared also that extradition was not granted in the absence of specific treaty arrangements, and it was asked whether Colombia, in the absence of bilateral or multilateral agreements, would extradite a Colombian torturer or refuse to expel a foreigner who might thereby be subjected to torture. Furthermore, it was stated in the report that, in order to grant or offer extradition, the Government required the approval of the Supreme Court of Justice, and it was asked whether, in a case where such approval was not forthcoming, the Government could turn to the President of the Republic. In addition, information was requested on the number of persons extradited by Colombia to other States during the past two years.

324. With regard to article 4 of the Convention, clarification was requested about the classifications of the offence of torture and the penalties applicable for such an offense in the Colombian Penal Code and in the new Military Penal Code.

325. In connection with article 5 of the Convention, it was observed that Colombia did not seem to exert universal jurisdiction over torturers, and it was recalled that such jurisdiction was an obligation under the Convention.

326. With regard to article 7 of the Convention, members of the Committee wished to know whether there was a specific provision in Colombian legislation to the effect that a person alleged to have committed an act of torture should be either extradited or tried. They also asked how many officials had been prosecuted for torture and acts of cruel, inhuman or degrading treatment or punishment in Colombia, what was the total amount of compensation which had been paid by Colombia to torture victims, who appointed the defence lawyer during the preliminary inquiry, at what moment the lawyer intervened in the proceedings, and whether there had been prosecutions of military personnel, as distinct from members of the civil police, pursuant to the new Military Penal Code.

327. With reference to article 9 of the Convention, it was observed that the fact that Colombia was a party to the Inter-American Convention on Proof of and Information on Foreign Law did not seem to ensure full compliance with the obligation to afford the greatest measure of assistance in connection with criminal proceedings to all States parties to the Convention.

328. With regard to article 10 of the Convention, it was recalled that States parties were obliged to provide training in particular for medical personnel, and especially for doctors, about the prohibition

against torture, and it was asked if that was being done in Colombia, and at what level.

329. As for article 14 of the Convention, further information was requested about moral, monetary and medical assistance to torture victims. It was asked, in particular, whether anything was being done for the medical rehabilitation of victims who might suffer for a long time after being tortured.

330. With regard to article 15 of the Convention, members of the Committee observed that it was not clear from the report how its provisions were implemented in Colombia, and specific information was requested on any provisions which cancelled the validity of confessions under torture and on any case law on the subject.

331. In his reply, the representative of Colombia gave a description of the political system and institutions of his country. He pointed out that Colombia was a democracy, which guaranteed the independence of the executive, the legislature and the judiciary. Two methods of monitoring the constitutionality of laws existed in Colombia: on the one hand, any citizen might request the Supreme Court of Justice to rule on the constitutionality of a law and, on the other hand, judges had the power to rule on the constitutionality of a law when applying it in a specific case.

332. The state of siege or emergency was expressly provided for in article 121 of the Constitution; any decrees issued by the executive under the extraordinary powers conferred upon it by that régime must be submitted to the Supreme Court, which was required to rule on their constitutionality in the days following their promulgation. The representative recalled that Colombia had experienced a series of civil wars and periods of institutional stability; those factors had to be taken into account in order to grasp the process of political evolution in Colombian society. He also stressed that, by the beginning of the twentieth century, Colombia had already acquired most of the institutions which formed the basis of its political system, and its legislation had been codified. That explained to some extent the need that was now becoming apparent to adjust that legislation, which was already old, to the developments of international life in order to avoid discrepancies between internal legislation and international standards.

333. In addition, the representative provided information on the national rehabilitation plan, launched by the Colombian Government in 1986, which provided for economic and social assistance to areas hit particularly hard by violence. He also stated that the provisions of international treaties prevailed over those of national laws. In order to be integrated in national legislation, a treaty had to be approved by Congress, then sanctioned by the executive and signed by the President of the Republic. He pointed out that the report submitted by his Government to the Committee did not mention specific instances of violations of human rights, since specific information on the subject had been sent to various United Nations bodies dealing with complaints about such violations.

334. With regard to article 1 of the Convention, the representative specified that the Colombian Penal Code did not contain a definition of torture. There was a school of thought in the country that was against the law defining concepts because it feared that a definition might reduce its scope and restrict the work of jurisprudence and the role of the judges. What was important was to agree on a number of legal criteria for the application by the judiciary of general principles to individual cases.

