

CHINA

TORTURE AND ILL-TREATMENT

COMMENTS ON THE ADDITIONAL REPORT OF THE PEOPLE'S REPUBLIC OF CHINA TO THE UN COMMITTEE AGAINST TORTURE

This document summarizes Amnesty International's concerns about the use of torture in China and comments on an additional report recently submitted by the Government of the People's Republic of China to the United Nations (UN) on its implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The government's report, dated 8 October 1992, was made public in January 1993¹.

In December 1992, Amnesty International published a report entitled *Torture in China*² which described in detail its concerns about the growing incidence of torture and ill-treatment in Chinese jails. It cited recent cases of torture and described the factors which facilitate its use. The report outlined some fundamental measures which Amnesty International believes are urgently needed to reduce the widespread incidence of torture in China. The organisation considers that the recent report submitted by the Government of the People's Republic of China to the UN does not address these fundamental issues.

In April 1990, China admitted to the UN Committee against Torture that while torture "has yet to be eliminated completely in China"³, the government firmly opposed such practices. However, the evidence documented by Amnesty International makes it clear that torture and ill-treatment in China continue to be widespread and systematic. The patterns of violence against detainees across the country and the failure of the government to introduce the most basic safeguards or to bring torturers to justice, suggests that the use of torture as a tool of coercion and intimidation is often a reflection of either institutionalized practices or of official policy.

¹ *Additional Report to the United Nations on the Implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, original in Chinese dated 8 October 1992, UN document CAT/C/7/Add.14, published in French on 18 January 1993.

² *Torture in China*, December 1992, AI Index ASA 17/55/92.

³ *Initial Reports of State Parties due in 1988, Addendum: China*, UN document CAT/C/7/Add.5, 6 December 1989, paragraph 53.

I. CHINA'S REPORTS TO THE UN COMMITTEE AGAINST TORTURE

The People's Republic of China ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in October 1988⁴, thus becoming a State Party to the Convention.

Article 19 of the Convention requests State Parties to submit periodic reports on their implementation of the Convention to the Committee against Torture established under the Convention. The first report must be submitted within one year after the Convention enters into force for the country and subsequent reports every four years. The Committee is composed of ten experts in the field of human rights serving in their personal capacity. They are elected by secret ballot from a list of persons nominated by State Parties.

In December 1989, China submitted to the Committee against Torture (CAT) an initial report on its implementation of the Convention⁵. The CAT examined this report at its fourth session, on 27 April 1990. Raising more than 90 questions during discussion, the experts regretted the general nature of the report and its failure to give details of the practical application of the Convention against Torture. The Committee asked China to send an additional report addressing its questions before the end of the year.

China submitted an additional report⁶ to the CAT in late 1992, which will be examined by the Committee at its next session in April 1993. The additional report responds to some of the questions raised by the CAT in April 1990, but others remain unanswered. In particular, the report does not clarify how the provisions of the Convention against Torture can be implemented in China under domestic legislation. Neither does it answer questions raised by the CAT about important issues such as incommunicado detention.

The additional report repeats much of the information already given in China's initial report about the provisions against torture in Chinese law and other provisions guaranteeing certain rights to citizens. It does not address the question of how these provisions are implemented in practice. It also omits to mention some features of the law-enforcement and justice system in China which are a major source of human rights violations, including torture, such as some forms of administrative detention and the lack of access to lawyers at an early stage of the criminal process.

⁴ When ratifying the Convention, China made a declaration, under Article 28, that it does not recognize the competence of the Committee against Torture as provided for in Article 20 of the Convention. This means that the 10 member expert Committee cannot investigate any information it receives that torture is being systematically practised in China.

⁵ See footnote 3.

⁶ See footnote 1.

II. PATTERNS OF TORTURE IN CHINA

Amnesty International has been concerned for many years about the widespread and systematic use of torture and ill-treatment against prisoners in China⁷. Though Chinese law forbids torture, police and other state personnel continue to use it to extract confessions, or to intimidate or punish prisoners.

The information received by Amnesty International in recent years suggests that torture has become endemic in many places of detention and the extent of the practice is now far more widespread than it was ten years ago. Continuing government campaigns to crush crime and political opposition during the past decade have contributed to this trend.

