

cases in which members of the same body are involved; and despite decision C-358/97 (5 August 1997), restricting the scope of the jurisdiction of the armed forces and police, the latter has continued to protect persons responsible for punishable acts which have no connection with military or police service.

The narrative on the regional justice system, which will remain in place until 30 June 1999, notes that the system was originally established as a public order jurisdiction to cover a wide range of offences including terrorism, conspiring to commit an offence, abduction, extortion, torture, threats, homicide, wounding for terrorist purposes, rebellion and sedition. The report states that the system enables judicial officers and witnesses to act without revealing their identity, practically enabling them to remain anonymous, does away with public hearings, unduly extends the deadlines for the investigation and restricts to the fullest possible extent the grounds for provisional release, to the detriment of the right to a proper trial, the presumption of innocence, and the right of defence.

The report notes that the "faceless" character of proceedings has been justified on the basis that it protects the lives and integrity of judicial officers and witnesses but also states that whatever the degree of security attained it has come at the cost of denying the defence any possibility of examining the impartiality of the prosecutor, judge or magistrate conducting the trial, and hence grounds for challenging the official's right to preside. Irregularities in proceedings are noted as including, *inter alia*: use of a single unidentified deponent, under different codes or keys, thus making it appear that the statements come from several witnesses; the taking of new evidence from an unidentified witness who has already made a statement; and facilitation of the ability of members of the armed forces and police, as "faceless witnesses", to make unsubstantiated accusations against persons whom they regard as subversive. The report notes that in some trials and under the cover of concealed identity, persons belonging to the state intelligence services or recognized informers of the official security bodies have become principal, if not sole, witnesses; and arising from the activities of regional prosecutors and judges, the fundamental rights of many Colombians have been violated because they have become linked to proceedings at an advanced stage of investigation, deprived of an opportunity to defend themselves, subjected to measures of restraint on the basis of confessions obtained under pressure or opportunist denunciation, and found themselves deprived of their freedom for excessive periods, without trial or conviction.

Other problems and conditions cited in the report include: restrictions on the remedy of *habeas corpus*, and prison revolts. Further, the report notes that women prisoners have made repeated complaints concerning the situation of their children, the constant abuses committed by wardens during searches, and the failure to comply with the legal provisions concerning marital visits.

Concerning follow-up by the government to international recommendations, the report notes a number of initiatives that have been taken, including but not limited to: adoption of a law establishing the National Peace Council to end the conflict on a permanent footing and work toward national reconciliation; the decision of the government not to declare a state emergency in 1997; establishment in 1995 of the Commission for Analysis and Advice on the Implementation of the Recommendations of the International Human Rights Bodies; the August 1997 decision of the Constitutional Court against extension of the criminal jurisdiction of the police and armed forces to cover acts going beyond service-related offences; Presidential Directive No. 011, recognizing the legitimacy of the work of human rights NGOs and the contributions these organizations make to the rule of law; establishment within the Ministry of the Interior of a programme of special protection for witnesses and threatened persons; introduction of a bill, which has been criticized as inadequate, characterizing the offence of enforced disappearance of persons; and the approval, in July 1997, of Act No. 387 aimed at responding to the serious problem created by the enforced migration of thousands of Colombians. The report outlines other initiatives such as: the announcement, at the end of 1997, of a series of measures to combat paramilitary activity, including the establishment of a "search corps" composed of various state agencies, whose objective is to hunt down members of such groups; the November 1997 decision of the Constitutional Court declaring enforceable Decree No. 356 of 1994 — which established the "Special vigilante and private security services", viz. "Convivirs" — and ordering that the restricted-use weapons issued to such groups be returned to the General Command of the armed forces; in August 1997, suspension of the licensing of new security associations and decisions either cancelling or not renewing the licences of already-existing associations; approval, with ratification pending, of the Inter-American Convention to Prevent and Punish Torture; introduction in November 1997 of a bill to reform the Juvenile Code; and passage in December 1997 of a law establishing an "alternative sanction" scheme for the prison population with benefits such as conditional release, leave passes and the commutation of prison terms into community service.

The activities of the Office in Bogota are noted as having included, *inter alia*: receiving complaints of violations from NGOs and government and state institutions; visits to various regions of the country to verify the veracity of the complaints; immediate intervention to national bodies and the government upon receipt of serious cases requiring urgent action; advisory work related to draft legislation; advisory work on human rights training programmes for the armed forces and police; and, continuous contact with the International Committee of the Red Cross related to monitoring breaches of international humanitarian law, particularly with regard to the problem of displacement.

The report concludes with 19 recommendations. Among the recommendations are that: