



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

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COMMITTEE AGAINST TORTURE
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**List of issues to be taken up during the consideration of the
fourth periodic report of COLOMBIA (CAT/C/COL/4)**

Article 2

1. Please provide information for the period 2004-2008 concerning:
 - (a) Cases of alleged torture between 2004 and 2008, indicating the number of cases in which the police, the army and the prison system, respectively, were involved. Please also indicate cases in which acts of torture are alleged to have occurred in the context of other crimes, and specify what crimes;
 - (b) The number of cases of alleged torture that have been documented by the National Institute of Forensic Medicine and the proportion of such cases that relate to actual complaints;
 - (c) Progress in and the outcome of each investigation into complaints of alleged torture;
 - (d) Statistics identifying the institutions responsible, the place where the acts were committed, and the sex, age and ethnic origin of the victims;
 - (e) The number of police, army and prison officers who have been suspended from their duties for acts of torture as a preventive measure or sanction, or who have been subsequently dismissed;
 - (f) The judicial authority (ordinary criminal justice or military criminal justice) that was in charge of the investigations;

(g) The penalties imposed on those convicted of torture and cruel, inhuman or degrading treatment;

(h) Cases of allegations of torture and cruel, inhuman or degrading treatment that resulted in exoneration.

2. Please indicate the number of allegations of torture in the army, particularly with regard to persons performing compulsory military service, and the steps being taken to prevent and investigate such acts.

3. Please indicate whether institutional policies, rules and regulations regarding promotion in the security forces consider human rights violations or serious violations of international humanitarian law as grounds for denying promotion.

4. Please provide information on the investigations of cases of torture and extrajudicial executions of civilians initially reported by the army to have died in combat (number of cases, progress and results of investigations, status of proceedings, number of cases closed, any judicial decisions).

5. Please indicate what steps have been taken to prevent the removal of bodies by members of the army before the arrival of officials of the Technical Investigation Corps, which is subordinate to the Attorney-General's Office, and what effect those measures have had.

6. Please indicate the number of public servants and elected officials investigated and brought to trial for alleged links with illegal armed groups between 2006 and 2008 and the progress of the proceedings.

7. Please indicate how the provisions of the Convention are applied to mercenaries, including foreigners, operating in territory under Colombian jurisdiction and whether and how they have been informed of their obligations under the Convention and the other international human rights instruments that apply to the performance of their functions.

8. With reference to paragraphs 100-107 of the fourth periodic report, please indicate whether a National Action Plan on Human Rights has been adopted and what measures or activities it envisages to prevent torture. What steps are contemplated to implement the Plan at the departmental and municipal levels? If the Plan has not been adopted, what measures or steps have been initiated to expedite the process?

9. With reference to paragraph 235 of the fourth periodic report, please inform the Committee of the results of the work carried out by the National Commission on the Search for Missing Persons since its creation in February 2007 and indicate the steps taken to implement the National Search Plan. Please indicate the measures adopted in the context of the National Search Plan to promote the investigation of cases of torture linked to enforced disappearances.

10. Please indicate what steps have been taken to improve the Early Warning System (SAT), in particular by increasing its budget, and what norms have been adopted to regulate the functions of the Interinstitutional Early Warning Committee (CIAT), make appropriate responses to risk reports, and impose sanctions when alerts are not acted upon.

11. Please indicate the steps taken to strengthen the presence of the Ombudsman's Office at the national level and the amount of State budgetary resources allocated for community defenders, whose role in prevention, particularly the prevention of torture, has been acknowledged by a number of international human rights bodies.

12. Please explain what steps have been taken to prevent, monitor, investigate and punish acts of sexual violence, specifically against women and girls, in armed conflicts and in places where persons are deprived of their liberty. Please indicate whether the procedure for carrying out autopsies includes the obligation to determine whether or not the person was a victim of sexual violence of any kind. Please indicate what measures have been adopted to define and investigate cases of sexual violence as cases of torture.

