

# amnesty international

## ECUADOR TORTURE CONTINUES

MAY 1990

SUMMARY

AI INDEX: AMR 28/02/90

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Although many aspects of human rights appear to have improved considerably since President Rodrigo Borja took office in August 1988, Amnesty International has continued to receive torture reports on from Ecuador.

According to reports the main victims of torture appear to be people suspected of committing petty crimes such as cattle-robbery or theft. The victims are not usually helped by political parties, trade unions or other sections of society over the reporting and having investigated their accounts of torture. This social isolation makes them particularly vulnerable to abuse by the authorities.

Most of the denunciations refer to the Servicio de Investigaciones Criminales, (SIC), Criminal Investigation Service of Pichincha, the province where the country's capital is located. There have also been reports of the use of torture in several branches of the regional police and at local offices of INTERPOL, the international Police Service.

Reports indicate that the torture and ill-treatment of ordinary criminals is a common practice during police interrogation and that it is tolerated by or carried out with the acquiescence of the police authorities.

Prison authorities in Quito, the capital of Ecuador, have made public their protest to the government at the physical state in which they receive some of the detainees after they have been subjected to interrogation by police.

In November 1989 the Secretary General of Amnesty International, Ian Martin, wrote to President Borja expressing the organization's concern over the reports on torture received, describing some of the cases that had come to Amnesty's attention. No reply has so far been received.

This summarizes a 8-page document, Torture in Ecuador Continues (AI Index: AMR 28/02/90), issued by Amnesty International in April, 1990. Anyone wanting further details or to take action on this issue should consult the full document.

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International Secretariat  
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United Kingdom

May, 1990

## TORTURE IN ECUADOR CONTINUES

### 1. Introduction

Since President Rodrigo Borja took office in Ecuador in August 1988, there have been far less reports of human rights violations. Unlike in previous years, there have been no reports of political persecution. However, Amnesty International has continued receiving reports of torture inflicted by the police, mainly by the Servicio de Investigaciones Criminales (SIC), the Criminal Investigation Service, in several areas of the country. In some cases people died in custody reportedly as result of ill-treatment and torture.

The number of incidents and the methods reported to have been used appear to indicate that torture is a common practice during police interrogation, which is tolerated by or carried out with the acquiescence of the authorities rather than occurring in isolated instances by individual interrogators.

Amnesty International has received torture reports from almost all of the country. A large proportion of the denunciations refer to the SIC, although the local INTERPOL (the international branch of the police) and the regional police of several provinces have also been cited. While numerous cases of reported torture have been presented to the authorities by the victims, their relatives or human rights organizations, no action appears to have been taken to investigate the reports or bring their perpetrators to justice.

The main victims of torture appear to be people accused of committing petty crimes such as theft or cattle-robbery or people suspected of having information on common criminal suspects.

The most common forms of torture reported to Amnesty International were beatings and kickings while being hung from the thumbs or wrists, beatings on the soles of the feet, near-asphyxiation by forcing tear-gas-bags over the victim's head, and the application of electricity to sensitive parts of the body. Many women were reported to have been raped while others were threatened with it.

The human rights situation of ordinary criminal detainees has some peculiarities that differentiate it from that of political prisoners. Persons detained as suspected ordinary criminals rarely denounce to the authorities or human rights groups that they have been subjected to torture or other forms of ill-treatment. Political parties, trades unions and other community organizations rarely speak for the alleged ordinary criminal.

Many violations of human rights go unreported because of the belief amongst common criminals that physical ill-treatment is widespread and an integral part of detention.