335. In connection with article 2 of the Convention, the representative explained that the principle of political liability, which was prescribed by the Constitution, concerned only senior State officials who, when they committed offences in the performance of their duties, might be judged only by the Congress of the Republic. The sanction concerned their official status, but it did not rule out the possibility that the Congress might refer the matter to the competent court, leaving it to the judges to assess whether the offence committed required ordinary proceedings to be instituted. He then explained the new concept of a state of economic emergency that had been included in the Constitution when its text had been amended in 1988. Under article 122 of the Constitution, the executive was allowed to take steps that were normally the prerogative of the Congress of the Republic in particularly troubled situations, such as a sharp fall in tax revenue or rate of exchange. Measures taken under that system were subordinated to the control of the Council of State and the Supreme Court and did not affect the civil rights and guarantees affirmed in the Constitution.

336. With regard to the relieving of liability of a subordinate who had committed an unlawful act on the order of a superior, the representative pointed out that the relevant provision of the Penal Code, which affected primarily members of the armed forces and the police, constituted an exception of a general nature which required, when the case arose, a careful study of the nature of the order from the superior and the nature of the punishable acts. The Penal Code merely stated a principle, without establishing clear-cut distinctions. In Colombia, the judges interpreted the law, and in that particular case they had endeavoured to define the term “legitimate order” by establishing a difference between the intrinsic nature of the activities of a subordinate subject to a superior, i.e., his normal duties, and the behavioural aspects which went completely beyond the limits of his normal duties. If the order concerned acts such as torture or inhuman or degrading treatment, which did not come within the scope of the official’s duties, the principle of total immunity for the subordinate would not apply. The question remained of the extent to which a subordinate could take advantage of the exception prescribed by law and justify unlawful conduct by invoking an alleged order from a superior to carry out acts unrelated to his functions. Again, the issue was one that depended on the interpretation given by judges, who would have to base themselves on legislation that was neither very clear nor very direct.

337. Turning to articles 3 and 8 of the Convention, the representative explained the procedure relating to extradition which existed in his country and pointed out that a distinction had to be made between the system of normal or usual extradition, regulated by the law, and cases of extradition arising in exceptional circumstances, under the state of siege which had been proclaimed in order to be able to meet the difficulties caused by the activities to combat drug trafficking. When Colombia received an application for the extradition of a foreign national who had been charged in another country, the Government was required to request the opinion of the Supreme Court of Justice concerning the extradition. Should that opinion be unfavourable, the executive could not grant extradition; should it be favourable, the executive had the power to comply or not to comply with it. When the application for extradition concerned Colombian nationals, exceptions were envisaged in accordance with international law, under the principle whereby, in the legislative hierarchy of the country, international treaties had higher status than national legislation. With regard to the number of extraditions recently granted by Colombia, the representative stated that six or eight persons charged with infringing the legislation on drug trafficking had been extradited to the United States of America in accordance with the exceptional procedure established under the state of siege.

338. In connection with article 4 of the Convention, the representative referred to provisions relating specifically to torture which were contained in articles 217, 270 and 279 of the Penal Code.

339. With reference to article 10 of the Convention, he stated that the presidential adviser for the promotion of human rights had been very active with regard to the training and education in human rights questions of various sectors, particularly the armed forces. In connection with article 15 of the Convention, the representative stated that in Colombia it was for the judges to assess the value of confessions in accordance with the principles regulating evidence, which were not defined by law but by doctrine and jurisprudence. However, the Colombian Code of Penal Procedure stipulated that, in order to valid, testimony must be free and spontaneous. Confessions obtained by force, therefore, did not satisfy the criteria for admissibility of evidence provided by testimony.

340. In their concluding remarks, the members of the Committee expressed the view that, on the whole, Colombia's legal institutions seemed sufficient to guarantee human rights and to prevent and punish acts of torture. However, Colombian legislation still needed to be improved, reviewed and adapted to specific provisions of the Convention in a number of areas which concerned mainly the following: the question of obedience by military personnel to the orders of a superior; extradition of persons who might be in danger of torture in their countries; appropriate penalties to be applied to the offence of torture; effective application of universal jurisdiction; procedures concerning mutual assistance in legal matters to be provided to all States parties to the Convention; education and training on the prohibition against torture to be addressed, in particular, to medical personnel; and measures to guarantee that evidence in proceedings was not obtained as a result of torture. Finally, the Committee expressed the wish to receive from the Colombian authorities an additional report, pursuant to rule 67, paragraph 2, of the Committee's rules of procedure, containing the statistics and information requested during the consideration of the report, in particular with regard to the number of persons extradited during the past two years, the number of military personnel committed for trial, and the form and amount of compensation paid to victims of torture.

