

rights; expressed deep concern at the persistence of thousands of violations of the right to life, and the increasing involvement of paramilitary groups in these violations; acknowledged that the conflict entailed serious and continuous abuses and violations of human rights and humanitarian law by both state agents and guerilla groups; urged the government to continue to strengthen its support, through all state institutions, of all those who promote the defence of human rights; urged the guerilla groups in Colombia to respect norms of international humanitarian law and, especially, to abandon the use of kidnapping, hostage taking, anti-personnel landmines, indiscriminate killings and all attacks on the civilian population; called for the liberation, on humanitarian grounds, of 70 Colombian soldiers held by a guerilla group since August 1996; acknowledged that the government had taken steps for the application of humanitarian standards in the conflict; welcomed the government's continued cooperation with the International Committee of the Red Cross (ICRC) and the facilitation of its humanitarian activities in the country; referred to the numerous cases of disappearance and noted that the application at the national level of the Declaration on the Protection of all Persons from Enforced Disappearance faced several obstacles, generating impunity; called for the urgent adoption of more effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in accordance with article 3 of the Declaration; expressed continuing concern at the alarming level of impunity, in particular concerning abuses by state agents that continue to fall under the jurisdiction of military courts; encouraged the government to continue and conclude the process of reform of the military penal code in accordance with the recommendations made by the thematic rapporteur, *inter alia* as far as the exclusion from the jurisdiction of military courts of human rights violations, and in particular of crimes against humanity, is concerned; welcomed the important advances made in a number of cases of gross human rights violations by the Human Rights Unit in the Office of the General Prosecutor in terms of investigating and indicting state agents, guerrillas and members of paramilitary groups responsible for violations of human rights or humanitarian law; expressed deep concern about the persistence of the practice of torture; called on the government to combat the occurrence of torture and ill-treatment as well as the impunity which permits them to continue; urged the government of Colombia to continue strengthening ordinary justice versus special systems of justice, noting that the misuse of special systems can lead to serious violations of human rights, and denial of a fair trial; stated that implementation of the recommendations of international human rights bodies is still not sufficient; stated the expectation that the activities of the new human rights office in Bogota would contribute to improvements in the human rights situation in Colombia, promote a climate of trust between the government and all sectors involved in the conflict, and prevent violations of human rights and international humanitarian law; and, requested the High Commissioner to present a comprehensive analytical report to the Commission at its 54th session on the setting up of the office and its activities, and on developments in the human rights situation in Colombia.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1994/4, paras. 4, 7, 8, 12, 17, 21; E/CN.4/1997/4/Add.1, Decisions 1, 32, 41)

The Working Group (WG) issued Revised Decision 1 (1996) in a case involving a member of a politico-military organization who was detained in December 1992 in Bucaramanga by soldiers from the Army's Fifth Brigade and members of the Anti-Kidnapping and Blackmail Unit (UNASE) of the National Police. He was facing charges of rebellion, terrorism, kidnapping for ransom, forgery of an official document and possession of narcotics. Information received claimed that the defendant was given unequal treatment before the court at the pre-trial stage: that the court refused to allow evidence requested by the defence; that the defendant was denied his own choice of counsel; that pressure was brought to bear on the lawyer appointed, forcing her later to leave the country; that the defendant was prevented from engaging in confidential communication with his counsel because microphones were installed in his cell; that the defendant was held on military premises; and that he was subjected to torture. Taking account of these points, the WG declared the detention to be arbitrary.

The case was reconsidered at the request of the government which provided a substantiated and documented submission countering the claims made in the case. However, after considering the government's submission, the WG decided not to change its original finding that the detention was arbitrary.

Decision 32 (1996) concerned one person detained in June 1994 by officers of the Sixth Army Brigade and the Administrative Department for Security (DAS), under an arrest warrant issued by the Office of the Regional Prosecutor attached to the Twentieth Brigade. He was charged with rebellion and false impersonation, and was being tried before the Regional Court (which is composed of faceless or unidentified judges). The information received indicated a number of irregularities in pre-trial proceedings related to release on bail. The government did not respond to the case and the Working Group declared the detention to be arbitrary.

Decision 41(1995) related to the cases of three people who were arrested by members of the SIJIN (National Police), accused of the murder of a journalist, and deprived of their liberty by order of the Barranquilla Regional Prosecutor. Information related to these cases indicated that: the arrests were made without a warrant; the search during which they were taken into custody was also conducted without a valid judicial warrant; the three were held incommunicado for 21 days; and, the evidence produced to incriminate them is insufficient — the three were not at the scene of the crime on the day it was committed, one witness did not identify them as participants, and the search of the house where they were arrested did not uncover physical evidence of the offence.

The government replied that the arrests, search and detentions had been conducted under a warrant originating from the Barranquilla Regional Prosecutor's Office and that incommunicado detention for 21 days was appropriate given