The violation of detainees' human rights has been publicly denounced by prison authorities who receive the prisoners in remand after they have been subjected to interrogation by the police. On 16 January 1990 Licenciada Gina Benavides, the Director of the Centro de Rehabilitación Social Femenino de Quito, the Womens' Social Rehabilitation Centre in Quito, sent a letter of resignation to the authorities. She stated in it that "Unfortunately it does not come as a surprise to those of us who are members of the management of the Centros de Rehabilitación Social, (Social Rehabilitation Centres) to occasionally see arrive in our centres people who have suffered ill-treatment and humiliation during the investigative phases....." (attached)

In two separate reports by the press in Ecuador, on 15 and 18 January 1990, Dr César Banda Batallas, director of the Centro de Detención Provisional de Pichincha, the Centre for Provisional Detention in Pichincha, denounced human rights violations by the SIC. During a press conference that took place at the Penal García Moreno, the García Moreno Prison, in Quito, Dr Banda Batallas and several of the detainees complained about the "subhuman treatment" detainees were subjected to at the hands of the investigative police. The press also reported that several of the women detained there claimed to have been raped by policemen or SIC agents. In reply to a journalist's question about the allegations of torture made against the police, Dr Banda replied: "It is said that there is no torture in the country. This is a big lie; people are systematically tortured. The detainee that ends up at SIC (Servicio de Investigaciones Criminales) is humiliated, degraded and abused." He went on to describe some of the torture that people are subjected to. One method of torture consists in forcing Coca-Cola through the nose of the detainee; another is to force plastic bags with tear gas over the detainee's head while at the same time giving him blows to the lungs.

Following his denunciations, Dr Banda is reported to have received serious death threats from police officers based at the Quito Penitentiary. By the middle of January 1990 he had resigned his post.

In November 1989 the Secretary General of Amnesty International wrote to President Rodrigo Borja expressing the organization's concern over the reports on torture received, describing some of the cases that had come to the organization's attention. No reply has so far been received.

## 2. Ecuador's Legal Commitments with Respect of the Use of Torture

Since 1983 the country's main legal norms and international commitments explicitly prohibit the use of torture.

For instance, Article 19 of the Ecuadorian Constitution prohibits the use of torture and any inhuman or degrading treatment. The Penal Code of the National Police in its article 143 states that if a detainee is subjected to physical torture (tormento) the guilty person is to be punished with imprisonment of six to nine years.

At the international level the Ecuadorian Government ratified in 1969 the International Covenant on Civil and Political Rights (ICCPR), and in

1988 the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture). Ecuador also ratified the American Convention on Human Rights, which entered into force in 1978.

The International Covenant on Civil and Political rights was adopted by the UN General Assembly on 16 December 1966, and was ratified by Ecuador in 1969. The Covenant protects fundamental human rights including those at the core of Amnesty International's concerns, including the prohibition on the use of torture. Each State Party undertakes to guarantee those rights to all individuals under its jurisdiction.

The UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (attached) was adopted by the UN General Assembly on 10 December 1984. Ecuador ratified it in 1988. The Convention obliges State Parties to prevent torture and to make torture a punishable offence. It provides for universal jurisdiction over alleged torturers (torturers can be tried for their offences in any of the signatory countries), and for the establishment of a Committee against Torture to oversee implementation of the Convention.

According to the 1990 report of the United Nations Special Rapporteur on torture, the Ecuadorian Government replied in February 1989 to an enquiry made by the Special Rapporteur in June 1987 regarding four cases of reported police torture. The statement by the Ecuadorian Government claims that the four people whose cases had been raised by the Special Rapporteur were members of a guerrilla group. In one of the cases, a medical examination of the detainee led to the conclusion that this person showed no signs of injuries that could be attributed to acts of torture. However, there is no reference to the date when the medical examination was carried out; nor is any mention made by the Ecuadorian authorities of the other three cases raised. The same report says that during 1989 a further five cases had been sent to the government.

### 3. Impunity

In its Article 131, the Ecuadorian Constitution, provides that members of the police and armed forces are to be tried in special tribunals for all but common crimes. This means that in practice separate military and police courts exercise near-exclusive jurisdiction over trying military and police personnel in cases involving torture and death in custody. Only a very few cases have resulted in convictions.

In 1985 a bill was presented to Parliament which included a proposal that people accused of having carried out torture should be tried by ordinary courts. The bill was not passed.