## **CAT A/51/44 (1996)**

66. The Committee considered the periodic report of Colombia (CAT/C/20/Add.4) at its 238<sup>th</sup> and 239<sup>th</sup> meetings, on 21 and 23 November 1995 (see CAT/C/SR.238, 239 and 242/Add.1), and adopted the following conclusions and recommendations:

### **1. Introduction**

67. The Committee thanks the State party for submitting its periodic report, which in general conforms to the Committee's guidelines. Furthermore, it recognizes the frankness and sincerity of the good oral report provided by the government representatives, at the same time acknowledging the difficulties impeding the reduction of the practice of torture. The replies to the concerns expressed by the Committee were also frank and made in a constructive spirit.

### **2. Positive aspects**

68. The Committee notes that the new Constitution of Colombia contains various provisions that are very satisfactory from the standpoint of human rights and mechanisms for their protection, namely, the prohibition of torture, the regulations of habeas corpus, the functions of the Attorney-General and the Ombudsman, and the precedence of international human rights treaties over national legislation.

69. The Committee notes the increase in the penalty for the offence of torture provided for in article 279 of the Penal Code.

70. The Committee draws particular attention to the establishment of the Office of the Attorney-General for the Defence of Human Rights.

### **3. Factors and difficulties impeding implementation of the Convention**

71. The Committee is aware that the general climate of violence caused by guerrilla warfare, drug trafficking and groups of armed civilians restrict effective enforcement of the Convention in Colombia.

72. The Committee considers that the almost total lack of penalties for persons responsible for torture constitutes an obstacle to the implementation of the Convention.

73. The Committee appreciates that the copious emergency legislation and the inadequate functioning of the judiciary also make it difficult to implement the Convention.

### **4. Subjects of concern**

74. The Committee observes with great concern the persistence of a large number of violent deaths and cases of torture and ill-treatment attributed to members of the army and the police, in a manner

that would appear to indicate a systematic practice in some regions of the country.

75. The Committee emphasizes with regret that the State party has not yet brought its domestic legislation into line with the requirements of the Convention, as was suggested by the Committee when it received the initial report of Colombia, particularly with regard to the obligations under articles 2, concerning due obedience, 3, 4, 5, 8, 11 and 15 of the Convention.

76. The Committee notes with concern that the light penalties for the offence of torture in the Code of Military Justice do not seem to be acceptable, nor does the extension of military jurisdiction to deal with ordinary crime by means of the inadmissible expansion of the concept of active service and the enactment of provisions which seriously limit the effectiveness of means for protecting rights, such as habeas corpus.

77. The Committee considers that the Government has made virtually constant use of a tool such as the state of internal disturbance which, given its seriousness and pursuant to the Constitution, should be exceptional. Moreover, provisions continue to be adopted that the highest courts of the State have already found to be in violation of constitutional rights.

78. The Committee also views with concern the powers of the regional courts, in particular the non-identification of witnesses, judges and prosecutors. The detention of civilians in military units is also a source of concern.

## 5. Recommendations

79. The Committee recommends that the practice of torture should be ended forthwith and to this end suggests that the State party should act with great firmness to restore the State's monopoly over the use of force, disbanding all armed civilian or paramilitary groups, and ensure that swift and impartial investigations into allegations of torture are conducted immediately and that informers and witnesses are protected.

80. The Committee believes that the situation of impunity must be terminated by adopting the necessary legislative and administrative amendments to ensure that military courts judge only violations of military regulations, punishing torture by means of penalties commensurate with its seriousness and dispelling any doubt as to the responsibility of anyone who obeys an illegal order.

81. The Committee also suggests bringing domestic legislation into line with the obligations of the Convention with regard to the non-return or expulsion of anyone who fears being subjected to torture, the extraterritorial and universal application of the law, extradition and the express invalidity of evidence obtained under torture.

82. The Committee considers that the State party should keep under systematic review the rules, methods and practices referred to in article 11 of the Convention, conduct human rights education and training programmes for military, police, medical and civilian guard personnel, and establish appropriate systems of compensation and rehabilitation for the victims.



83. The Committee would be pleased if the State party were to make the declaration under article 22 of the Convention and offers such assistance and cooperation as the State party may require.