Article 3

13. With reference to paragraphs 279-291 of the fourth periodic report, relating to article 3, paragraph 1, of the Convention, in cases of expulsion, return or extradition, please indicate whether there is a mechanism for assessing the risk of torture that a person might face in the country of return. Can the person appeal against the decision to a judicial authority and, if so, how? Please provide statistics on the number of cases since 2004.

Article 4

14. Please inform the Committee whether the legislation prohibiting torture and other cruel, inhuman or degrading treatment or punishment takes account of the gender perspective.

Article 10

15. Please indicate whether the State party has medical staff who identify and document cases of torture and provide assistance for the full rehabilitation of victims. If the State party does have such medical staff, please indicate whether specific programmes have been designed and implemented to train them, how many doctors have received training under those programmes, and the content of the programmes.

Article 11

16. What type of central registry of prisoners exists in Colombia? Are there plans to adopt such a system or improve it if one exists? If so, have appropriate budgetary resources been allocated for that purpose?

17. Please provide updated statistics on the prison population, broken down by prison, and indicating sex, age and ethnic origin, in respect both of convicts and of persons in pretrial detention. Please also provide figures for prison overcrowding in 2007 and 2008.

18. What progress has been made in revising the military nature of the National Penitentiary and Prison Institute (INPEC) in order to make it a fully civilian institution, and thereby better ensure a democratic institutional structure with optimum transparency and accountability?

19. Please indicate existing policies and provisions on the use of solitary confinement and the main reasons for its use.
20. Please inform the Committee what measures have been adopted to provide treatment and care for persons suffering from psychological and psychiatric disorders in prison. How many specialized staff have been hired to ensure such care?

Article 12

21. Please indicate what progress has been made towards the reform of military criminal justice so as to guarantee compliance with international standards for military courts and, in particular, to comply with human rights obligations and incorporate the recommendations made to Colombia on independence and legal training as requisites for the military courts.
22. Please provide information on the establishment and results of the monitoring committee to oversee compliance with human rights by the army, as proposed by the Ministry of Defence in 2006.
23. Please provide information on implementation of the application for review provided for under article 192 of the Code of Criminal Procedure, which requires the reopening of cases in which perpetrators of human rights violations have been exonerated. Please indicate how many such applications for review have been made, what procedure has been used for considering them and how many cases have been reopened.
24. Please indicate the steps taken to guarantee the physical integrity of members of the judiciary, as well as the number of members of the judiciary who have been murdered since 2004.
25. Please indicate the number of demobilized paramilitaries who have been investigated, tried and punished under Act No. 975 of 25 July 2005 for crimes of torture, in view of the stipulation in the Act that “the interpretation and implementation of the provisions of this Act must comply with the constitutional norms and the international treaties ratified by Colombia”.
26. With reference to paragraphs 108-119 of the fourth periodic report, please provide up-to-date information on the specific results of the measures taken under the Vice-President’s Action against Impunity Project with regard to the issues of torture and cruel, inhuman or degrading treatment.
27. Please provide information on the investigations into the mass graves found since 2004 based on the testimony of demobilized paramilitaries. Please indicate the total number of exhumed bodies, how many have been identified and the steps being taken to ensure that bodies are correctly identified.

Article 13

28. Please provide additional information about the steps being taken to protect witnesses and victims of torture with a view to ensuring their safety and personal integrity and, with reference to paragraphs 79-83 and 95-98 of the fourth periodic report, indicate how many people are

currently benefiting from the Protection Programme of the Ministry of the Interior and Justice and the Victim and Witness Protection Programme of the Attorney-General's Office. How many people have been victims of some form of harassment or threat since joining the programmes? Specifically, how many cases of murder, torture or inhuman treatment of human rights defenders were reported in 2007 and 2008? Please provide statistics identifying the place where the acts were committed, the sex, age and ethnic origin of the victims, and the type of violation.

29. Please indicate how many victims associated with the process under Act No. 975 of 25 July 2005 have been subjected to harassment or threats. What steps have been taken to protect those victims?