Ecuadorian human rights organizations believe convictions are rarely secured for the crime of torture because of the system whereby police officers accused of torture are dealt with by special rather than ordinary tribunals. The Comisión Ecueménica de Derechos Humanos, (CEDHU), the Ecumenical Commission for Human Rights, presents each of their documented cases, sometimes including the name of the alleged perpetrator, to the Ministry of the Interior (Ministro de Gobierno) and to the relevant police agency, requesting investigation of the case and sanction for the responsible agent. They receive replies frequently denying that the torture had taken place. Sometimes however, replies indicate that an investigation will be initiated. CEDHU claims that no torture cases presented to the authorities by them or by relatives have resulted in convictions.

#### 4. Some of the Torture Cases Reported in 1989

According to CEDHU, during 1989 three detainees died in custody as a result of torture. One of them in the province of Bolívar, one in Sucumbios and another one in Azuay.

The following are some of the cases of torture, reportedly committed by the police, brought to Amnesty International's attention during 1989. While reports of torture have been received from almost all of the Ecuadorian provinces, the majority are from Pichincha, the province where Quito is located.

Name: Sélfido Ilves Camacho

Age: 35 years

Profession: peasant/farmer

Date of arrest: 7 May 1989

Place of arrest: Caluma, province of Bolívar

Reported perpetrator: Comando Provincial de Policía de Guayas (Guayas Provincial Command) and the Destacamento Rural de Policía de Caluma (Caluma Rural Police Detachment)

Sélfido Ilves Camacho was detained with two other people in Caluma, province of Bolívar, accused of stealing two mules. He was detained by civilian members of a group set up to prevent the theft of cattle and by a police officer related to the owner of the mules. Sélfido Ilves was taken to the rural police detachment in Caluma where he was interrogated under torture by the police and civilians, including a person reported to be an electrician. According to the testimonies received Sélfido Ilves died as a result of an electric current applied to his body during the interrogation. The autopsy showed him to have marks consistent with having had electric flexes attached to his neck.

On 10 May 1989, Police Captain Ivan Vallejo and another police officer sent a report to the head of the SIC in the province of Bolívar. The reports states that Sélfido Ilves and other detainees were arrested by orders of the Teniente Politico de la Parroquia de Caluma, the regional representative of the provincial governor, and that the detentions were carried out by policemen of the Caluma detachment, as well as by civilians and by a police officer of the Comando Provincial de Policía de Guayas N.2.

The report also states that the detainees were interrogated under torture. It concludes that the head of the police detachment should not have allowed the interrogation of the detainees to proceed, least of all by people who were not members of the police. It ends by saying that all those who took part in the interrogation were responsible for the death of Sélfido Ilves.

A judicial investigation was initiated on this case the following day. The judge of the 2. Distrito de Policía Nacional de Riobamba, the 2nd National Police District of Riobamba, ordered a penal investigation of the Guayas police officer who took part in the interrogation and on 6 June ordered his detention. The investigation is continuing.

Name: Gonzalo Quintero Mina  
 Age: Unknown  
 Profession: Unknown  
 Date of arrest: 2 or 9 July 1989  
 Place of arrest: Province of Sucumbios  
 Reported perpetrator: police of Nueva Loja

Gonzalo Quintero Mina was detained in Nueva Loja, province of Sucumbios, by members of the national police. According to the denunciation made by his relatives the policeman who came to arrest him hit him, in the presence of his relatives, to try and make him give information on a detainee who had escaped from prison. He was taken to the local police station and three days later his relatives were told that his body could be found in the hospital at Nueva Loja. Relatives have failed in their efforts to obtain from the hospital a copy of the medical certificate indicating the cause of his death. To the knowledge of Amnesty International no judicial investigation has been initiated.

Name: Segundo Chimbay Zhinin  
 Age: 46  
 Profession: peasant/farmer  
 Date of arrest: 30 August 1989  
 Place of arrest: Azuay  
 Reported perpetrator: SIC, Azogues

Segundo Chimbay Zhinin was arrested in the city of Cuenca, province of Azuay, for the alleged robbery of a cow. After two days at the headquarters of the SIC, in Azuay, he was moved to the SIC in Azogues where he was held from 1 to 6 September. After losing consciousness he was taken to hospital where, according to reports, he was dead on arrival.

