

## COLOMBIA

### Follow-up - State Reporting

#### i) Action by Treaty Bodies

CAT, A/60/44 (2005)

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#### CHAPTER IV. FOLLOW-UP ON RECOMMENDATIONS AND OBSERVATIONS ON STATES PARTIES REPORTS

115. At its thirtieth session, in May 2003, the Committee began a routine practice of identifying, at the end of each set of concluding observations, a limited number of recommendations that are of a serious nature and warrant a request for additional information following the dialogue with the State party concerning its periodic report. The Committee identifies conclusions and recommendations regarding the reports of States parties which are serious, can be accomplished in a one-year period, and are protective. The Committee has requested those States parties reviewed since the thirtieth session of the Committee to provide the information sought within one year.

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118. The Rapporteur has welcomed the follow-up information provided by six States parties as of 20 May 2005, when its thirty-fourth session concluded, indicating the commitment of the States parties to an ongoing process of dialogue and cooperation aimed at enhancing compliance with the requirements of the Convention. The documentation received will be given a document number and made public. The Rapporteur has assessed the responses received particularly as to whether all of the items designated by the Committee for follow-up (normally between three and five issues) have been addressed, whether the information provided is responsive, and whether further information is required.

119. With regard to the States parties that have not supplied the information requested, the Rapporteur will write to solicit the outstanding information. The chart below details, as of 20 May 2005, the conclusion of the Committee's thirty-fourth session, the status of follow-up replies to concluding observations since the practice was initiated. As of that date, the replies from seven States parties remained outstanding.

120. As the Committee's mechanism for monitoring follow-up to concluding observations was established in May 2003, this chart describes the results of this procedure from its initiation until the close of the thirty-fourth session in May 2005.

<u>State party</u>	<u>Date due</u>	<u>Date reply received</u>	<u>Further action taken/required</u>
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Colombia	November 2004		Reminder to State party
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## **CAT, A/61/44 (2006)**

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### **CHAPTER IV. FOLLOW-UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS**

38. In Chapter IV of its annual report for 2004-2005 (A/60/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2005. This chapter updates the Committee's experience to 19 May 2006, the end of its thirty-sixth session.

39. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2006 on the results of the procedure.

40. The Rapporteur has emphasized that the follow-up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment," as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

41. Since its thirtieth session in May 2003, the Committee began the practice of identifying a limited number of these recommendations that warrant a request for additional information following the review and discussion with the State party concerning its periodic report. Such "follow-up" recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its "follow-up recommendations" which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' report under article 19.

42. Since the procedure was established at the thirtieth session in May 2003 through the end of the thirty-sixth session in May 2006, the Committee has reviewed 39 States for which it has identified follow-up recommendations. Of the 19 States parties that were due to have submitted their follow-up reports to the Committee by 1 May 2006, 12 had completed this requirement (Argentina, Azerbaijan, Czech Republic, Colombia, Germany, Greece, Latvia, Lithuania, Morocco, New Zealand, United Kingdom, and Yemen). As of May, seven States had failed to supply follow-up information that had fallen due (Bulgaria, Cambodia, Cameroon, Chile, Croatia, Moldova, Monaco), and each was sent a reminder of the items still outstanding and requesting

them to submit information to the Committee.

43. With this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

44. The Rapporteur has expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all of the items designated by the Committee for follow-up (normally between three to six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Where further information is needed, she writes to the State party concerned with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she writes to solicit the outstanding information.

45. Each letter responds specifically and in detail to the information presented by the State party, which is given a formal United Nations document symbol number.

46. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues not addressed but which are deemed essential in the Committee's ongoing work in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

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48. The chart below details, as of 19 May 2006, the end of the Committee's thirty-sixth session, the state of the replies with respect to follow-up.

#### **A. Follow-up reply due before 1 May 2006**

State party	Date due	Date reply received	Document symbol number	Further action taken/required
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Colombia	November 2004	24 March 2006	CAT/C/COL/CO/3/Add.1	
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## **CAT, A/62/44 (2007)**

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### **IV. FOLLOW UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS**

46. In Chapter IV of its annual report for 2005 2006 (A/61/44), the Committee described the framework that it had developed to provide for follow up subsequent to the adoption of the conclusions and recommendations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2006. This chapter updates the Committee's experience to 18 May 2007, the end of its thirty eighth session.

47. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow up to conclusions and recommendations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2007 on the results of the procedure.

48. The Rapporteur has emphasized that the follow up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

49. Since its thirtieth session in May 2003, the Committee began the practice of identifying a limited number of these recommendations that warrant a request for additional information following the review and discussion with the State party concerning its periodic report. Such "follow up" recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its "follow up recommendations" which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

50. Since the procedure was established at the thirtieth session in May 2003, through the end of the thirty eighth session in May 2007 the Committee has reviewed 53 States for which it has identified follow up recommendations. Of the 39 States parties that were due to have submitted their follow up reports to the Committee by 18 May 2007, 25 had completed this requirement (Albania, Argentina, Austria, Azerbaijan, Bahrain, Canada, Chile, Czech Republic, Colombia, Croatia, Ecuador, Finland, France, Germany, Greece, Latvia, Lithuania, Monaco, Morocco, New Zealand, Qatar, Sri Lanka, Switzerland, United Kingdom and Yemen). As of 18 May, 14 States had not yet supplied follow up information that had fallen due (Bulgaria, Bosnia and Herzegovina, Cambodia, Cameroon, Democratic Republic of the Congo, Georgia, Guatemala,

Republic of Korea, Moldova, Nepal, Peru, Togo, Uganda and United States of America). In March 2007, the Rapporteur sent a reminder requesting the outstanding information to each of the States whose follow up information was due in November 2006, but had not yet been submitted, and who had not previously been sent a reminder.

51. The Rapporteur noted that 14 follow up reports had fallen due since the previous annual report (A/61/44). However, only 4 (Austria, Ecuador, Qatar and Sri Lanka) of these 14 States had submitted the follow up information in a timely manner. Despite this, she expressed the view that the follow up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow up to the review of the periodic reports. While comparatively few States had replied precisely on time, 19 of the 25 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non governmental organizations, many of whom had also encouraged States parties to submit follow up information in a timely way.

52. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

53. The Rapporteur has expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information is needed, she writes to the State party concerned with specific requests for further clarification. With regard to States that have not supplied the follow up information at all, she writes to solicit the outstanding information.

54. At its thirty eighth session in May, the Committee decided to make public the Rapporteur's letters to the States parties. These would be assigned a United Nations document symbol number and placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies (these symbol numbers are under consideration) to the follow up and also place them on its website.

55. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill treatment.

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57. The chart below details, as of 18 May 2007, the end of the Committee's thirty eighth session, the state of the replies with respect to follow up.

**Follow up procedure to conclusions and recommendations from May 2003 to May 2007**

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**Thirty first session (November 2003)**

<b>State party</b>	<b>Information due in</b>	<b>Information received</b>	<b>Action taken</b>
...			
Colombia	November 2004	13 June 2006 CAT/C/COL/CO/3/Add.1	Request for further clarification
...			

**CAT, CAT/C/SR.776 (2007)**

COMMITTEE AGAINST TORTURE

Thirty-eighth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC) OF THE 776th MEETING

Held at the Palais Wilson, Geneva,  
on Tuesday, 15 May 2007, at 3 p.m.

...

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3)

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Follow-up to the Committee's conclusions and recommendations on country reports (document without a symbol, distributed in English only)

16. Ms. GAER, Rapporteur on follow-up to conclusions and recommendations, said that since the establishment of the follow-up procedure, 43 States parties had been reviewed, of which 37 had been asked for additional information and 22 had replied, which was a significant proportion. Those which had not replied had received a reminder, and three examples of reminder letters were presented in the document distributed to the Committee...

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19. ...The letter addressed to Colombia dealt mainly with measures for protection of human rights defenders, who were very exposed in that country...

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#### **CHAPTER IV. FOLLOW-UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS**

46. In this chapter, the Committee updates its findings and activities that follow-up on the conclusions and recommendations adopted under article 19 of the Convention, in accordance with the recommendations of its Rapporteur on Follow-Up to Country conclusions. The Rapporteur's activities, responses by States parties, and the Rapporteur's views on recurring concerns encountered through this procedure are presented below, and updated to through May 2008, following the Committee's fortieth session.

47. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the conclusions and recommendations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2008.

48. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to conclusions and recommendations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2008 on the results of the procedure.

49. The Rapporteur has emphasized that the follow-up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

50. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information specifically for this procedure. Such follow-up recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its follow-up recommendations which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

51. Since the procedure was established at the thirtieth session in May 2003, through the end of the fortieth session in May 2008, the Committee has reviewed 67 States for which it has identified follow-up recommendations. Of the 53 States parties that were due to have submitted

their follow-up reports to the Committee by 16 May 2008, 33 had completed this requirement (Albania, Argentina, Austria, Azerbaijan, Bahrain, Bosnia and Herzegovina, Canada, Chile, Czech Republic, Colombia, Croatia, Ecuador, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Republic of Korea, Latvia, Lithuania, Monaco, Morocco, Nepal, New Zealand, Qatar, Russian Federation, Sri Lanka, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America and Yemen). As of 16 May, 20 States had not yet supplied follow-up information that had fallen due (Bulgaria, Burundi, Cambodia, Cameroon, Democratic Republic of the Congo, Denmark, Guyana, Italy, Japan, Luxembourg, Mexico, Moldova, the Netherlands, Peru, Poland, South Africa, Tajikistan, Togo, Uganda and Ukraine). In March 2008, the Rapporteur sent a reminder requesting the outstanding information to each of the States whose follow-up information was due in November 2007, but had not yet been submitted, and who had not previously been sent a reminder.

52. The Rapporteur noted that 14 follow-up reports had fallen due since the previous annual report.<sup>3</sup> However, only 2 (Hungary and the Russian Federation) of these 14 States had submitted the follow-up information in a timely manner. Despite this, she expressed the view that the follow-up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow-up to the review of the periodic reports. While comparatively few States had replied precisely on time, 25 of the 33 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non-governmental organizations, many of whom had also encouraged States parties to submit follow-up information in a timely way.

53. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

54. The Rapporteur expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow-up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she requests the outstanding information.

55. At its thirty-eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties. These would be placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow-up and also place them on its website (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

56. Since the recommendations to each State party are crafted to reflect the specific situation

in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

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58. The chart below details, as of 16 May 2008, the end of the Committee's fortieth session, the state of the replies with respect to follow-up.

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3/ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 44 (A/62/44).*

**Follow-up procedure to conclusions and recommendations  
from May 2003 to May 2008**

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**Thirty-first session (November 2003)**

State party	Information due in	Information received	Action taken
<p>...</p> <p>Colombia</p> <p>...</p>	<p>November 2004</p>	<p>24 March 2006 CAT/C/COL/CO/3/Add.1</p> <p>17 October 2007 CAT/C/COL/CO/3/Add.2</p>	<p>Request for further clarification</p> <p>Response under review</p>

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**CAT, A/64/44 (2009)**

#### **IV. FOLLOW UP ON CONCLUDING OBSERVATIONS ON STATES PARTIES REPORTS**

53. In this chapter, the Committee updates its findings and activities that follow-up to concluding observations adopted under article 19 of the Convention, in accordance with the recommendations of its Rapporteur on follow-up to concluding observations. The Rapporteur's activities, responses by States parties, and the Rapporteur's views on recurring concerns encountered through this procedure are presented below, and updated through 15 May 2009, following the Committee's forty-second session.

54. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2009.

55. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2009 on the results of the procedure.

56. The Rapporteur has emphasized that the follow up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and ill-treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

57. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information specifically for this procedure. Such follow-up recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its follow-up recommendations which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

58. Since the procedure was established at the thirtieth session in May 2003, through the end of the forty-second session in May 2009, the Committee has reviewed 81 States for which it has identified follow up recommendations. Of the 67 States parties that were due to have submitted their follow up reports to the Committee by 15 May 2009, 44 had completed this requirement. As of 15 May 2009, 23 States had not yet supplied follow up information that had fallen due. The

Rapporteur sends reminders requesting the outstanding information to each of the States whose follow up information was due, but had not yet been submitted, and who had not previously been sent a reminder. The status of the follow-up to concluding observations may be found in the web pages of the Committee (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

59. The Rapporteur noted that 14 follow up reports had fallen due since the previous annual report. However, only 4 (Algeria, Estonia, Portugal and Uzbekistan) of these 14 States had submitted the follow up information in a timely manner. Despite this, she expressed the view that the follow up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow up to the review of the periodic reports. One State party (Montenegro) had already submitted information which was due only in November 2009. While comparatively few States had replied precisely on time, 34 of the 44 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non governmental organizations, many of whom had also encouraged States parties to submit follow up information in a timely way.

60. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

61. The Rapporteur expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow up information at all, she requests the outstanding information.

62. At its thirty eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties. These would be placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow up and also place them on its website (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

63. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill treatment.

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65. The chart below details, as of 15 May 2009, the end of the Committee's forty-second session, the state of the replies with respect to follow up.

**Follow-up procedure to conclusions and recommendations from May 2003 to May 2009**

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**Thirty-first session (November 2003)**

<b>State party</b>	<b>Information due in</b>	<b>Information received</b>	<b>Action taken</b>
...			
Colombia	November 2004	24 March 2006 CAT/C/COL/CO/3/Add.1	Request for further clarification
		17 October 2007 CAT/C/COL/CO/3/Add.2	Response under review
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**Chapter IV. Follow-up to concluding observations on States parties' reports**

65. In this chapter, the Committee updates its findings and activities that constitute follow-up to concluding observations adopted under article 19 of the Convention, in accordance with the procedure established on follow-up to concluding observations. The follow-up responses by States parties, and the activities of the Rapporteur for follow-up to concluding observations under article 19 of the Convention, including the Rapporteur's views on the results of this procedure, are presented below. This information is updated through 14 May 2010, the end of the Committee's forty-fourth session.

66. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. In that report and each year thereafter, the Committee has presented information on its experience in receiving information on follow-up measures taken by States parties since the initiation of the procedure in May 2003.

67. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. In November 2009 and May 2010, the Rapporteur presented a progress report to the Committee on the results of the procedure.

68. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific measures to prevent acts of torture and ill-treatment. Thereby, the Committee assists States parties in identifying effective legislative, judicial, administrative and other measures to bring their laws and practice into full compliance with the obligations set forth in the Convention.

69. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information within one year. Such follow-up recommendations are identified because they are serious, protective and are considered able to be accomplished within one year. The States parties are asked to provide information within one year on the measures taken to give effect to the follow-up recommendations. In the concluding observations on each State party report, the recommendations requiring follow-up within one year are specifically identified in a paragraph at the end of the concluding observations.

70. Since the procedure was established at the thirtieth session in May 2003, through the end of the forty-fourth session in May 2010, the Committee has reviewed 95 reports from States parties for which it has identified follow-up recommendations. It must be noted that periodic reports of Chile, Latvia, Lithuania and New Zealand have been examined twice by the Committee since the establishment of the follow-up procedure. Of the 81 States parties that were due to have submitted their follow-up reports to the Committee by 14 May 2010, 57 had completed this

requirement. As of 14 May 2010, 24 States had not yet supplied follow-up information that had fallen due: Republic of Moldova, Cambodia, Cameroon, Bulgaria, Uganda, Democratic Republic of the Congo, Peru, Togo, Burundi, South Africa, Tajikistan, Luxembourg, Benin, Costa Rica, Indonesia, Zambia, Lithuania (to the 2009 concluding observations), Chad, Chile, Honduras, Israel, New Zealand, Nicaragua and the Philippines.

71. The Rapporteur sends reminders requesting the outstanding information to each of the States for which follow-up information is due, but not yet submitted. The status of the follow-up to concluding observations may be found in the web pages of the Committee at each of the respective sessions. As of 2010, the Committee has established a separate web page for follow-up (<http://www2.ohchr.org/english/bodies/cat/follow-procedure.htm>).

72. Of the 24 States parties that did not submit any information under the follow-up procedure as of 14 May 2010, non-respondents came from all world regions. While about one-third had reported for the first time, two-thirds were reporting for a second, third or even fourth time.