The most common forms of torture include severe beatings, the use of electric batons which give powerful electric shocks, and the use of handcuffs or leg-irons in such ways as to cause intense pain. Common forms of ill-treatment include incarceration in tiny or dark cells without heat, ventilation or sanitation, and deprivation of food or sleep. Some torture methods are extremely cruel and brutal and have led to deaths. One recent case, reported by a Chinese provincial newspaper, concerned a villager from Beigang township, in Jiangxi province, who died under torture on 2 March 1992 after being detained for 38 hours⁸. He was shackled with his hands tied behind his back, suspended by the arms, whipped, and repeatedly beaten and kicked until he died.

Torture and ill-treatment occur at all stages of the detention and imprisonment process, though it is most often reported during preliminary or pre-trial detention, while the victims are held in police stations or in various types of detention centres. The torturers are usually police officers belonging to the various sections of the Public Security (police) agencies. Personnel from other security and judicial agencies, such as prison guards and officials, are also reported to have been involved in torturing or ill-treating prisoners.

According to official sources, in 1991 the Chinese procuracies investigated and prosecuted 407 cases of "torture to coerce a statement"⁹ and, in 1990 and 1991, a total of 24 prison wardens and guards were sentenced to imprisonment for administering "corporal punishment" to prisoners¹⁰. These official figures do not reflect the real incidence of torture,

⁷ See *China: Torture and Ill-Treatment of Prisoners*, September 1987, AI Index ASA 17/07/87. Several other documents about torture and ill-treatment in China have been published by Amnesty International since then. See above, footnote 2, for details of the most recent report.

⁸ *Jiangxi Legal News*, bimonthly No.1, January 1993. The newspaper report did not indicate whether the Public Security personnel who tortured the villager have been brought to justice. For further details on this case, see Amnesty International's *China - Torture Update*, March 1993, AI Index ASA 17/12/93.

⁹ Figures given by Procurator-General Liu Fuzhi in his Report to the National People's Congress on 28 March 1992, Xinhua News Agency in Beijing, 6 April 1992.

¹⁰ Figure cited in the Chinese Government White Paper on "Criminal Reform in China", released by the Information Office of the State Council on 11 August 1992.

which is reported to be far higher than the number of cases officially investigated and prosecuted. In its recent report, *Torture in China*, Amnesty International documented dozens of individual cases of prisoners alleged to have been tortured or ill-treated in recent years. None of these are known to have been investigated or subject to prosecution by the authorities.

Amnesty International believes that various aspects of the law enforcement and justice system in China foster the use of torture. A prime contributor is the fact that prisoners have very few rights in law and in practice are considered to have none at all. Other major factors are a lack of impartial investigations into torture allegations and the impunity frequently extended to torturers.

The law allows the Public Security (police) authorities to detain suspects incommunicado, without access to lawyers, judges or relatives, throughout the period of pre-trial detention, which under the law can last several months. Under administrative regulations, the police also have the authority to detain people without charge or trial for long periods of time and without any judicial supervision. There is no presumption of innocence in Chinese law and those who are brought to trial are usually considered guilty before the trial starts. The law itself often uses the term "criminal", rather than "suspect", when referring to the process of arrest. There is a strong reliance on confessions in the judicial process and hardly any cases are brought to trial without a confession from the accused. Trials are usually a mere formality, with the verdict often having been decided in advance. All these factors contribute to the widespread use of torture.

None of these features of the law-enforcement and justice system in China have changed in the past five years. Since 1988, when China ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, there has been no fundamental review of legislation; no new legal safeguards against torture have been introduced and no effective measures have been taken by the authorities to lessen the risk of detainees being subjected to torture or ill-treatment.

III. THE PROVISIONS AGAINST TORTURE IN CHINESE LAW

China's additional report to the CAT states that the acts of torture defined in Article 1 of the Convention against Torture are regarded by China's Constitution and laws as being serious criminal offenses which, as such, are prohibited and punishable¹¹. However, all the acts of torture defined by the Convention are not prohibited by Chinese law.

China's Criminal Law provides punishments only for two specific offenses involving torture or ill-treatment of prisoners by state officials, namely "torture to coerce a statement" (Article 136) and "corporal punishment and abuse" (Article 189). In addition, Article 143 of the law, which prohibits illegal detention, has a clause providing heavier punishments in cases where victims of illegal detention are ill-treated.