30. Please provide information on the measures taken to protect persons and communities that have been subjected to precautionary or provisional measures under the Inter-American System of Human Rights. In particular, please indicate the collective measures taken to protect the integrity of indigenous and Afro-Colombian communities.

Article 14

31. Please provide information on the work of the National Commission on Reparation and Reconciliation, established by the Justice and Peace Act (Act No. 975 of 2005), and on the steps taken with respect to the regional commissions and the establishment of a regional care network for victims. Please also indicate the progress made in implementing an institutional programme for collective reparations.

32. With reference to paragraph 348 of the fourth periodic report, please indicate what amount has been allocated from national budget funds to the Victims' Compensation Fund (Act No. 975 of 2005, art. 52.6).

33. Please indicate what State funds have been allocated to the individual reparation programme by the administrative channel (Decree No. 1290 of 2008) and how many victims have benefited from that programme.

34. Please provide data, broken down by sex, age, ethnic origin and geographical origin, on compensation paid to victims of torture or cruel, inhuman or degrading treatment committed by State officials since 2004.

35. Please indicate the measures taken to return their land to peasants and other forcibly displaced persons who have been unlawfully dispossessed of it. As part of such protection efforts, what steps have been taken by the State to finalize a General Land Ownership Register?

36. Please indicate the type of medical and psychological care and rehabilitation available to victims of torture or cruel, inhuman or degrading treatment. Please provide information on the care given by State institutions and also on activities carried out by NGOs. What amount of State budgetary resources has been allocated for this purpose? Please provide information on inter-institutional coordination between State bodies and NGOs aimed at improving medical and psychological care for victims of torture or cruel, inhuman or degrading treatment.

37. Please describe steps taken for the nationwide implementation of Act No. 288 of 1996, “by means of which instruments shall be established to provide compensation for damage to victims of human rights violations in accordance with the provisions of certain international human rights bodies”. Please indicate how many requests have been received on the basis of this Act, what decisions have been taken by the courts, and how those decisions have been implemented with respect to acts of torture.

Article 16

38. Please indicate the regulations that apply to minors deprived of liberty and provide information about their content and implementation. Please indicate how the separation of minors from adults in prison is guaranteed, in accordance with the recommendations issued by the Committee on the Rights of the Child in 2006.

39. Please indicate the specific steps taken in the prison system under the Justice and Peace Act to ensure the personal safety of all persons deprived of their liberty.

Other issues

40. Please provide information on the steps taken to prevent torture, in particular with respect to the recruitment or use of child soldiers, and to ensure that they are not subjected to interrogation by the army when they are captured. What specialized medical and psychosocial care is given to demobilized child soldiers and to children who have been victims of landmines? What is the legal deadline for the authorities to transfer demobilized children to the care of the Colombian Institute for Family Welfare (ICBF) and how long does transfer actually take on average?

41. Please provide information on the number of cases of allegations of police abuses against children documented by the Institute of Forensic Medicine between 2004 and 2008.

42. Please specify the number of children handed over by demobilized paramilitary groups under Act No. 975 of 2005. How many of them were under 15 years of age? Please give a breakdown by age and sex.

43. Please indicate what steps have been taken to investigate and punish members of paramilitary groups and guerrillas responsible for recruiting child soldiers.

44. Please indicate whether NGOs were consulted in the preparation of the report and, if so, how and in what context.

45. Please indicate whether the State party’s legislation prevents and prohibits the production, trade, import, export and use of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment. If so, please provide information about its content and implementation. If not, please indicate whether the adoption of such legislation is being actively considered and when it might be adopted.

46. Please indicate when Colombia intends to deposit the declaration provided for in article 22 of the Convention, recognizing the competence of the Committee to receive and consider communications from or on behalf of individuals.

47. Please indicate when Colombia expects to be able to sign and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and whether steps have been taken to establish or designate a national mechanism to conduct periodic visits to places of detention in order to prevent torture and other cruel, inhuman or degrading treatment.