73. The Rapporteur expresses appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow-up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she requests the outstanding information.

74. At its thirty-eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties which are posted on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow-up and also place them on its website.

75. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

76. Among the Rapporteur's activities in the past year, have been the following: attending the inter-committee meetings in Geneva where follow-up procedures were discussed with members from other treaty bodies, and it was decided to establish a working group on follow-up; addressing the Committee on the Elimination of Discrimination against Women at its August 2009 meeting in New York concerning aspects of the follow-up procedure; assessing responses



from States parties and preparing follow-up letters to countries as warranted and updating the information collected from the follow-up procedure.

77. Additionally, the Rapporteur initiated a study of the Committee's follow-up procedure, beginning with an examination of the number and nature of topics identified by the Committee in its requests to States parties for follow-up information. She reported to the Committee on some preliminary findings, in November 2009 and later in May 2010, and specifically presented charts showing that the number of topics designated for follow-up has substantially increased since the thirty-fifth session. Of the 87 countries examined as of the forty-third session (November 2009), one to three paragraphs were designated for follow-up for 14 States parties, four or five such topics were designated for 38 States parties, and six or more paragraphs were designated for 35 States parties. The Rapporteur drew this trend to the attention of the members of the Committee and it was agreed in May 2010 that, whenever possible, efforts would henceforth be made to limit the number of follow-up items to a maximum of five paragraphs.

78. The Rapporteur also found that certain topics were more commonly raised as a part of the follow up procedure than others. Specifically, for all State parties reviewed since the follow-up procedure began, the following topics were most frequently designated:

Ensure prompt, impartial and effective investigation(s)	76 per cent
Prosecute and sanction persons responsible for abuses	61 per cent
Guarantee legal safeguards	57 per cent
Enable right to complain and have cases examined	43 per cent
Conduct training, awareness-raising	43 per cent
Ensure interrogation techniques in line with the Convention	39 per cent
Provide redress and rehabilitation	38 per cent
End gender-based violence, ensure protection of women	34 per cent
Ensure monitoring of detention facilities/visit by independent body	32 per cent
Carry out data collection on torture and ill-treatment	30 per cent
Improve condition of detention, including overcrowding	28 per cent

79. In the correspondence with States parties, the Rapporteur has noted recurring concerns which are not fully addressed in the follow-up replies and her concerns (illustrative, not comprehensive) have been included in prior annual reports. To summarize them, she finds there is considerable value in having more precise information being provided, e.g. lists of prisoners, details on deaths in detention and forensic investigations.

80. As a result of numerous exchanges with States parties, the Rapporteur has observed that there is need for more vigorous fact-finding and monitoring in many States parties. In addition, there is often inadequate gathering and analysing of police and criminal justice statistics. When the Committee requests such information, States parties frequently do not provide it. The Rapporteur further considers that conducting prompt, thorough and impartial investigations into allegations of abuse is of great protective value. This is often best undertaken through unannounced inspections by independent bodies. The Committee has received documents, information and complaints about the absence of such monitoring bodies, the failure of such bodies to exercise independence in carrying out their work or to implement recommendations for

improvement.

81. The Rapporteur has also pointed to the importance of States parties providing clear-cut instructions on the absolute prohibition of torture as part of the training of law-enforcement and other relevant personnel. States parties need to provide information on the results of medical examinations and autopsies, and to document signs of torture, especially including sexual violence. States parties also need to instruct personnel on the need to secure and preserve evidence. The Rapporteur has found many lacunae in national statistics, including on penal and disciplinary action against law-enforcement personnel. Accurate record keeping, covering the registration of all procedural steps of detained persons, is essential and requires greater attention. All such measures contribute to safeguard the individual against torture or other forms of ill-treatment, as set forth in the Convention.

82. The chart below details, as of 14 May 2010, the end of the Committee's forty-fourth session, the replies with respect to follow-up. This chart also includes States parties' comments to concluding observations, if any.

### **Follow-up procedure to concluding observations from May 2003 to May 2010**

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#### **Thirty-first session (November 2003)**

<i>State party</i>	<i>Information</i>	<i><u>Information received (including</u></i>	<i>Action taken</i>
...			
Colombia	November 2004	24 March 2006 CAT/C/COL/CO/3/Add.1	Reminder
		17 October 2007 CAT/C/COL/CO/3/Add.2	Request for further clarifications
		Comments: 17 December 2009 CAT/C/COL/CO/3/Add.3	Request for further clarifications
...			

...

#### **Forty-third session (November 2009)**

<i><u>State party</u></i>	<i>Information</i>	<i><u>Information received (including</u></i>	<i>Action taken</i>
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...

Colombia            November 2010 -

...

...

## **ii) Action by State Party**

### **CAT, CAT/C/COL/CO/3/Add.1 (2006)**

#### **Comments by the Government of Colombia on the conclusions and recommendations of the Committee against Torture (CAT/C/CR/31/1)**

[24 March 2006]

1. I have the honour to transmit herewith note verbale DDH/ONU 13077/0597 of 15 March 2006, in which the Government of Colombia responds to the request contained in communication jmn/mm/fg/follow-up/CAT of 17 February 2006 regarding implementation of the conclusions and recommendations of the Committee against Torture on the third periodic report of Colombia.

2. I have the honour to reply on behalf of the Colombian Government to your communication jmn/mm/fg/follow-up/CAT, dated 17 February 2006, concerning implementation of the recommendations made by the Committee against Torture to the Colombian State on the occasion of its review of the third periodic report in 2003.

3. In that connection, further to the developments and progress described in note verbale DDH.57149 transmitted to the Committee through our Mission in Geneva by communication MPC.1688 of 15 November 2004, I wish to make reference on this occasion to the following points.

#### Standard-setting developments

4. The practice of torture violates a large number of fundamental human rights that are protected by the Colombian Constitution and are also enshrined in many international human rights instruments ratified by the Colombian State. Article 12 of the Colombian Constitution expressly prohibits torture, stipulating that “No one shall be subjected to enforced disappearance, to torture or to cruel, inhuman or degrading treatment or punishment”. This provision of the Constitution follows from article 1 - according to which Colombia is a State based on the rule of law and on respect for human dignity - and embodies the provision of article 5 of the Universal Declaration of Human Rights and the American Convention on Human Rights as well as the provisions of articles 2 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

5. With regard to the legislative development of article 12 of the Constitution, mention should be made of the adoption and entry into force of Act No. 589 of 6 July 2000, which defines the crimes of genocide, enforced disappearance and forced displacement and imposes heavier penalties for the crime of torture, in keeping with the main international standards in that regard. Furthermore, the Act stipulates that such crimes shall not be eligible for amnesty or clemency and that cases concerning them shall be heard by the specialized circuit criminal courts.

6. Under the Colombian Criminal Code, as amended by Act No. 599 of 2000, the crime of torture is defined as follows:

*Article 178. Torture. Anyone who inflicts physical or mental pain or suffering on a person with a view to obtaining from him or her or from a third person information or a confession, punishing him or her for an act that he or she has committed or is suspected of having committed, or intimidating or coercing him or her for any reason based on discrimination of any kind shall be punishable with between 8 and 15 years' imprisonment, a fine of between 800 and 2,000 times the statutory minimum wage, and disqualification from the exercise of rights and public office for the same period as the term of imprisonment.*

*Any person who causes severe physical suffering for purposes other than those described above shall be liable to the same penalty.*

*Pain or suffering arising only from, inherent in or incidental to lawful sanctions shall not be deemed to constitute torture.*

7. Article 179 of the Criminal Code further specifies the circumstances in which this crime entails a heavier penalty:

*Article 179. Aggravating circumstances. The penalties foreseen in the preceding article shall be increased by up to one third in the following circumstances:*

*(a) Where the perpetrator is a member of the victim's family group;*

*(b) Where the perpetrator is a public official or an individual acting at the instigation or with the acquiescence of that person;*

*(c) Where the victim is a person with a disability, a person of less than 18 or more than 60 years of age or a pregnant woman;*

*(d) Where the act is perpetrated against the following persons on account of their status: public officials, journalists, social communicators, human rights defenders, candidates for or aspirants to electoral office, civic, community, ethnic, trade union, political or religious leaders, persons who have witnessed or been the victims of punishable acts or disciplinary offences, or the spouse or stable partner of the above-mentioned persons, or their relatives up to the third degree of consanguinity, the second degree of affinity or the first degree of civil relationship;*

*(e) Where State property is used in perpetrating the act;*

*(f) Where the act is perpetrated to prepare, facilitate, conceal or ensure the outcome or impunity of another offence; or to prevent the person from taking part in judicial or disciplinary proceedings.*

8. The Criminal Code further provides for additional or heavier penalties in cases of collusion

to commit an offence, instigation to commit an offence, and malfeasance through action, failure to report and encouragement, where such conduct is for the purpose of committing torture.