¹¹ CAT/C/7/Add.14, paragraph 62.

These provisions do not provide scope for punishment of all acts constituting torture or ill-treatment. They are inadequate in several respects: their application is limited to specific situations and they provide for light punishments.

◆ Article 136 is part of a section of the Criminal Law which lists "crimes of infringing upon the rights of the person and the democratic rights of citizens". It prohibits torture used specifically to coerce statements, excluding other circumstances in which torture might occur¹². This seems to reflect a lack of recognition that torture should be punished whenever it occurs - a failure which is not compensated for by the provisions of Article 189 (see below).

Article 136 permits the imposition of very light punishments. These range from "criminal detention" to three years' imprisonment in ordinary cases, and heavier punishments if torture has caused injury or disability to the victim, in which case it is punishable by up to seven years' imprisonment. The minimum punishment provided by Article 136 - criminal detention - consists of between 15 days and a maximum of six months' detention (Article 37 of the Criminal Law) and, according to the law, the person serving this punishment may be allowed to go home for one or two days each month (Article 38).

◆ "Corporal punishment and abuse" of prisoners (Article 189) is not regarded by law as a crime of the same nature and gravity as "torture to coerce a statement". It is not part of the section of the Criminal Law dealing with "crimes of infringing upon the rights of the person and the democratic rights of citizens". Instead, it comes under a section of the law dealing with "crimes of dereliction of duty" by state officials. In the terms of Article 189, it is considered a crime only "when the circumstances are serious".

Article 189 is applicable to judicial personnel who are found to have violated laws and regulations on prison management by subjecting imprisoned persons to corporal punishment and abuse. This wording restricts significantly the scope of application of Article 189. For example, prison regulations allow the imposition on prisoners of certain measures or punishments, such as the wearing of handcuffs and leg-irons to punish "undisciplined" prisoners or to restrain prisoners sentenced to death until they are executed, even though such measures are regarded as constituting ill-treatment and are prohibited under international standards. However, they do not come under the scope of Article 189 since they are allowed by prison regulations.

Furthermore, Article 189 provides that "corporal punishment and abuse" is punishable only "when the circumstances are serious". The law does not specify further what circumstances are considered to be serious. Thus, some perpetrators may escape prosecution and punishment if judicial personnel handling the case do not deem the circumstances to be

¹² An authoritative 1980 Chinese legal textbook, giving judicial interpretation of the Criminal Law provisions, makes clear that one of the distinguishing features of the crime of "using torture to coerce a statement" is that the objective of torture is to coerce a statement. (*Zhonghua Renmin Gongheguo Xingfa Fenze Jiangyi, Teaching Materials on the Criminal Law of the PRC: Special Provisions*, by the Central Political and Legal Cadres School, Masses Publishing House, 1980, pages 88-90.)

serious. When "the circumstances are serious", Article 189 provides punishments ranging from "criminal detention" to 3 years' imprisonment, and up to 10 years' imprisonment if the circumstances are especially serious. As in Article 136, the minimum punishment involves between 15 days and six months of criminal detention.

IV. LONG-TERM DETENTION WITHOUT CHARGE OR TRIAL

Torture often occurs while detainees are held without charge and police officers try to force them to give information about themselves or others, or to admit to alleged offenses. Such information is then used by the police to justify the detention to their superior officers, whether or not the suspect is eventually charged. Long-term detention without charge is very common and is used to imprison hundreds of thousands of people every year. It is a feature of a law enforcement system which gives wide powers to the police to detain people for long periods on the basis of mere suspicion, and in which presumption of guilt and "confessions" play a major role¹⁸.

China's additional report to the CAT cites a number of constitutional and legal provisions which, it says, contain "explicit provisions" to protect the rights of citizens and the integrity of the person and to prevent torture. However, it fails to cite other provisions or to describe common practices which make these provisions totally ineffective.

Paragraph 66 of the report cites, for example, one provision according to which "no citizen may be arrested except with the approval or by decision of a people's procuratorate or by decision of a people's court, and arrest must be made by a public security organ" (Article 37 of the Constitution and Article 39 of the Criminal Procedure Law). The report further states that, in order to guarantee the correct application of these measures and to ensure that the rights of innocent persons are not infringed, the procuratorates (procuracies) are given by law the power to examine and approve arrest.