The autopsy notes that there was: ecchymoses [bruising] in the the gluteal region [buttocks] and the axiliary region [armpits], excoriations [abrasions] at the ankles, haemorrhagic spots on the occipital region [back of head] and blood-stained congestion of the lungs. The cause of death is given as multiple contusive trauma [multiple bruising], acute pulmonary congestion and cardio-respiratory failure.

Name: Cesario Chaguay Vargas  
 Age: Unknown  
 Profession: Goods transporter  
 Place of arrest: Guayas  
 Date of arrest: 4 October 1989  
 Reported perpetrator: SIC, Guayaquil

Cesario Chaguay Vargas was detained in the Pedro Carbo community and by SIC agents and taken to the headquarters of SIC in Guayaquil, where he was reportedly held incommunicado for 22 days. During this period he says he underwent torture, including having been hung from the thumbs and beaten unconscious. His relatives reported that he vomited blood and had blood in his urine. He is presently held in the Penitenciaría del Litoral, the Guayaquil Penitentiary, reportedly in poor physical condition.

Name: Carlos Alberto Juela Molina  
 Age: 15  
 Profession: shop-attendant  
 Date of arrest: 21 December 1989  
 Place of arrest: Quito  
 Reported perpetrator: SIC, Pichincha

Carlos Alberto Juela Molina was detained by a policeman in Quito at 1pm on 21 December 1989. Carlos Juela was near his home where he had gone for lunch, and claims to have been running for a bus to return to work. The police accused him of trying to steal a pair of sun-glasses. When he realized he was being followed, he entered a neighbour's house asking that his mother be told that he was being followed. The police entered the house and reportedly kicked him in the stomach and beat him. Although, according to witnesses, he was lying on the floor vomiting blood and unable to stand on his feet, he was handcuffed and dragged out of the house to be driven to the headquarters of the SIC. There he is reported to have been put into a cell after having received further kicks. After losing consciousness, he was taken to hospital in the afternoon where he underwent surgery. He was found to have "contusive abdominal trauma with perforation of the superior part of the duodenum and a collection of blood in the abdominal cavity" [severe bruising on the abdomen with perforation of the upper intestine tract and intestinal bleeding]. He was discharged from hospital on 30 December.

A denunciation made by CEDHU to the government on this case claims that the detaining police agent released Carlos Alberto Juela on condition that he state that he had been beaten and injured by a (populacho) (mob).

Name: Saulo Cuesta  
 Age: Unknown  
 Profession: council worker  
 Date of arrest: 24 February 1989  
 Place of arrest: Pichincha  
 Reported perpetrator: SIC Pichincha

Saulo Cuesta was detained by police agents dressed in civilian clothes who did not present any order of detention. He was taken out of his workplace at the Department of Popular Education of the city council where he works and taken to the SIC-Pichincha. Reports indicate that he was subjected to hanging from the thumbs, and received blows to his ears. He was held blindfolded without being given any food. The medical certificate states that he had haematoma (bruising) on the ears and multiple excoriations (abrasions).

Name: Mariana Ayora  
 Age: 24  
 Profession: street vendor

Name: Marta Perez  
 Age: 32 years  
 Profession: street vendor

Date of arrest: 14 October 1989  
 Place of arrest: Quito  
 Reported perpetrator: SIC, Pichincha

Mariana Ayora and Marta Perez were detained by police in Quito and

reportedly taken to the SIC Pichincha where they were accused of stealing a policeman's revolver. According to reports, Mariana Ayora was hung by her hands, which were tied behind her back and was thrown to the floor where the interrogators trampled over her back and neck. At the time she was pregnant and aborted soon after this incident. According to her testimony, the police agent threatened her with making her lose her baby. A medical certificate issued by the Medical Department of the Instituto Femenino de Rehabilitación Social, (Women's Social Rehabilitation Institute) found sequelae consistent with the torture allegations.