9. With regard to the penalties stipulated for the criminal offences contained in the Special Part of the Criminal Code, including torture, Act No. 890 of 2004 in force since 10 January 2005 provides in its article 14 for an increase of at least one third and at most one half in the severity of penalties.

10. Moreover, the Criminal Code contains the following provision regarding torture of a protected person in its chapter on offences against international humanitarian law:

*Article 137. Torture of a protected person. Anyone who, in the context and conduct of an armed conflict, inflicts severe physical or mental pain or suffering on a person with a view to obtaining from him or her or from a third person information or a confession, punishing him or her for an act that he or she has committed or is suspected of having committed, or intimidating or coercing him or her for any reason based on discrimination of any kind shall be punishable with between 10 and 20 years' imprisonment, a fine of between 500 and 1,000 times the statutory minimum monthly wage, and disqualification from the exercise of rights and public office for between 10 and 20 years.*

11. With regard to the Military Criminal Code, it should be noted that reform Act No. 522 of 1999 (art. 3) expressly excluded the offence of torture from the jurisdiction of military courts.

### The Peasant Soldiers Programme

12. The Peasant Soldiers Programme, the purpose of which is to enable young people of between 18 and 24 years of age to perform their 18-month period of compulsory military service in their municipalities of origin or residence, forms part of the plan being implemented by the National Government to counter the wave of violence unleashed by the illegal armed groups. Its principal aim is to restore the presence of the armed forces and police (Fuerza Pública) - totalling some 17,000 men - in all main towns of the country's administrative districts. As part of the Fuerza Pública, they are fully integrated into the institutional framework and have all relevant obligations and rights.

13. The mandate of the peasant soldiers consists in providing security for urban centres in the localities in which they live in order to defend civilians by means of a response and counter-attack plan aimed at warding off attacks on the population. Priority is given by the soldiers to enhancement of solidarity and cooperation with their communities.

14. The soldiers undergo training in the region's Army battalions and in the Navy's marine infantry training bases for a period of 10 weeks, during which they are trained to protect their districts, special emphasis being placed on their dealings with the community and on respect for human rights and international humanitarian law. The recruitment process, for which the Commander of the region's Operational Unit is responsible, is subject to the approval of the community and local authorities and involves strict security measures aimed at precluding the infiltration of members of illegal armed groups.

15. The first stage of mobilization of peasant soldiers forming part of the Army and Navy began with the incorporation of a contingent in November 2002 and ended in March 2003 when 288 marines and 5,112 land soldiers took up their operational duties. The men started work in 133 municipalities without a Fuerza Pública presence and reinforced security in a further 9 municipalities. Stage 4 of the Programme is now being implemented, with the formation to date of 598 teams equivalent to 21,528 soldiers.

#### Strengthening of the administration of justice

16. In 2003 the Committee expressed concern about some legislative measures that were being enacted by the Congress of the Republic, the nature of which should be clarified. First, the bill on the counter-terrorism statute, which sought to confer judicial police powers on the armed forces and to enable persons to be detained and questioned for a period of 36 hours before being brought before a judge, was declared unenforceable on account of procedural defects on the basis of the automatic review carried out by the Constitutional Court. No bill on the matter is currently before the legislature.

17. Although the judicial reform bill was tabled by the Ministry of Internal Affairs and Justice in the National Congress in October 2002, it was withdrawn in March 2003, and the Government has tabled no new bills on the subject in the meantime. However, the bill introduced by the Higher Council of the Judiciary with a view to amending Act No. 270 of 1996 adopting the Statute on the Administration of Justice is currently before the Congress.

18. Legislative Act No. 003 of 2002 introduced an adversarial system of criminal justice into the Colombian Constitution. This reform, adopted by Act No. 908 of 31 August 2004, was the culmination of work undertaken jointly by the Public Prosecutor's Office, the Ministry of Internal Affairs and Justice, the Attorney-General, the Ombudsman (Defensor del Pueblo), the President of the Higher Council of the Judiciary and the President of the Criminal Division of the Supreme Court of Justice, as well as three members of the Lower House and three Senators of the Republic. Beyond the mere amendment of legislative provisions, this project involved the drafting of a new Code of Criminal Procedure and amendment of the Criminal Code, the Penitentiary and Prison Code, the Statute Organizing the Public Prosecutor's Office, the Regulations governing the National Public Defenders System and the Act adopting the Statute on the Administration of Justice.

19. Gradual implementation of the new criminal procedural regime began on 1 January 2005 in the judicial districts of Bogotá, Armenia, Manizales and Pereira. In 2006 implementation will begin in cities such as Cali, Medellín, Tunja and Bucaramanga, and the process will be completed in the rest of the country by 31 December 2008.

20. The new adversarial system of criminal justice will ensure that the prosecutors and investigators engaged in proceedings produce results in less than seven months, during which period the preliminary inquiry, the investigation and the trial will be conducted. In 2004 special academic programmes were launched for prosecutors, investigators, expert witnesses and court assessors who will take up new duties under the new system. The Public Prosecutor's Office and other relevant bodies seek to enhance the qualifications of the members of the country's

different judicial police forces through training and refresher courses. By December 2004, 479 prosecutors, 499 investigators and 302 officials had been trained and joined the staff of the Technical Investigation Unit of the Public Prosecutor's Office, representing a total of 1,280 officers in Bogotá during the first quarter of 2005.

21. Defence counsel under the new adversarial system of criminal justice will be chosen freely by the accused or alternatively by the National Public Defenders System. At the first hearing, the accused must have the services of defence counsel, exercising all the rights and powers prescribed in international human rights treaties and those expressly mentioned in the Constitution. For instance, defence counsel must have reasonable time and means to mount a defence, including the possibility, on an exceptional basis, to have the oral hearing deferred where such postponement is justified.

22. Moreover, with a view to guaranteeing full and equal access to the administration of justice and to the decisions adopted by any public authority, the National Public Defender System, organized, run and supervised by the Office of the Ombudsman, will provide technical defence assistance to persons of limited financial means or who are otherwise impeded from hiring a lawyer of their own.

23. Under the new system, the role of the Public Prosecutor's Office in criminal proceedings will be carried out through the Delegated Offices of the Office of the Attorney-General in the form of a special agency, once the need for intervention has been established, since under the new adversarial system, such intervention will depend on the circumstances and will not be a prerequisite for the validity of the proceedings.

24. The Penitentiary and Prison Code also had to be amended in order to implement the new adversarial system of criminal justice. By Decree No. 2636 of 2004, the President of the Republic amended some of the provisions of Act No. 65 of 1993, including, in particular: the guarantee that no one shall be detained in a custodial establishment without authorization of his or her arrest or pretrial detention by a supervisory judge for the purpose of guaranteeing the appearance of the accused at the criminal proceedings, the preservation of evidence, the protection of the community - particularly the victims - and the effectiveness of the penalty; and the judicial police powers conferred on directors-general at the regional and establishment level, which permitted them to investigate offences committed at their level.

25. Furthermore, in keeping with chapter three of the National Development Plan 2002-2006 "Towards a Community-based State", which provides for a strengthening of the administration of justice, the Ministry of Internal Affairs and Justice has been implementing the access policy through its Access to Justice Directorate in the form of three major programmes: the National Houses of Justice Programme which facilitates community access to formal and informal judicial services in order to achieve the peaceful resolution of conflicts and to promote coexistence, and in the context of which 37 houses had been built in different regions of the country by 3 December 2004; the National Citizen Coexistence Centres, a programme which was launched in Barrancabermeja in 2001 as a municipal initiative and has been coordinated since 2003 by the National Government, is aimed at providing the country's more conflict-prone regional communities with access to local law and order institutions through programmes and initiatives that promote and foster citizens' values, citizen coexistence and peaceful conflict resolution; and



the National Programme for Reconciliation Based on Law and Equity, an alternative conflict resolution mechanism whereby two or more persons take independent action to resolve their disputes with the assistance of a qualified impartial third party known as a conciliator.