These provisions, however, neither protect the rights of citizens nor prevent torture. In Chinese law, the term "arrest" refers only to a particular advanced stage of the criminal process, when a person is formally "arrested" (charged) with the approval of a procuracy. It neither includes the time at which a criminal suspect is taken in police custody nor refers to the variety of situations in which a person might be detained.

Under the Criminal Procedure Law, a suspect can be detained (**juliu**) by police for up to seven days before the police has "to submit a request" to the procuracy for approval of "arrest" (**daibu**). The procuracy then has three days, "after receiving the application for arrest", to either approve arrest or order the release of the detainee (Article 48 of the Criminal Procedure Law). This suggests that the law, as it reads, allows in principle a maximum period of ten days for detention without charge, but possibly much longer depending on the time it takes for the procuracy to "receive" the application for arrest and for the procuracy's decision to be communicated to the police holding the suspect.

¹⁸ About the role of confessions in the criminal process, see *Torture in China*, section IV,3.

In practice, this apparent time limit of ten days is hardly ever respected. Often, because of lack of evidence, cases submitted by the police to the procuracy for approval of arrest are sent back and forth several times before the procuracy approves arrest. As confessions are considered a major source of evidence, the police then often resort to torture to extract "confessions"¹⁴. Amnesty International has documented scores of cases of political prisoners who were detained without charge for months on end and, in some cases, years, before they were eventually formally "arrested". Some were reportedly tortured in the process.

Furthermore, China has a system of administrative detention which allows the police and administrative authorities to detain people without charge or trial for periods varying from a few days to several years. One form of administrative detention, known as "shelter and investigation" (**shourong shencha**), is used solely by the police, without any supervision by the procuracies or the courts. It provides a convenient means by which the police may avoid the procedures prescribed by the Criminal Procedure Law. Under administrative regulations - most of which are unpublished - certain categories of suspects can be detained without charge for "shelter and investigation" for up to three months¹⁵.

In practice, "shelter and investigation" is often imposed for longer than three months and to detain anyone that the police regard as a potential criminal or political suspect. Many political prisoners detained for their participation in the 1989 protests were held for weeks or months for "shelter and investigation" before they were either released or charged under the Criminal Law. Their detention under this system was illegal under Chinese law, as well as arbitrary according to international standards.

Torture and other abuses of detainees are reported to occur frequently in "shelter and investigation" centres, particularly against people of low social status - such as the unemployed, peasants and migrant workers - who constitute the majority of those held under this system¹⁶. "Shelter and investigation" is used in a widespread manner. According to unofficial Chinese legal sources, hundreds of thousands of people are detained every year for "shelter and investigation", who are not accounted for in the official statistics of people under arrest.

V. INCOMMUNICADO DETENTION

China's additional report to the CAT does not respond to the questions raised by the Committee about incommunicado detention and early access to judges and lawyers. In 1990, during the examination of China's initial report, the representative of China told the

¹⁴ This trend was described in an article in an official newspaper in late 1991. See *Torture in China*, section IV,3

¹⁵ For further details about this and other forms of administrative detention, see Amnesty International's report *China - Punishment Without Crime: Administrative Detention*, September 1991, AI Index ASA 17/27/91.

¹⁶ See ASA 17/27/91, referred to in footnote 15, sections I and V.

Committee that "no cases existed of prisoners being held incommunicado, except where it was necessary to segregate male and female prisoners, adult and young prisoners, or certain categories of prisoners from other inmates."¹⁷ Contrary to this statement, it is in fact the norm in China for detainees to be held incommunicado for long periods of time and, often, the family is denied official information about the reasons for their detention and the place where they are held.

Chinese law includes none of the most basic safeguards to protect prisoners against ill-treatment, such as the right of access to lawyers, judges, relatives and doctors shortly after detention and regularly thereafter. The law effectively allows the police or prison authorities to hold people in custody without any contact with people outside the prison for weeks or months, or even years if they so wish. China's additional report to the CAT does not indicate that any steps are being taken to review the law and practice in this respect.