Marta Perez reportedly had pieces of clothing pushed into her mouth and was hung by her hands tied behind her back. The certificate issued by the medical doctor of the Instituto Femenino de Rehabilitación Social found sequelae consistent with the treatment she claims to have received.

Name: Hector Mejía, Segundo Cajilama Chavez, Segundo Criollo Chavez, Nicolás Paguay Cuvi, Carlos Chicaiza Naranjo, Segundo Yanacallo Guaman.

Profession: Council refuse workers  
Date of arrest: 19 June 1989  
Place of arrest: Pichincha  
Reported perpetrator: police

The above mentioned refuse collectors were detained in Quito and taken to the SIC-Pichincha. The detention followed a citizen's report to the police that he had inadvertently thrown into the dust-bin a sum of money. The torture denunciation states that the detainees were interrogated under torture. Hector Mejia stated: "... they hung us from our thumbs and beat us. When we fell on the floor they kicked us. They put bags filled with tear gas over our heads....I don't remember any more because I lost consciousness". They were released the following day without charges being brought against them.

Name: Gerardo Tascón  
Age: Unknown  
Profession: unemployed  
Date of arrest: 28 June 1989  
Place of arrest: Quito  
Reported perpetrator: SIC, Pichincha

Gerardo Tascón was detained and taken to SIC headquarters where he was accused of having links with guerrillas. In a testimony he gave to a human rights organization he states that he was hung from his testicles for five hours. He remained incommunicado for five days, until three July. He was then transferred to the Centro de Detención Provisional. The medical certificate noted that he had post-traumatic orchitis (inflammation of the testicles) and bruising of the scrotum, injuries which were caused by a blunt instrument.

Name: Manuel Mesías Maiques  
Age: Unknown  
Profession: unemployed  
Date of arrest: 28 February 1989  
Place of arrest: Pichincha  
Reported perpetrator: SIC, Pichincha

Manuel Mesías Maiques was detained and taken to SIC headquarters where he was accused of robbery. He was reportedly beaten on the soles of



his feet and had his head covered with bags filled with tear gas. He was also threatened with strangulation. He was beaten while hanging by his thumbs with his feet bound. He was not able to walk for several days. A medical certificate dated 1 March describes injuries that are consistent with the torture he claims to have been subjected to.

Name: Juan Francisco Roca Ospina  
 Age: Unknown  
 Profession: student  
 Place of arrest: Pichincha  
 Date of arrest: 7 March 1989  
 Reported perpetrator: INTERPOL and SIC Pichincha

Juan Francisco Roca Ospina was detained at his brother's home by eight armed agents who burst into the house without presenting any detention order. He was taken to an INTERPOL station where he claims to have been interrogated under torture. He said he had had his thumbs tied together and to have been beaten while being hung by his arms tied behind his back. He was also forced to lie on the floor while agents stood and trampled on his chest; salt water was forced into his mouth, ears and nose. The following day he was transferred to the SIC-Pichincha, where he was beaten on his ears and eyes. He was also forced to lift his arms, which were numb and to open his legs while being beaten on the testicles. He stated that before and after the torture he was seen by a medical doctor. He was released on 14 March.

Name: Leonor Estupiñan  
 Liliana Ortiz de Estupiñan  
 Dora Lilia Coral (16)  
 Jeanette Estupiñan (16)  
 Claudia Ruiz Morales (17)  
 Profession: unknown in all these cases  
 Date of arrest: 15 June 1989  
 Place of arrest: Pichincha and Guayaquil  
 Reported perpetrator: SIC Pichincha and SIC Guayaquil

These five women were detained in Quito and Guayaquil reportedly because of their relationship to two persons accused of drug offences. With the exception of Claudia Ruiz Morales, all are of Colombian nationality. All of them state that they were raped by the police. Dora Lilia Coral, Jeanette Estupiñan and Claudia Ruiz Morales are minors. Claudia Ruiz Morales was reportedly raped three times and needed psychological treatment to recover from the state of shock in which she was left. Leonor Estupiñan said that she and Liliana Ortiz were taken blindfolded to a place she believes was in the town of Pusuqui, where she says that both were raped. According to her testimony, the two were then taken to the headquarters of the SIC where they were subjected to torture. She claims to have been hung by her arms with her hands tied to her back, to have had bags with tear gas pushed over her head, and to have had pins inserted under her nails. She also says she was deprived of food and sleep. The women were held incommunicado for 14 days. A medical certificate found torture sequelae consistent with the torture allegations made by Leonor and Liliana.



