



International Convention for the Protection of All Persons from Enforced Disappearance

Distr.: General
30 April 2021

Original: English

Committee on Enforced Disappearances

Twentieth session

Summary record of the 347th meeting

Held via videoconference on Tuesday, 20 April 2021, at 4 p.m. Central European Summer Time.

Chair: Mr. Ayat

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The meeting was called to order at 4 p.m.

Consideration of additional information submitted by States parties *(continued)*

Additional information submitted by Colombia under article 29 (4) of the Convention (continued) (CED/C/COL/AI/1)

1. *At the invitation of the Chair, the delegation of Colombia joined the meeting.*
2. **Ms. Villa Quintana** (Country Rapporteur) said that the Committee had been informed that the army's Joint Chiefs of Staff had drawn up a plan to present a coordinated account of incidents that had occurred during the armed conflict when they appeared for questioning before the transitional justice mechanisms. If that was indeed the case, she would welcome an explanation of how the State party intended to ensure that investigations into offences of enforced disappearance committed in the context of the armed conflict would uncover the truth, identify the perpetrators and lead to prosecutions, convictions and appropriate penalties. Similarly, there were reports that senior military officials who appeared before the Special Jurisdiction for Peace were not being requested to provide information about acts of enforced disappearance for which they would incur criminal responsibility as superiors. She therefore wished to know the extent to which the conditionality regime, which had been established to guarantee restorative justice and ensure that parties appearing before the Special Jurisdiction for Peace told the whole truth, was being applied. In that connection, she would like to know what legal provisions had been put in place to ensure that investigations or proceedings relating to human rights violations or serious violations of international humanitarian law were grounds for denying promotions in the armed forces and the security forces. Information on the current status of a bill on the promotions system in the armed forces and the police would also be appreciated.
3. While welcoming the information that had been provided at the previous meeting, she was concerned about the seeming disparities in the data relating to the number of disappeared children. She would be grateful if the delegation could provide clarification in that regard. It would be helpful to receive data specifying how many of those children had been subjected to enforced disappearance within the meaning of article 2 of the Convention, and how many of them were still disappeared. She would also like to know what proportion of the total number of disappeared children had been recruited by the Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo (Revolutionary Armed Forces of Colombia – People's Army) or other armed groups and what percentage of the total number of disappeared children who had been deprived of their identity had had it restored. Concerning the enforced disappearance of persons deprived of their liberty, she noted that the Attorney General's Office had opened an investigation into allegations of the disappearance, killing and dismemberment of detainees in several prisons around the country. The Committee would be interested to know the outcome of that investigation and the measures that had been taken to prevent the enforced disappearance of persons deprived of their liberty in places of detention.
4. She wished to know which institutions were tasked with searching for disappeared persons, including persons who had been subjected to enforced disappearance in the context of the armed conflict and those who had disappeared after the hostilities had ended, and how those institutions coordinated with each other. The delegation might provide information on the implementation status of the national search plan of the unit for the search of persons presumed disappeared in the context and by reason of the armed conflict and of its accompanying regional plans, and on the results obtained so far. It would be useful to know whether the 2007 National Plan on the Search for Disappeared Persons was also still in operation and, if so, which entities were responsible for its implementation. She would be interested to know what action had been taken by the State party to search for and locate victims of offences of enforced disappearance that had occurred in cross-border areas, whether the Government had sought legal assistance or cooperation from other States in that connection and what measures had been taken to ensure that the guiding principles for the search for disappeared persons (CED/C/7) were being applied by the various competent authorities, in particular principle 4, which required a differentiated approach to be taken when the victims were women, children, lesbian, gay, bisexual, transgender and intersex persons, persons with disabilities or members of indigenous peoples or Afrodescendent communities.

5. The Committee was concerned that State agents, human rights defenders – particularly those from indigenous or Afrodescendent communities – and victims of enforced disappearance had reportedly been killed or subjected to acts of violence, harassment, intimidation and reprisals as a result of their participation in search and investigation activities. The delegation was encouraged to provide information on the steps taken to prevent such acts from occurring, the number of victims of such attacks, the protective measures that had been applied and the results of investigations into those incidents. It would likewise be helpful to receive an account of the measures taken to strengthen protection programmes and to ensure that they were tailored to the specific needs of the persons concerned.

6. She would also appreciate updated data on the number of disappeared persons who had been found, identified and whose remains had been returned to their family members. She wished to invite the delegation to comment on reports that families and organizations who had notified the competent authorities of the discovery of a grave had been informed that, owing to security issues or a lack of resources, they would have to exhume the remains themselves in order for the death scene investigation to be carried out. The delegation might indicate what measures had therefore been taken to ensure that the competent authorities, including the Attorney General's Office and the unit for the search of persons presumed disappeared, handled diligently and expeditiously all aspects of death scene investigations and the identification, registration and dignified return of remains. In that connection, she wished to know what steps had been taken to ensure that initiatives to obtain genetic samples from relatives of disappeared persons were widely accessible, especially in rural areas, and in the light of the coronavirus disease (COVID-19) pandemic.