Chinese law only guarantees access to a lawyer in cases where detainees are prosecuted under the Criminal Law. Even in such cases, there is no provision in law for access to a lawyer or a judge during pre-trial detention, which may last indefinitely. Access to a lawyer is only guaranteed once a court has decided to adjudicate the case, and usually just a few days before the trial itself. There is no time limit specified by law for pre-trial detention. The law only prescribes a time-limit of four and a half months from the time a person is formally "arrested" (charged) to the time a procuracy decides whether to prosecute the case (Articles 92 and 97 of the Criminal Procedure Law). This time-limit itself can be further extended for an unspecified period in "especially major or complex cases", with approval at a high political level.

Furthermore, many detainees are held under administrative regulations rather than under the Criminal Law. They therefore have no access at all to a lawyer or a judicial authority.

The law does not include any provisions guaranteeing access to the family. This is usually only granted after a prisoner has been tried and sentenced or "assigned" a term of administrative detention. Furthermore, family visits are considered a privilege rather than a right and can be denied to prisoners whenever it suits prison officials.

Prisoners can therefore be held incommunicado for months or even years and be subjected to torture or ill-treatment without anyone outside the prison knowing about it. Indeed, torture most often occurs while prisoners are held incommunicado¹⁸. Though the law includes provisions allowing prisoners to make complaints, the only people they can usually complain to are prison guards or officials who, even if they are not themselves involved in torture, often cover-up for their colleagues. Prisoners are entirely at the mercy of their jailers. Few therefore dare to make complaints, knowing that they have little chance of being heard and fearing further retaliations.

¹⁷ "Committee against Torture, Fourth Session, Summary Record of the 51st Meeting", UN document CAT/C/SR.51, 4 May 1990, paragraph 15.

¹⁸ See *Torture in China*, section II, 3 and 4.

VI. THE INADEQUACY OF INVESTIGATIONS AND IMPUNITY

According to Chinese law, the procuracies are responsible for carrying out judicial investigations into allegations of torture and ill-treatment. Their functions involve regular visits to detention centres and prisons, and some places of detention have a representative of the procuracy permanently posted there. However, procurators rarely take an active role in investigating allegations of torture. Few such investigations take place. When investigations are carried out, the process is usually very slow and many investigations are dropped without the torturers being brought to justice¹⁹.

There are no known procedures stipulated by law on how investigations into reports of torture or ill-treatment should be carried out and what safeguards should be followed. Any investigations that do take place are not public and their findings are not subject to public scrutiny. The Chinese authorities, when confronted with specific allegations of torture or ill-treatment of prisoners in the past, have either not responded or denied the allegations without giving any information about the investigations which they claimed were carried out. This lack of openness in itself raises doubts as to whether torture allegations can be impartially investigated and the perpetrators punished.

China's additional report to the CAT gives statistics about the number of cases of torture submitted to the procuracies and prosecuted in 1990 and 1991 (paragraph 108). According to the report, in 1991, 304 cases were transmitted to the procuracies by the "investigation departments" for decision as to prosecution, and 279 cases were prosecuted. The report adds that, in the cases that were not prosecuted, administrative sanctions were inflicted. These figures do not correspond to those given last year by official sources in China, according to which, 407 cases of "torture to coerce a statement" were investigated and prosecuted by the Chinese procuracies in 1991 (see above, section II).

Whatever the reason for this discrepancy, these official figures indicate that the number of cases officially prosecuted is very low compared to the reported high incidence of torture and ill-treatment in many places of detention. There are various reasons for this, including:

- ◆ The passive role played by the procuracies and the fact that other bodies are involved in the investigation of torture allegations, including the Public Security (police) agencies themselves.

China's additional report to the CAT mentions these internal police investigations without specifying how they are carried out. The report states that the Public Security agencies carry out "scrupulous investigations into cases of torture to extract confessions and other violations of the right of the person and citizens"²⁰. In reality, these investigations are often ineffective.

¹⁹ On this issue and the role of the procuracies, see *Torture in China*, pages 15, 19-20, 48 and 50 of the English edition.

²⁰ CAT/C/7/Add.4, paragraph 67; see also paragraph 103.

Loyalty to colleagues, the importance of local connections, political pressure and other factors tend to influence their outcome and determine whether a judicial action is launched against an alleged torturer. Often, no action is taken to punish perpetrators, or else disciplinary sanctions only are imposed and no judicial investigation is carried out. One official Chinese newspaper, which published a series of articles about torture in late 1991, acknowledged this trend²¹.