#### Action against impunity

26. With regard to action against impunity for serious human rights violations and breaches of international humanitarian law, special mention should be made of the implementation since October 2003 of an international cooperation project involving the provision of technical support for the organization of an Inter-agency Management and Coordination System with two basic objectives:

- (a) To expedite and follow up 134 cases of serious human rights violations and breaches of international humanitarian law. Action to expedite the cases consists in providing the financial and logistic resources that the bodies responsible for investigation need to ensure the timely and proficient conduct of the proceedings on the basis of pre-established working methods;
- (b) To design and implement a public policy aimed at counteracting impunity for serious human rights violations and breaches of international humanitarian law.

27. These two objectives are pursued through inter-agency coordination and cooperation among the bodies represented on the Special Committee to Promote the Investigation of Human Rights Violations and the Committee's Working Group.<sup>1</sup>

28. The Special Committee is mandated, in particular, to expedite, in accordance with the law and without obstructing the work of the competent bodies, relevant proceedings related to human rights investigations, and to coordinate and expedite the conduct of the investigations, together with the competent officials in each body, in order to ensure harmonious collaboration in attaining their objectives.

29. The Action against Impunity Project involves three basic types of activity, namely:

- (a) *Expediting cases*: Providing financial support to bodies responsible for investigating cases of human rights violations and breaches of international humanitarian law for the purpose of undertaking special missions involving the dispatch of investigation teams to places where evidentiary material or information that could assist in clarifying the facts is located. There are two kinds of mission: (i) individuals, who focus on clarifying the circumstances of a single case; and (ii) regional missions, which seek to expedite a number of interrelated cases;

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<sup>1</sup> In accordance with Decree No. 2429 of 1998, the Special Committee is composed of the Vice-President of the Republic, who chairs the proceedings, the Minister of Internal Affairs and Justice or his or her representative, and the Attorney-General or his or her representative. The Decree allows for the participation in Committee meetings of human rights NGOs and other

bodies with responsibility or expertise in the area in question. In addition, the meetings have occasionally been attended by the Ombudsman, the President of the Higher Council of the Judiciary and the President of its Board of Directors, the Director of the Central Office of the Judicial Police, the Director of Justice and Security of the National Planning Department and a representative of the Director of the Office in Colombia of the Office of the United Nations High Commissioner for Human Rights.

(b) *Facilitating inter-agency coordination:* The Project serves as a framework and a means of communication between the bodies forming part of both the criminal justice system and the disciplinary control system that are responsible for investigating cases of human rights violations and breaches of international humanitarian law. The purpose of this activity is to promote exchanges of information and the design and reformulation of joint action strategies;

(c) *Formulating the policy aimed at strengthening the Colombian State's capacity to investigate and punish human rights violations and breaches of international humanitarian law:* On the basis of joint work by the State bodies responsible for action against impunity in cases of human rights violations and breaches of international humanitarian law, and a number of analytical studies of the phenomenon, a policy document was drawn up as a medium- and long-term handbook for the Colombian State in support of its aim of addressing the obstacles that make it difficult or impossible to resolve cases of human rights violations and breaches of international humanitarian law and to punish the perpetrators and compensate their victims.

30. The overall aim of the policy as thus defined calls for the strengthening of existing organizations, practices and procedures for detecting human rights violations and breaches of international humanitarian law, resolving the cases, punishing the perpetrators and compensating the victims. It further calls for an improvement in the normative framework to harmonize the sources of existing norms.

31. The following are some of the practical achievements of activities under the Action against Impunity Project:

(a) *Imparting of momentum to the investigations:* The promotional activities succeeded in extracting many of the cases of human rights violations and breaches of international humanitarian law selected by the Special Committee from the state of stagnation into which they had sunk. As evidence of this, the National Human Rights Unit of the Public Prosecutor's Office presented the following results of action to expedite the 134 cases selected by the Committee in its consolidated report issued in December 2005:

(i) A total of 159 individual missions and 10 regional missions were undertaken in the course of which 83 selected cases and 384 unselected cases were expedited;

(ii) A total of 114 persons were convicted: 4 were members of the National Army, 1 was a common criminal, 108 were members of the illegal armed

self-defence groups and 1 was a member of the Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia - FARC). Moreover, a total of 307 persons were arrested;

(iii) Eighty-one orders were issued for the initiation of investigations, 42 for the initiation of preliminary investigations and 108 for the transfer of jurisdiction for preliminary investigations;

(iv) One hundred and forty-three orders were issued for the imposition of measures to ensure pretrial detention, 50 were issued for indictments and 47 for the closure of investigations; there were also 30 declarations of missing persons. As at December 2005, a total of 31 special missions had been financed in the context of action by the Office of the Attorney-General. As a result of the missions, 25 cases were expedited, of which 13 represented disciplinary investigations and 12 special actions by the Public Prosecutor's Office in criminal investigations. The following results were achieved through the expediting of cases:

- Forty-four per cent of the cases selected by the Committee were dismissed, 90 per cent on the ground of lack of evidence and 10 per cent on the ground of expiry of the time limit for disciplinary action;
- Of the total number of cases dismissed, 72 per cent were dismissed at the stage of preliminary investigation and 28 per cent at the stage of disciplinary investigation;
- Seventeen per cent of the cases covered by the Committee had already been dismissed when they were selected;
- Twenty-seven per cent of the cases financed by the Committee led to a judgement; of these 79 per cent were convictions and 21 per cent acquittals;
- Twenty-nine per cent of judgements were rendered at the stage of the preliminary investigation, 27 per cent at the stage of the disciplinary investigation and the remaining 44 per cent at the stage of preferment of charges or defence pleadings.

(b) *Inter-agency coordination*: The activities carried out under the Action against Impunity Project helped to consolidate the Special Committee and its Working Group as forums for the exchange of information and joint identification of criteria and guidelines for expediting cases. Moreover, it was through these two bodies that the Project obtained and discussed the inputs and outcomes of the "policy aimed at strengthening the Colombian State's capacity to investigate and punish human rights violations and breaches of international humanitarian law";

(c) *Learning in support of policymaking:* The Project carried out and promoted analytical studies of factors that are conducive to impunity for human rights violations and breaches of international humanitarian law in Colombia. The studies focused on eliminating the obstacles that the bodies responsible for investigation and punishment in such cases face in seeking to shed light on the circumstances. The Project also drew on the recommendations made to the Colombian State by international and national agencies and on studies carried out by other State and non-State bodies;

(d) *Investigation strategies:* The activities carried out under the Project helped to enhance capacity for the planning of investigation activities by the responsible bodies. This resulted in the development of biannual plans for expediting cases and regional strategies, which enabled progress to be made in implementing the principles of speed, efficiency and economy;

(e) *Issue of a policy document:* In August and October 2005, the Action against Impunity Project convened working groups composed of all bodies involved in the investigation, adjudication and sanctioning of cases of human rights violations and breaches of international humanitarian law in order to identify projects that would form part of the policy and to establish their profiles. The working groups identified 24 projects aimed at achieving the 17 policy goals and the overall objective.

32. At its meeting on 22 November 2005, the Special Committee adopted the “*policy to counter impunity in cases of human rights violations and breaches of international humanitarian law by strengthening the Colombian State’s capacity to investigate, adjudicate and punish*” and decided that it should be issued in the form of a document by the National Economic and Social Policy Council (CONPES). In keeping with the Committee’s mandate, work on the document began with the technical cooperation of the Justice and Security Directorate of the National Planning Department and other relevant bodies. In December and January 2006 inter-agency working groups were held with the bodies that would be implementing the policy actions in order to determine how each policy project would be financed. In addition, the Project worked with the above-mentioned Directorate on the final draft of the document.