MINISTERIO DE GOBIERNO  
DIRECCION NACIONAL DE REHABILITACION SOCIAL

Oficio N° 037-CRSFQ

Quito, a 16 de Enero de 1.990

Dr. Luis Félix López  
PRESIDENTE DEL CONSEJO NACIONAL DE  
REHABILITACION SOCIAL  
En su despacho.-

De mi consideración:

Por medio de la presente tengo a bien dirigirme a Ud. y por su intermedio a los miembros del Consejo Nacional de Rehabilitación Social a quienes hago conocer lo siguiente:

- 1.- Que en días anteriores se han vertido por parte de la Dirección del Centro de Detención Provisional, declaraciones públicas en las que de manera valiente se ha asumido la defensa de los derechos de los internos, derechos inalienables de todos los seres humanos y que se consagran en la Constitución de nuestro país así como en la Declaración Universal de los Derechos Humanos.
- 2.- Que las declaraciones mencionadas está apegada a la verdad por cuanto está respaldada en documentos e informes y en la realidad porque para quienes somos parte de las direcciones de los Centros de Rehabilitación Social no nos es extraño, lastimosamente, ver como en ocasiones llegan a nuestros Centros personas que han sufrido vejámenes y humillaciones en la fase investigativa y de ello también hemos dado cuenta a organizaciones de Derechos Humanos oportunamente.
- 3.- Que los hechos producidos han generado por parte de la Dirección Nacional de Rehabilitación Social, actitudes de menoscabo, retaliaciones y una falta de respaldo absoluto hacia la Dirección del Centro de Detención Provisional, lo que involucra una posición institucional en la cual el criterio político prima sobre la defensa de los derechos fundamentales del hombre y contraría así el objetivo de la rehabilitación.
- 4.- Que es necesario presentar aunque sea aisladamente una muestra de solidaridad no hacia una persona si no más bien dirigida a la defensa de los valores humanos guardando así una lealtad por

..... / .....

El Ecuador ha sido, es  
y será País Amazónico.



MINISTERIO DE GOBIERNO  
DIRECCION NACIONAL DE REHABILITACION SOCIAL

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las ideas y principios antes que por los individuos e instituciones que en la vida son efímeros.

5.- Que en el marco de lo anteriormente descrito se hace imposible hablar de una tarea de Rehabilitación Social ya que si bien anteriormente existían limitaciones en una política rehabilitadora, ahora la misma cae por su propio peso al no entender que nuestra labor con las internas se basa fundamentalmente en el respeto mutuo, la cogestión y sobre todo en el apego por parte de las autoridades a los derechos fundamentales de todo ser humano así como a la denuncia valerosa cuando fuerzas oprobiosas los quieren mancillar.

Por estos considerandos y sentando mi voz de protesta por la actitud de la Dirección Nacional, reciban Ustedes señores Miembros del Consejo Nacional de Rehabilitación Social mi renuncia al cargo de Directora del Centro de Rehabilitación Social Femenino de Quito, la misma que tiene el carácter de irrevocable.

Muy Atentamente,  
DIOS, PATRIA Y LIBERTAD



Lcda. Gina Benavides Ll.  
DIRECTORA DEL CENTRO DE REHABILITACION  
SOCIAL FEMENINO DE QUITO

GB/mvr  
1990-01-16

cc.: Dr. Luis Alfredo Muñoz, Secretario del Consejo  
Dr. Fidel Jaramillo, Vocal del Consejo  
Dr. Hernando Rosero, Coordinador Permanente del Consejo  
Dr. Walter Guerrero, Vocal representante de la Función Judicial.

