

## COLOMBIA

### CAT Article 20 Examinations Re: Systematic Torture

CAT, CAT/C/37/2 (2006)

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

1. At the 36th in May 2006 the Committee against Torture requested that the Secretariat provide it with a note on the experience to date of article 20 inquires as well as elements for possible inquiry in several countries: Colombia, Guatemala, Nepal, Togo and Uzbekistan. The present conference room paper seeks to respond to that request.

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19. The present summary is a recapitulation of references to torture as a common or systematic practice in Colombia in documents which the Committee against torture examined at its 31st session (10-21 November 2003), during the consideration of the third periodic report of Colombia, under Article 19 of the Convention, as well as in subsequent documents.

20. The Committee, in its Concluding Observations "reiterates its concern at the numerous acts of torture and ill-treatment reported widely and systematically committed by the State security forces and organs in the State party both during and outside armed operations. It also expresses its concern at the high number of forced disappearances and arbitrary executions."<sup>1</sup>

#### 21. OFFICIAL SUBMISSIONS BY NON-GOVERNMENTAL ORGANISATIONS WHERE REFERENCES ARE MADE TO THE WIDESPREAD PRACTICE OF TORTURE IN COLOMBIA:

a) Amnesty International briefing to the UN Committee on the Convention against Torture on the Republic of Colombia, November 2003

b) Comisión Colombiana de Juristas, Informe alternativo al tercer informe periódico del Estado colombiano al Comité contra la Tortura, October 2003

*NOTE: The shadow report contains a request for an inquiry under article 20*

c) Asociación Nacional de Ayuda Solidaria, The Government of Democratic Security Tortures, October 2003

### Individual cases

d) Separate submission by Comisión Colombiana de Juristas documenting 27 torture cases by State agents (2002-2003), including 7 cases in prison or detention facilities.

### 22. BACKGROUND DOCUMENTS BROUGHT TO THE ATTENTION OF THE COMMITTEE AT THE 31st SESSION WHERE REFERENCES ARE MADE TO THE WIDESPREAD PRACTICE OF TORTURE IN COLOMBIA:

#### United Nations

a) Report of the UN High Commissioner for Human Rights on the human rights situation in Colombia (E/CN.4/2003/13)

b) Report of the Special Rapporteur on the Question of Torture (E/CN.4/2003/68/Add.1, pgs. 76-83)

c) Report of the Representative of the Secretary-General on internally displaced persons, mission to Colombia (E/CN.4/2000/83/Add.1)

d) Report of the Special Rapporteur on violence against women, mission to Colombia (E/CN.4/2002/83/Add.3)

e) Report of the Special Representative of the secretary-General on human rights defender, mission to Colombia (E/CN.4/2002/106/Add.2)

f) UNHCR Confidential Comments

#### NGO

g) Amnesty International 2003 Report, Colombia

h) Amnesty International Press Release "Colombia: Latest vote by Congress is a license for the military to flout human rights", 8 October 2003

i) Amnesty International, "Colombia Security at What Cost? The Government's Failure to Confront the Human Rights Crisis", 10 December 2002

j) Human Rights Watch World Report 2003, Colombia

k) Human Rights Watch, "Colombia's Checkbook Impunity", 22 September 2003

## 23. DOCUMENTS CONTAINING REFERENCES TO THE WIDESPREAD PRACTICE OF TORTURE IN COLOMBIA, SUBSEQUENT TO THE 31TH SESSION:

### United Nations

The Human Rights Committee, in its Concluding Observations (2004) expressed; "concern(ed) about the fact that a significant number of arbitrary detentions, abductions, forced disappearances, cases of torture, extrajudicial executions and murders continue to occur in the State party."<sup>2</sup>

The Committee on the Rights of the Child, in its Concluding Observations (2006) gave voice to "concern(ed) over numerous instances of violence by the regular military forces whereby children have been killed, including cases where children have been falsely reported as killed in combat by the army."<sup>3</sup>

The Office of the High Commissioner in Colombia noted in its annual report (covering 2005) to the Commission on Human Rights that; "The paramilitaries repeatedly violated their commitment to a cessation of hostilities and persisted in committing homicides, threats and attacks against the civilian population, hostage-taking, torture and humiliating or degrading treatment, forced displacements, recruitment of children and acts of sexual violence...Other cases were attributed to paramilitaries acting with the connivance of members of the security forces, especially in Putumayo and in Nariño. Several acts were preceded by arbitrary detentions and torture. The victims were reportedly subjected to ill-treatment during interrogation prior to being executed.

The Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Colombia in 2005 affirms that; "From the beginning of the mission, the Working Group found, to its regret, that there is substantial underreporting of cases of enforced disappearance in Colombia"<sup>4</sup>

### Organisation of American States

#### Inter American Commission on Human Rights<sup>5</sup>

Mission report of the American Commission on Human Rights to Colombia in 2004 in the context of the demobilization process<sup>6</sup>

#### Inter American Court of Human Rights<sup>7</sup>

Caso 19 Comerciantes Vs. Colombia, Sentencia de 5 de julio de 2004. Serie C No. 109

Caso de la Masacre de Mapiripán Vs. Colombia, Sentencia de 15 de septiembre de 2005. Serie C No. 134

Caso Masacre de Pueblo Bello Vs. Colombia, Sentencia de 31 de enero de 2006. Serie C No. 140

Caso de las Masacres de Ituango Vs. Colombia, Sentencia de 1 de julio de 2006 Serie C No. 148

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1/ CAT/C/CR/31/1, para. 7, 4 February 2004

2/ CCPR/CO/80/COL, paras. 11,12, 26 May 2004

3/ CRC/C/COL/CO/3, paras. 44, 50 2 June 2006

4/ E/CN.4/2006/56/Add.1, paras. 57-59, 17 January 2006

5/ <http://www.cidh.org/>

6/ OEA/Ser.L/V/II.120, Doc. 60, paras 69, 70 13 December 2004

7/ <http://www.corteidh.or.cr/>