33. At its meeting on 6 March 2006, CONPES adopted Document No. 3411 containing the policy, which consists of 17 specific goals embodied in 24 projects organized on the basis of four strategic thrusts, namely: (a) institutional and organizational development; (b) resource management focusing on the development of human resources; (c) welfare of victims and witnesses; and (d) specific operational conditions for investigation and prosecution. The CONPES document allocates a total of Col\$ 40,083,946,000 for implementation of the policy over a period of three years.

34. Lastly, the Project is engaged in the process of design, streamlining and implementation of the policy follow-up modalities. Thus, in January 2006 the first round of consultations was launched to identify relevant benchmarks for measuring progress towards achieving the policy goals and in the meantime all proposed benchmarks have been received from each of the bodies involved in the investigation, adjudication and sanctioning of cases of human rights violations and breaches of international humanitarian law.

Documentation of torture in cases of violations of personal integrity and the right to life

35. The National Institute of Forensic Medicine and Forensic Sciences, a public establishment attached to the Public Prosecutor's Office, has embarked on a training process which has included, among other activities:

(a) Presentation of the Istanbul Protocol at the National Congress on Forensic Medicine and Forensic Sciences in November 2002;

(b) Training of forensic medicine experts in modern technical and scientific procedures used to investigate deaths and in the preservation and recording of physical evidence. The training has included classroom-based scientific programmes concerning the importance of bringing forensic practice into conformity with the guidelines contained in the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions published by the United Nations in 1991; the parts of that publication which have a bearing on the examination of corpses were included in the Manual on Practices for Medico-legal Autopsies adopted as an institutional standard under the Agreement of 11 September 2002. In addition, the Institute's basic procedural guides for the conduct of medico-legal autopsies deal with specific points such as identification of sexual offences, examination of decomposed corpses or body parts that have or have not been retrieved from water, injuries caused by electric current and other possible circumstances or findings that may be associated with or constitute acts of torture;

(c) The application in the region covered by the forensic pathology service of the autopsy protocol developed by the United Nations as a guide for a comprehensive autopsy to detect possible violations of human rights and international humanitarian law in all cases subject to a medico-legal autopsy, especially in the context of events occurring in combat zones. The protocol ensures sound scientific documentation of the findings and achievement of the aims of a criminal investigation through the systematic examination and description of the corpse. Provision has been made for the application - where working conditions preclude its full adoption - of the emergency measures and adjustments contemplated in the protocol itself;

(d) Development of a basic quality monitoring programme involving a review of the legal qualifications of each expert witness to conduct autopsies, particularly in terms of the detection and detailed documentation of injuries that cause pain and suffering, signs of forced immobilization or sexual assault and evidence or a record of concealment of the body or activities designed to prevent identification;

(e) Development of programmes designed to ensure reliable identification of the deceased in every medico-legal autopsy, including monitoring of the location of the corpse in case an exhumation is required.

36. In keeping with the foregoing, the Institute has been implementing a System of Epidemiological Vigilance in respect of Injuries from External Causes (SIVELCE) which has

been collecting data on the subject since 2003 under the heading “Human Rights-related Variables” on the basis of the following definitions:

- (a) Evidence of physical torture (applicable in cases of homicide or personal injuries): record the combination of signs that may constitute evidence of torture having been inflicted on the victim, bearing in mind that such evidence must be distinguished from any other type of injury inflicted since the person’s death;
- (b) Evidence of immobilization: if the dead or injured person presents signs of one or more of the following: hand restraints, feet restraints, body restraints, gagging;
- (c) Evidence of infliction of pain: if the dead or injured person presents one or more traces of punctures, burns, cuts, blows, electric shocks, excessive pressure;
- (d) Evidence of pre-mortem mutilation: if the dead or injured person has suffered amputation of nails, phalanges, hands, feet, extremities, head, eyes, tongue, sexual organs, ears, nose, hair;
- (e) Evidence of practices precipitating death: i.e. if the dead or injured person has a bag over his or her head or shows signs of submersion.

37. In addition, steps have been taken to develop a system for monitoring possible violations of human rights and international humanitarian law by proposing criteria for including corpses among those subjected to a medico-legal autopsy; the criteria facilitate the selective inclusion of cases from the very beginning either of the autopsy - where even the cause of death is as yet unknown but the circumstances arouse suspicion - or of the reported disappearance of a person where the circumstances of the disappearance have not yet been confirmed. Investigative machinery can thus be set in motion at an early stage before any judicial decision is taken in view of the considerable time required for investigation, recording of the evidence and characterization of a crime such as enforced disappearance or torture.

38. Notwithstanding the foregoing, obstacles continue to impede the more effective gathering of evidence of torture in cases of violations of the right to life. One obstacle relates to cases of death where, as frequently occurs, it has not been feasible to draw up special working protocols since at the time of the autopsy the circumstances and perpetrators of the crime are unknown and it is also unclear, where the injuries are inconspicuous as happens in some cases of torture, whether torture was in fact committed and is related to the cause of death. Highly trained and experienced forensic personnel are needed to improve the “suspicion index”, an aspect on which the National Institute of Forensic Medicine is still working, but it will be necessary to take additional steps to acquire the requisite medical/scientific facilities in some offices (i.e. radiographic equipment, inputs for processing DNA, etc.).

39. Furthermore, the National Institute of Forensic Medicine and Forensic Sciences is ensuring the implementation of regulations governing the adoption of manuals, standards and technical guides such as:

- (a) Agreement No. 11 of 2002 adopting the Manual on Practices for Medico-Legal

Autopsies;

(b) Administrative Decision No. 586 of 2002 adopting Technical Regulations governing the Comprehensive Forensic Examination of Victims in Investigations of Sexual Offences;

(c) Administrative Decision No. 953 of 2003 regulating expert evidentiary practice at sites other than the offices of the National Institute of Forensic Medicine and Forensic Sciences;

(d) Administrative Decision No. 1019 of 2004 adopting handbooks on technical forensic procedures and regulations;

(e) Administrative Decision No. 1026 of 2004 adopting a Directive on Recording Digital Photographic Evidence in the Investigation of Sexual Offences and Personal Injuries;

(f) Administrative Decision No. 1037 of 2004 adopting a Practical Handbook for Forensic Odontological Examinations;

(g) Administrative Decision No. 1054 of 2004 adopting and regulating the use of the Informed Consent Format for the conduct of medico-legal examinations and procedures concerning victims of sexual assault and personal injuries.

40. The above measures, which have already been implemented, have facilitated the application of the Istanbul Protocol in cases of torture without fatal consequences for the victims; the final measures to ensure its implementation are to be taken shortly.

#### Protection for human rights defenders

41. Under the Protection Programme of the Ministry of Internal Affairs and Justice, the following activities have been undertaken and will continue to be carried out:

(a) *Preventive security training in the regions*: Training workshops designed to develop individual skills so that people can handle risk situations that arise because of the activity in which they engage by learning to prevent, assess and tackle potential events without resorting to the use of weapons. Nine workshops were held between January and March 2006 in the Departments of Cundinamarca and Antioquia, and since May 2006 workshops have been held in the Departments of Cauca, Norte de Santander, Nariño, Santander, Risaralda and Tolima, as a result of which a total of 547 persons have been trained;

(b) *Consolidation of the Protection Programme in the regions*: Creation and development of areas of interaction between the civil and police authorities and the Programme beneficiary (target) community, which are to be consolidated by May 2006, and implementation of analysis and monitoring mechanisms for the development of

community prevention and protection strategies involving the authorities and the target community by June 2006.

42. With regard to the Programme budget, the Ministry of Finance and Public Credit, responding to an application from the Ministry of Internal Affairs and Justice, appropriated the sum of Col\$ 32,123 million for the financial year 2005, to which it added the sum of Col\$ 16,100 million in August 2006. The Ministry of Finance appropriated a sum of Col\$ 50,393,400 million for the financial year 2006, and a sum of Col\$ 3,500 million was received through the United States Agency for International Development (USAID), giving a total of Col\$ 53,893,400 million, with a view to fully meeting the protection requirements for which the Ministry of Internal Affairs and Justice is responsible, including protection of human rights defenders.