## **CAT CAT/C/CR/31/1 (2003)**

1. The Committee considered the third periodic report of Colombia (CAT/C/39/Add.4) at its 575th and 578th meetings, held on 11 and 12 November 2003 (CAT/C/SR.575 and 578), and adopted the following conclusions and recommendations.

### **A. Introduction**

2. The Committee welcomes the third periodic report of Colombia, but regrets that it was submitted on 17 January 2002, five years late. It notes that the report contains little information on the practical application of the Convention over the reporting period. The Committee is, however, grateful for the exhaustive oral replies that the State party's delegation gave to most of its members' questions and for the statistics provided during the consideration of the report

### **B. Positive aspects**

3. The Committee notes with satisfaction the State party's adoption of a number of domestic laws of relevance to the prevention and suppression of torture and ill-treatment, in particular:

(a) The new Penal Code (Act No. 599/2000), which defines the offences of torture, genocide, forced disappearance and forced displacement and states that due obedience will not be considered as justifying those offences;

(b) The new Military Penal Code (Act No. 522/1999), which excludes the offences of torture, genocide and forced disappearance from the jurisdiction of the military criminal courts and regulates the principle of due obedience;

(c) Act No. 548/1999, which prohibits the conscription of persons under 18 years of age;

(d) The new Code of Penal Procedure (Act No. 600/2000), title VI whereof provides that illegally obtained evidence will be inadmissible.

4. The Committee also welcomes:

(a) Act No. 742/2000 approving the ratification of the Rome Statute of the International Criminal Court, the instrument whereof was deposited on 5 August 2002;

(b) Act No. 707/2001 approving the ratification of the Inter-American Convention on Forced Disappearance of Persons.

5. Similarly, the Committee expresses its satisfaction at:

(a) The statement by the State party's representative that there neither has been nor will be any amnesty or clemency in the State party for acts of torture;

- (b) The positive role of the Constitutional Court in the defence of the rule of law in the State party;
- (c) The ongoing cooperation between the office in Colombia of the United Nations High Commissioner for Human Rights and the Government of Colombia.

#### C. Factors and difficulties impeding the application of the Convention

6. The Committee is aware of the difficulties with respect to human rights and international humanitarian law arising from the current complex situation in the country, especially in a context characterized by the activities of illegal armed groups. The Committee nonetheless reiterates that, as stated in article 2 of the Convention, no exceptional circumstances whatsoever may be invoked as a justification of torture.

#### D. Subjects of concern

7. The Committee reiterates its concern at the numerous acts of torture and ill-treatment reported widely and systematically committed by the State security forces and organs in the State party both during and outside armed operations. It also expresses its concern at the high number of forced disappearances and arbitrary executions.

8. The Committee expresses its concern that measures adopted or being adopted by the State party against terrorism and illegal armed groups could encourage the practice of torture. In this regard the Committee expresses its concern, in particular, at:

(a) The recruitment of part-time "peasant soldiers", who continue to live in their communities but participate in armed action against guerrillas, so that they and their communities may be the target of action by the illegal armed groups, including acts of torture and ill-treatment;

(b) Constitutional reform bill No. 223/2003, which, if adopted, would seem to confer judicial powers on the armed forces and enable persons to be detained and questioned for up to 36 hours without being brought before a judge.

9. The Committee also expresses its concern at:

(a) The climate of impunity that surrounds human rights violations by State security forces and organs and, in particular, the absence of prompt, impartial and thorough investigation of the numerous acts of torture or other cruel, inhuman or degrading treatment or punishment and the absence of redress and adequate compensation for the victims;

(b) The allegations of tolerance, support or acquiescence by the State party's agents concerning the activities of the paramilitary groups known as "self-defence groups", which are responsible for a great deal of torture or ill-treatment;

(c) The judicial reform bill, should it be approved, would reportedly provide for constitutional limitation of amparo proceedings and reduce the powers of the Constitutional Court, particularly

with respect to the review of declarations of states of emergency. Similarly, the Committee expresses its concern at the "alternative penalties" bill, which, if approved, would, even if they had committed torture or other serious breaches of international humanitarian law, grant conditional suspension of their sentences to members of armed groups who voluntarily laid down their arms;

(d) The allegations and information indicating:

(i) That some prosecutors in the Human Rights Unit of the Public Prosecutor's Office have been forced to resign and that members of the Unit have been threatened in connection with their investigation of cases of human rights violations;