◆ The inadequacy of the provisions prohibiting torture in the Criminal Law also accounts for the small number of cases that are prosecuted. The existing provisions are worded in such a way that they prohibit only some acts of torture and ill-treatment, leaving considerable room for interpretation and providing only for light punishments (see above, section III).

These loopholes in the law are reflected in practice by a tendency to investigate and prosecute only some of the most serious cases of torture or ill-treatment. In many places, beatings of suspects upon arrival at a police station or detention centre are common occurrences which are not regarded by judicial personnel as falling under the scope of the law. Equally, in prisons and labour camps, some punishments which constitute ill-treatment are not regarded as measures which should be punished under the law.

Some authoritative Chinese legal books confirm that whether the law applies is largely a matter of interpretation. For example, one such book published in 1980 gave the following interpretation as to when Article 136 of the Criminal Law (which prohibits "torture to coerce a statement") should apply: "when handling concrete cases, we must make sure to distinguish clearly between the use of torture to coerce statements (**xingxun bigong**) and ordinary mistakes of obtaining confessions by compulsion and giving them credence (**bi-gong-xin**). Those cases which are clearly due to a low vocational level or low level of policy [understanding], a lack of working experience or a lack of resourcefulness, and where the circumstances are clearly minor and the social harm inflicted is not great, can be handled by administrative means, in order to educate the person concerned and prevent him committing further crimes."²²

Thus many perpetrators escape punishment or receive only light sentences, which apparently fosters the feeling in many others that they can abuse prisoners with impunity.

VII. REFORMS TO PREVENT AND ERADICATE TORTURE

China's additional report to the CAT states at paragraph 64 that, over the years and particularly since it has become a State Party to the Convention against Torture, China has adopted effective legislative, judicial, administrative and other measures to "rigorously forbid all acts of torture and guarantee that the rights of the person and the democratic rights of citizens are not violated". The law and practice described above show this claim to be false.

²¹ See *Torture in China*, section IV, 5.

²² *Teaching Materials on the Criminal Law of the PRC*, referred to in note 12 above, page 90.

Whatever measures have been adopted by the authorities have been largely confined to legal education and training²³.

Article 2 of the Convention against Torture requests each State Party to take effective measures to "prevent" torture, not simply to forbid it. Legal prohibition is not sufficient to halt torture - as attested by the continuing incidence of torture in many countries where it is prohibited by law, including China itself.

Amnesty International believes that other objectively verifiable preventive and remedial measures are needed to eradicate torture. It made detailed proposals about such measures in a memorandum which it addressed to the Government of the People's Republic of China in March 1987. It also listed such measures in its recent report, *Torture in China*²⁴, which it addressed to the government in November 1992, together with a call that the reports of torture cited in the report be investigated. No response to either report has been received to date.

In view of the continued prevalence and apparent increase in the use of torture throughout China, as documented in these reports, Amnesty International regards the adoption of fundamental safeguards for prisoners' rights in China as a matter of extreme urgency. It believes that a fundamental review of legislation and law-enforcement practices is needed to eradicate torture in China and that such a review should aim in particular at:

- ◆ ensuring that all acts of torture and ill-treatment as defined by the Convention against Torture are prohibited and punishable under the law;
- ◆ reviewing the system of administrative detention so as to introduce full safeguards for the basic human rights of all detainees;
- ◆ placing limits on incommunicado detention and guaranteeing that all detainees are brought before a judge promptly after being taken in custody, and that they have prompt and regular access to relatives, lawyers and doctors of their choice;
- ◆ ending the reliance on confessions in the judicial process and the requirement that convicted prisoners acknowledge their "guilt" as part of the process of reform;
- ◆ introducing specific procedures to enable both untried detainees and convicted prisoners to make complaints without fear of reprisals;
- ◆ ensuring that all complaints and reports of torture or ill-treatment are promptly investigated by independent and impartial bodies, not involved in the process of arrest,

²³ See paragraphs 67 to 70 of China's initial report.

²⁴ See section V.

detention or investigation of prisoners, and that the methods and findings of these investigations are made public;

- ◆ ensuring that alleged torturers are prosecuted whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed, and that criminal proceedings are initiated independently of any disciplinary measures taken within the security forces to transfer or suspend from duty an officer accused of using torture.