Translation of the Resignation Letter of Lca. Gina Benavides,  
Director of the Women's Centre for Social Rehabilitation

MINISTRY OF THE GOVERNMENT

National Department of Social Rehabilitation

Dr. Luis Felix Lopez  
President of the National Council  
of Social Rehabilitation

Quito, 16 January 1990

Dear Sir,

I am writing to you and the members of the National Department of Social Rehabilitation to inform you of the following:

1. that the Directors of the Centre for Provisional Detention have recently issued public declarations which valiantly seek to defend the rights of the prisoners, rights which are fundamental to all human beings and which are contained in the Constitution of our country, such as the Universal Declaration of Human Rights.
2. that these declarations are truthful in as much as they are backed up in documents and reports and in reality because, for those who are in charge of Centres for Social Rehabilitation it is not unusual, sadly, to see occasionally people who come to our Centres who have suffered ill treatment and humiliation during investigation. This has been reported to Human Rights Organizations
3. that the National Department of Social Rehabilitation has shown little reaction and a complete lack of support towards the Directors of the Centre for Provisional Detention, an institution whose political criteria is based on the defence of fundamental human rights and has the objective of rehabilitation.
4. that it is necessary to show a sign of solidarity, even if it is isolated, not towards individuals but rather to the defence of human values, thus maintaining a loyalty to ideas and principles rather than to individuals and institutions which in life are ephemeral.
5. that within the framework of the above it is impossible to speak of a task of Social Rehabilitation since if there previously existed limitations in a policy of rehabilitation, now this policy is further obstructed by a lack of understanding on the part of the authorities that our work with the prisoners is based fundamentally on mutual respect, cooperation, and above all on the adherence to the fundamental rights of all human beings as well as to brave denouncements of those who violate them.

Members of the National Council of Social Rehabilitatin, for these reasons I speak in protest against the National Department. Please accept my irrevocable resignation from the position of Director of the Centre for Femenine Social Rehabilitation of Quito.

Yours sincerely,

GOD, COUNTRY AND FREEDOM

Lcda. Gina Benavides L1.  
Director of the Women Centre for  
Social Rehabilitation of Quito

## Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

*Following is the full text of General Assembly resolution 39/46, approved on 10 December 1984, by which the Assembly adopted and opened for signature the Convention on torture:*

*The General Assembly,*

*Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,*

*Recalling also its resolution 32/62 of 8 December 1977, in which it requested the Commission on Human Rights to draw up a draft convention against torture and other cruel, inhuman or degrading treatment or punishment, in the light of the principles embodied in the Declaration,*

*Recalling further that, in its resolution 38/119 of 16 December 1983, it requested the Commission on Human Rights to complete, at its fortieth session, as a matter of highest priority, the drafting of such a convention, with a view to submitting a draft, including provisions for the effective implementation of the future convention, to the General Assembly at its thirty-ninth session,*

*Noting with satisfaction Commission on Human Rights resolution 1984/21 of 6 March 1984, by which the Commission decided to transmit the text of a draft convention against torture and other cruel, inhuman or degrading treatment or punishment, contained in the annex to the report of the Working Group, to the General Assembly for its consideration,*

*Desirous of achieving a more effective implementation of the existing prohibition under international and national law of the practice of torture and other cruel, inhuman or degrading treatment or punishment,*

1. *Expresses its appreciation for the work achieved by the Commission on Human Rights in preparing the text of a draft convention against torture and other cruel, inhuman or degrading treatment or punishment;*

2. *Adopts and opens for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment contained in the annex to the present resolution;*

3. *Calls upon all Governments to consider signing and ratifying the Convention as a matter of priority.*

### ANNEX

#### *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*

*The States Parties to this Convention,*

*Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,*

*Recognizing that those rights derive from the inherent dignity of the human person,*

*Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,*

*Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,*

*Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,*

*Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,*

*Have agreed as follows:*

### PART I

#### Article 1

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

#### Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

#### Article 3

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

#### Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

#### Article 5

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:

(a) When the offences are committed in any territory under

its jurisdiction or on board a ship or aircraft registered in that State;

(b) When the alleged offender is a national of that State;

(c) When the victim is a national of that State if that State considers it appropriate.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

#### Article 6

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary inquiry into the facts.