(ii) Inadequate protection against rape and other forms of sexual violence, which are allegedly frequently used as forms of torture or ill-treatment. The Committee further expresses its concern at the fact that the new Military Penal Code does not expressly exclude sexual offences from the jurisdiction of the military courts;

(iii) The fact that the military courts are allegedly still, despite the promulgation of the new Military Penal Code and the Constitutional Court's decision of 1997 that crimes against humanity did not fall within the jurisdiction of the military courts, investigating offences that are totally excluded from their competence, such as torture, genocide and forced disappearance in which members of the police or armed forces are suspected of having been involved;

(iv) The widespread, serious attacks on human rights defenders, who are playing an essential role in reporting torture and ill-treatment; in addition, the repeated attacks on members of the judiciary, threatening their independence and physical integrity;

(e) The numerous forced internal displacements of population groups as a result of the armed conflict and insecurity in the areas in which they live, taking into account the continuing absence in those areas of State structures that observe and ensure compliance with the law;

(f) The overcrowding and poor conditions in penal establishments, which could be considered inhuman or degrading treatment;

(g) The absence of information on the application of article 11 of the Convention as regards the State party's arrangements for the custody and treatment of persons subjected to arrest, detention or imprisonment, and the reports received by the Committee to the effect that the State party is failing to discharge its obligations in this respect;

(h) The lack of satisfactory information concerning the rules in the State party's law for ensuring the application of article 3 of the Convention to cases of refoulement or expulsion of aliens in danger of being tortured in the country of destination.

#### E. Recommendations

10. The Committee recommends that the State party take all necessary measures to prevent the acts

of torture and ill-treatment that are being committed in its territory, and in particular that it:

(a) Take firm steps to end impunity for persons thought to be responsible for acts of torture or ill-treatment; carry out prompt, impartial and thorough investigations; bring the perpetrators of torture and inhuman treatment to justice; and provide adequate compensation for the victims. It recommends in particular that the State party reconsider in the light of its obligations under the Convention the adoption of the "alternative penalties" bill;

(b) Reconsider also, in the light of its obligation to prevent torture and ill-treatment under the Convention:

(i) The use of "peasant soldiers";

(ii) The adoption of measures that appear to give military forces powers of criminal investigation under which suspects can be detained for long periods without judicial control;

(iii) The judicial reform bill, so as to provide full protection for amparo proceedings and respect and promote the role of the Constitutional Court in defending the rule of law;

(c) Ensure that anyone, especially any public servant, who backs, plans, foments, finances or in any way participates in operations by paramilitary groups, known as "self-defence groups", responsible for torture is identified, arrested, suspended from duty and brought to justice;

(d) Ensure that the staff of the Human Rights Unit of the Public Prosecutor's Office are able to carry out their duties independently, impartially and in safety and provide the Unit with the resources needed to do its work effectively;

(e) Investigate, prosecute and punish those responsible for rape and other forms of sexual violence, including rape and sexual violence that occur in the framework of operations against illegal armed groups;

(f) That in cases of violation of the right to life any signs of torture, especially sexual violence, that the victim may show be documented. That evidence should be included in forensic reports so that the investigation may cover not only the homicide but also the torture. The Committee also recommends that the State party provide medical staff with the training necessary to determine when torture or ill-treatment of any kind has occurred;

(g) Respect the provisions of the Military Penal Code that exclude cases of torture from the jurisdiction of the military courts and ensure that those provisions are respected in practice;

(h) Take effective measures to protect human rights defenders against harassment, threats and other attacks and report on any judicial decisions and any other measures taken in that regard. The Committee also recommends the adoption of effective measures for the protection of the physical integrity and independence of members of the judiciary;

(i) Take effective measures to improve conditions in places of detention and to reduce overcrowding

there;

(j) Ensure, so as to preclude all instances of torture or cruel, inhuman or degrading punishment, that persons subjected to any form of arrest, detention or imprisonment are treated according to international standards;

(k) Report in its next periodic report on the domestic legal provisions that guarantee non-refoulement to another State when there are substantial grounds for believing that the person concerned would be in danger of being subjected to torture;

(l) Make the declarations referred to in articles 21 and 22 of the Convention and ratify the Optional Protocol to the Convention;

(m) Ensure the wide distribution in its territory of the Committee's conclusions and recommendations;

(n) Provide to the Committee, within one year, information on its response to the Committee's recommendations contained in subparagraphs (b), (d), (f) and (h) above.