43. With regard to the important goal of promoting and strengthening the work of human rights defenders, in the Colombian public service the directorate of the Civil Service Administration Department (DAFP), in its capacity as President of the Advisory Council on Internal Control, sent an official communication in August 2005 to all officers responsible for internal control - at both national and local level - instructing them to include in their prevention and improvement activities the defence and protection of human rights by all public servants, in accordance with clauses 5 to 10 of article 48 of the Single Disciplinary Code contained in Act No. 734 of 2002. With the same end in view, the Office of the Attorney-General, through its Disciplinary Representative for the Defence of Human Rights, the Group of Human Rights Advisors and the National Special Investigations Directorate, is conducting investigations of alleged conduct by public servants in violation of human rights.

44. At a meeting in November 2005 between State institutions and a number of human rights NGOs, it was announced that the Office of the Attorney-General would undertake an analysis of the scope and difficulties raised by clause 53 of article 48 of the Single Disciplinary Code, which characterizes as a very serious offence: "Failure to comply with the orders and instructions contained in the Presidential Directives aimed at the promotion of human rights and the application of international humanitarian law ..."; the analysis should be completed by March 2006 and enable the Office of the Attorney-General to identify ways and means of implementing the clause in question and to assess its contribution to fulfilment of the recommendation to that effect made by the Office of the United Nations High Commissioner for Human Rights.

45. Furthermore, in pursuance of Ministerial Directive No. 9 of 2003, the General Command of the Military Forces issued and assigned special instructions through circular No. 133 of 23 January 2004 to all minor and tactical operational units concerning the information that should be gathered with a view to protecting the human rights of trade unionists and human rights defenders and the need to refrain from making unfounded statements that could place these vulnerable groups at risk. For instance, the units must report during the first three days of every month on the results of the tactical operations under way to protect trade unions and human rights organizations, indicating which groups are most at risk from pressures emanating from the illegal armed groups and notifying the appropriate party of the stage reached in the disciplinary or criminal investigations.



46. With regard to the promotion of contacts between the Government and human rights organizations, the existence of a number of institutional forums in Colombia where such contacts occur on a periodic and permanent basis is a well-known fact. The forums are designed to respond to specific human rights problems and issues in the country, such as the monitoring and implementation of precautionary and interim measures - in the context of the inter-American protection regime, internal displacement, enforced disappearance and monitoring of the implementation of international recommendations.

47. In pursuance of the policy of prevention of human rights violations, action was taken in 30 of the country's 32 departments and in the main departmental townships to incorporate the question of human rights and international humanitarian law in the development plans submitted by governors and mayors, which were adopted by the corresponding departmental assemblies and town councils. Twenty-seven action plans were drawn up by the departments and 186 by the municipal authorities. Civil society organizations, human rights defenders and peace activists participated in both processes, in conformity with the Government's policy of partnership and institutionalization. The process of implementation of the action plans at the departmental and municipal level also involved constant interaction with human rights and peace organizations, their continuous participation in human rights training and dissemination processes, and involvement in the processes of young people and children from schools and colleges.

48. Continuous contacts were maintained with national human rights organizations during the joint preparation of the National Action Plan for Human Rights and International Humanitarian Law. Consultations were promoted at both the national and regional level through meetings with different authorities to discuss issues of special interest to the organizations. Continuous institutionalized contacts with human rights and civil society organizations have been cultivated in forums such as the Risk Assessment Committees, the Workers' Human Rights Committee, the Committee to Trace Disappeared Persons, the Threatened Teachers Committee and the Departmental Committees of the Medical Mission.

**CAT/C/COL/CO/3/Add.2 (2007)**

**Comments by the Government of COLOMBIA\* \*\* on the conclusions and recommendations of the Committee against Torture (CAT/C/CR/31/1)**

[16 October 2007]

**Introduction**

1. This document reports on the follow up to some of the conclusions and recommendations of the Committee against Torture on the third periodic report of Colombia (CAT/C/CR/31/1).

**"Peasant Soldiers" programme**

2. Under the Constitution, "all Colombians are obliged to take up arms when the imperatives of State so require, in defence of national independence and State institutions", except where exempted by the legislation on military recruitment. The Peasant Soldiers programme, then, is one component of the military configuration and, in the context of the democratic security policy, has made a significant contribution to the security forces' success in combating all perpetrators of violence.

**Prosecutors' offices in military units**

3. With regard to the establishment of prosecutors' offices in military units, bearing in mind that these are representatives of the Attorney General's Office and work in complete independence, and given the nature of military operations, the role played by these officials in the various procedures raids, capture of prisoners and removal of bodies is of vital importance and facilitates the work of the security forces, within the framework of the law and with due regard for the jurisdiction of each entity. There is an inter agency agreement on this subject.

4. From a government policy standpoint, under the National Development Plan 2006 2010, approved by Act No. 1,151, of 2007, the following human rights initiatives are envisaged to protect human rights defenders:

(a) Strengthen prevention;

(i) Increased decentralization through the provision of training and advice to help local authorities to include strategies to prevent violations of human rights and international humanitarian law in their development, land use and contingency plans;

(ii) Introduction of the Early Warning System and the consolidation of a State information system;

(iii) Design and implementation of learning strategies for communities so as to put human rights values at the centre of civil society's response and prevent and deter threats and attacks from the various illegal armed groups;

(iv) Maintenance of programmes to protect human rights defenders, trade unionists, indigenous advocates and social activists who are being persecuted and threatened;

(b) Launch initiatives for emergency prevention, protection and care, create conditions for the resettlement of the displaced population, and strengthen the comprehensive system for dealing with the problem of forced displacement;

(c) Implement special measures to improve the application of international humanitarian law, by removing children from armed conflict, implementing the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti personnel Mines and on Their Destruction and creating a Fund against Anti-personnel Mines;

(d) Strengthen the Special Committee to Promote the Investigation of Human Rights Violations and justice administration bodies, and ensure supervision and monitoring of judicial proceedings in respect of such violations;

(e) Formulate a national plan of action on human rights to guide and coordinate State action in the short, medium- and long-term, which will contain inter agency agreements and social consensus on the establishment of areas for priority attention. In parallel with this process, the Ombudsman's Office will design and implement a model for follow up, evaluation and monitoring of public policies with human rights implications. Lastly, as part of this process, the Office of the Vice-President will be given a clear mandate to coordinate the President's human rights programme. A standing invitation to participate in this process will be extended to international agencies and NGOs.

5. The Government takes the threats against members of human rights organizations very seriously<sup>1</sup> and has taken steps to strengthen the protection provided to them and their families.

6. In that regard, the President's Human Rights and International Humanitarian Law Programme has been coordinating precautionary measures with the Human Rights Unit of the Directorate General of the National Police and the Human Rights Department of the Ministry of the Interior and Justice, with the aim of preventing any attack on the integrity of persons under threat.

7. In addition to the above, the President's programme is represented on several risk control and evaluation committees in the protection programmes led by the Ministry of the Interior and Justice, which have reviewed the situation regarding the Jos éAlvear Restrepo lawyers' collective, the National Union of Food Industry Workers (SINALTRAINAL), and the Women's Popular Organization, among many others, and taken steps to guarantee the safety of those affected in their work as human rights defenders and union leaders. There have also been meetings to review existing measures and adopt new ones.

8. The President's Human Rights and International Humanitarian Law Programme has also asked the National Directorate of Public Prosecutions to investigate these threats and is coordinating with the Criminal Investigation Department (DIJIN) to launch a thorough investigation to establish the origin of some of the threats (those received in 2006 and 2007) in conjunction with the Colombian State's investigative body.

9. As a result of the efforts of the various State agencies, the number of violations against human rights defenders declined in 2007, as shown by the following table:

Violations	January July 2006	January July 2007	Change (percentage)
Homicide: indigenous people	30	27	- 10%
Homicide: trade unionists (other)	12	6	- 50%
Homicide: teachers (union members)	22	13	- 41%
Homicide: teachers (non union members)	12	3	- 75%
Homicide: journalists	1	1	0%

10. Lastly, the Ministry of Defence has issued ministerial directive No. 10, of 2007 (annexed), recalling that the Armed Forces, as the body responsible for implementing and enforcing the Constitution and the law, and to prevent homicide against protected persons, have an obligation to act with legality, necessity and proportionality, and that the military must therefore adhere unconditionally to humanitarian standards.