3. Any person in custody pursuant to paragraph 1 of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides.

4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

#### Article 7

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.

3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

#### Article 8

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable

offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

#### Article 9

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

#### Article 10

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such persons.

#### Article 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

#### Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

#### Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

#### Article 14

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

*Article 15*

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

*Article 16*

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture or references to other forms of cruel, inhuman or degrading treatment or punishment.

2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

**PART II***Article 17*

1. There shall be established a Committee against Torture (hereinafter referred to as the Committee) which shall carry out the functions hereinafter provided. The Committee shall consist of ten experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having legal experience.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. States Parties shall bear in mind the usefulness of nominating persons who are also members of the Human Rights Committee established under the International Covenant on Civil and Political Rights and who are willing to serve on the Committee against Torture.

3. Elections of the members of the Committee shall be held at biennial meetings of States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

4. The initial election shall be held no later than six months after the date of the entry into force of this Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

5. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 3 of this article.

6. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject

to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

7. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

*Article 18*

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:

(a) Six members shall constitute a quorum;

(b) Decisions of the Committee shall be made by a majority vote of the members present.

3. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.

4. The Secretary-General of the United Nations shall convene the initial meeting of the Committee. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

5. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 of this article.

*Article 19*

1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.

2. The Secretary-General of the United Nations shall transmit the reports to all States Parties.

3. Each report shall be considered by the Committee which may make such general comments on the report as it may consider appropriate and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee.

4. The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 3 of this article, together with the observations thereon received from the State Party concerned, in its annual report made in accordance with article 24. If so requested by the State Party concerned, the Committee may also include a copy of the report submitted under paragraph 1 of this article.

*Article 20*

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.

2. Taking into account any observations which may have been submitted by the State Party concerned, as well as any other rele-



vant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.

3. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.

4. After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Committee shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.

5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.

#### Article 21

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered according to the procedures laid down in this article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it under this article only after it has ascertained that all domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention;

(d) The Committee shall hold closed meetings when examining communications under this article;

(e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the obligations provided for in this Convention. For this purpose, the Committee may, when appropriate, set up an *ad hoc* conciliation commission;

(f) In any matter referred to it under this article, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph

(b), shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (c) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (c) is not reached, the Committee shall confine its report

to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

#### Article 22

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. The Committee shall consider inadmissible any communication under this article which is anonymous or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of this Convention.

3. Subject to the provisions of paragraph 2, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to this Convention which has made a declaration under paragraph 1 and is alleged to be violating any provisions of the Convention. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

4. The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.

5. The Committee shall not consider any communications from an individual under this article unless it has ascertained that:

(a) The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;

(b) The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.

6. The Committee shall hold closed meetings when examining communications under this article.

7. The Committee shall forward its views to the State Party concerned and to the individual.

8. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under

paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party has made a new declaration.

#### Article 23

The members of the Committee and of the *ad hoc* conciliation commissions which may be appointed under article 21, paragraph 1 (e), shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

#### Article 24

The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

### PART III

#### Article 25

1. This Convention is open for signature by all States.
2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

#### Article 26

This Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

#### Article 27

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying this Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

#### Article 28

1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.
2. Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

#### Article 29

1. Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspice of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all the States Parties for acceptance.

2. An amendment adopted in accordance with paragraph 1 of this article shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes.

3. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

#### Article 30

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party having made such a reservation.

3. Any State Party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

#### Article 31

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective, nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

3. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

#### Article 32

The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed this Convention or acceded to it of the following:

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- (a) Signatures, ratifications and accessions under articles 25 and 26;
- (b) The date of entry into force of this Convention under article 27 and the date of the entry into force of any amendments under article 29;
- (c) Denunciations under article 31.

*Article 33*

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.
  2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States. ■
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