11. The measures taken to implement international humanitarian law are preventive, supervisory and legislative. The ministerial directive states that all military action should be guided by the principles of legality, discernment, necessity and proportionality. Given the situation and the new methods used by illegal armed groups, which increasingly operate in small units in civilian clothing, the military must spare no effort to identify the civilian population and protect it at all times.

12. In order to monitor compliance, the directive itself establishes a committee to follow up complaints of alleged killings of protected persons, with the task of:

(a) Providing support as necessary to any criminal and disciplinary investigations that may be required;

(b) Strengthening controls and making recommendations to the Commanding Officers' Meeting;

- (c) Analysing the factors influencing the occurrence of such events;
- (d) Meeting regularly with international agencies involved in the issue in order to obtain and evaluate any information they can provide.

### **Combating impunity**

13. In recent years the Government of Colombia has put in place a State policy to combat impunity for violations of human rights and breaches of international humanitarian law. The overall aim of the policy is to remove the obstacles preventing or hindering the investigation of violations of human rights and breaches of international humanitarian law, the punishment of perpetrators and the compensation of victims.

14. The following procedure was used to establish this policy.

15. In 1998 the Government issued Decree No. 2,429 "establishing the Special Committee to Promote the Investigation of Violations of Human Rights". The Committee's mandate was as follows:

- (a) To pursue initial enquiries into human rights violations;
- (b) To coordinate, supervise and monitor investigations;
- (c) To report on the outcome.

16. In 2001, as part of an inter agency project, parameters and a broad programme of work were drawn up for the formulation of a policy to strengthen the State's capacity to investigate and punish violations of human rights and breaches of international humanitarian law. The programme of work comprised:

- (a) Launching a certain number of proceedings;
- (b) Strengthening the protection systems for those conducting investigations;
- (c) Training officials and providing them with technical support in their work;
- (d) Development of alternative dispute resolution mechanisms;
- (e) Building a network for inter agency communication and coordination.

17. In July 2003 the Government signed an international cooperation agreement with the Government of the Netherlands on establishing the basis for an inter agency management and coordination strategy to combat impunity for violations of human rights and breaches of international humanitarian law. The agreement, which is still in operation, has the following aims:

- (a) To formulate and implement a policy to combat impunity;
- (b) To launch and pursue a number of proceedings in cases of violations of human rights and breaches of international humanitarian law.

18. Document No. 3,411 of the Council for Economic and Social Policy (CONPES), of the National Planning Department (Policy for combating impunity for violations of human rights and breaches of international humanitarian law by strengthening the capacity of the Colombian State to investigate, prosecute and punish), was adopted on 6 March 2006.

19. The policy for combating impunity is coordinated with other Government strategies and plans so as to avoid duplication of work, and the relevant agencies are being encouraged to cooperate more closely.

### **Forensic investigation**

20. Training of forensic staff on the question of torture, and in particular on the application of the Istanbul and Minnesota Protocols, has attracted much interest in the competent agencies. Specifically, a course on the Istanbul and Minnesota Protocols was given in November 2006 by the National Institute of Forensic Medicine and Sciences (see annex, "Topics and speakers").

21. Similarly, in compliance with the Inter American Court of Human Rights judgement of 12 September 2005 (*Wilson Gutiérrez Soler v. Colombia*), finding the State of Colombia internationally responsible for the human rights violation, a training seminar on the Istanbul Protocol was organized at the request of the Ministry of Foreign Affairs and in cooperation with the Colombian office of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

22. The aim of the seminar was to raise awareness and provide training ahead of the implementation of the Protocol, in order to ensure understanding of the international guidelines on the proper handling of victims, documentation and the effective investigation of offences, bearing in mind that one basic means of protecting individuals against torture is to make a careful record of physical and psychological injuries so that the perpetrators can eventually be punished and similar acts prevented in future.

23. The seminar attracted broad participation from agencies considered to be central to the implementation of the Protocol:

- (a) Attorney General's Office (including Technical Investigation Unit (CTI) and Criminal Investigation Department (DIJIN));
- (b) Judiciary;
- (c) National Police;
- (d) Military criminal justice system;

- (e) Department of National Security (DAS);
- (f) Ombudsman's Office;
  
- (g) Procurator General's Office;
  
- (h) National Prison System Institute (INPEC);
  
- (i) National Institute of Forensic Medicine and Sciences;
  
- (j) Army and Navy;
  
- (k) Ministry of Foreign Affairs;
  
- (l) Ministry of the Interior and Justice.

24. The officials who attended the seminar will act as trainers within their agencies in order to raise awareness of the Protocol and its importance in the investigation of torture.

25. In addition, in order to ensure the proper administration of justice, instructions have been issued that autopsies shall be conducted with all due scientific and legal rigour. The autopsy protocol developed by the United Nations for human rights related cases, as published in the *Boletín de Patología Forense* of the National Institute of Forensic Medicine and Sciences (see annex), is applied. Digital cameras are also available in many of the local units around the country, which make investigation easier (see annex: Inventory).

26. The following guidelines are also applied in forensic studies (see annexes):

- (a) Brief guide to forensic sexological examinations, expert reporting and use of the forensic and health sampling kit;
  
- (b) Autopsy manual;
  
- (c) Practical handbook for forensic odontological examinations;
  
- (d) Manual for identification of bodies;
  
- (e) Technical regulations for a comprehensive forensic approach to family violence;
  
- (f) Technical regulations for determining level of intoxication.

27. Lastly, the Attorney General's Office makes no distinctions when required to investigate punishable offences of any kind, either in respect of who the perpetrator, or their social standing, or their position or function, in accordance with the provisions of the Constitution on fundamental rights, due process and the proper administration of justice, inter alia.

28. As to cases of violations of the right to life where there are indications of torture and, in particular, sexual violence, the relevant communications have been sent to local prosecutors and the recommendation has been sent to CTI headquarters and the National Institute of Forensic Medicine and Sciences to be applied by them in accordance with their competencies and to ensure awareness of the views of the Committee against Torture.

29. The Attorney General's Office complies with its constitutional and legal duty and the recommendations are and will continue to be applied in the terms proposed, so as to ensure that justice in Colombia is administered efficiently and effectively, it being the task of the National Directorate of Public Prosecutions to supervise investigations conducted by prosecutors and their offices and evaluate the results, as provided by Act No. 938 of 2004.

### **Independence and safety of prosecutors**

30. According to information provided by the Chief of the Human Rights and Humanitarian Law Unit of the Attorney General's Office, the prosecutors in that Unit are independent and impartial and have not been subjected to undue interference or restrictions but have been free to investigate human rights violations without regard to the identity of the perpetrators.

31. When required by the National Human Rights Unit, the Government, through the Office of the Vice President, provides whatever support is needed in the form of military or police units to ensure the safety of judicial officials while they are in areas where breaches of the peace have occurred, as well as providing the necessary resources for the purpose.

32. In addition, the Technical Studies Coordinating Office of the Security and Logistical Support Section at CTI headquarters has been conducting risk and threat assessments at the central level and provided guidance on assessments done around the country by the various CTI offices in areas where officials are under threat.

33. Security precautions are taken on the basis of these studies, ranging from recommendations on self protection to the establishment of a security scheme. This protection work is supported by the National Police.

34. Security schemes are currently in place for a number of chiefs and prosecutors from national and local prosecutors' offices, including the Human Rights and International Humanitarian Law Unit.

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\* The annexes to this document are available at the secretariat.

\\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.



1/ In a communiqué the President of the Republic expressed "his sorrow and revulsion at the murder of Ms. Yolanda Izquierdo in the city of Montería. The competent authorities have offered a 50 million pesos reward to anyone providing information leading to the capture of those who planned and carried out the crime. As a precautionary measure, the President has asked the judicial police, with the assistance of the prosecutor's office, to seize the assets that those tried under the Justice and Peace Act are required to surrender for the compensation of victims. This decision was taken to prevent assets from disappearing, be it through bogus companies, contracts of various kinds, burglary or official negligence, which would make it difficult to compensate the victims." Office of the President of the Republic of Colombia, communiqué No. 17, 1 February 2007.