7. She would like to know what action had been taken to protect areas where exhumations and forensic investigations were being performed and what role the Special Jurisdiction for Peace was playing in that respect. According to reports received by the Committee, problems had been encountered in respect of the management and protection of unidentified remains that had been exhumed from mass graves. Concerning the more than 20,500 sets of unidentified remains which, according to a survey conducted in 2011 by the Office of the Special Prosecutor for Transitional Justice, were interred in the country's cemeteries, she would like to know how many unidentified bodies had now been recovered and where they were currently located; what measures had been taken to protect the remains of unidentified persons and of identified and unclaimed persons buried in public and private cemeteries; and what protocols were in place to prevent those remains from being seized and subjected to a second disappearance. Lastly, it would be helpful to know what technical, financial and human resources had been allocated to the authorities responsible for the cemeteries where such remains were buried, and whether they were adequate in view of the high number of cases requiring forensic expertise and the requirement for them to be dealt with in a reasonable time frame.

8. **Mr. López Ortega** (Country Rapporteur), welcoming the information that had been provided by the State party at the previous meeting, said that it was still unclear how many persons had actually been subjected to enforced disappearance in Colombia. For example, according to paragraph 33 of the report containing additional information ([CED/C/COL/AI/1](#)), the number of recorded victims stood at 75,287; however, figures from the website of the Central Register of Victims indicated that there were some 185,000 victims. He would therefore be grateful if the delegation could provide clear and conclusive data on the total number of victims of enforced disappearance, disaggregated by sex, age, ethnic origin and date of disappearance. It would also be useful to know whether the figure from the Central Register related solely to victims of enforced disappearance in the context of the armed conflict and, if so, where other victims had been recorded.

9. Regarding the Central Register of Victims, he noted that victims of enforced disappearance or kidnapping had been sorted into two categories: direct victims and indirect victims. He wished to know what criteria had been used to make those distinctions and why there was such a large disparity between the number of direct and the number of indirect victims of those crimes. For example, according to the figures on its website, the vast majority of the 185,000 victims of enforced disappearance – some 135,000 – had been categorized as indirect victims; however, of the 37,000 kidnapping victims, scarcely 3,000 had been

categorized as indirect victims. He failed to understand how that could be the case, given the similarities between the two crimes and the fact that both of them involved deprivation of liberty. It was also difficult to understand how, according to the Central Register, the number of acts of enforced disappearance exceeded the total number of victims, which suggested that a certain number of those acts had somehow been victimless crimes. In that connection, he would welcome an explanation of the methodologies used by the various institutions responsible for collecting, updating, cleansing and managing data on victims of enforced disappearance, such as the Comprehensive Victim Support and Reparation Unit and the Attorney General's Office, and the measures taken to ensure that such data were correct.

10. He would be interested to know what proportion of the total number of victims of enforced disappearance had obtained reparation under Act No. 1448 of 2011 (the Victims and Land Restitution Act) and what kind of reparation they had been awarded, whether the comprehensive reparation measures outlined in article 24 of the Convention were reflected in the Act and whether both direct and indirect victims were entitled to comprehensive reparation. He wondered whether victims of kidnapping, in particular in the context of the armed conflict, were eligible for compensation and reparation, even though the crimes against them had not been categorized as enforced disappearance. It would be useful to know how many applications for declarations of absence by reason of enforced disappearance had been received and how many of them had been approved. He wished to invite the delegation to comment on reports that a declaration of presumed death was required before a victim could be recorded in the Central Register of Victims, a practice that appeared to be at variance with the Convention.

The meeting was suspended at 4.40 p.m. and resumed at 4.50 p.m.

11. **Mr. Strusberg** (Colombia) said that the main institutions responsible for searching for persons reported as disappeared were the Group for the Search, Identification and Handover of Disappeared Persons and the unit for the search of persons presumed disappeared in the context and by reason of the armed conflict. A number of other agencies supported such searches, including the National Institute of Forensic Medicine and Science and the Technical Investigation Corps.

12. When processing statistics on disappeared persons, the Attorney General's Office cross-checked the information held in its information systems with that held by all other relevant State agencies. Using that method, the Office had established that there were 84,330 victims of enforced disappearance that remained disappeared. According to the Group for the Search, Identification and Handover of Disappeared Persons, a total of 7,732 bodies of disappeared persons had been found in open rural areas while a further 2,520 had been exhumed from cemeteries. A total of 10,499 child victims of enforced disappearance had been recorded.

13. The Attorney General's Office was working with the Counsel General's Office to combat cross-border enforced disappearance in the municipality of Tibú. The remains of 4,935 victims of enforced disappearance during the armed conflict had been exhumed and transferred to forensic laboratories. Genetic samples from the remains would be checked against samples taken from every department in the country in order to identify the victims.

14. **Mr. Gómez Escobar** (Colombia) said that the perpetrators of the disappearance and sexual assault of the girl mentioned at the previous day's meeting were currently being tried for the violent carnal penetration of a minor. If convicted, they would be sentenced to between 16 and 30 years' imprisonment. They were currently being held in detention.

15. **Mr. Infante Gómez** (Colombia) said that the main purpose of the urgent search mechanism was to prevent enforced disappearance. Any person could submit a request for the activation of the mechanism, which was required to take place within 24 hours of the authorities' having received the request. All State agencies and law enforcement bodies whose work related to search processes were required to support activities carried out under the mechanism. Since the launch of the mechanism in 2005, it had been activated 6,039 times. In 84 cases, the person concerned had been found alive. In the remaining cases, important information had been compiled and used in the subsequent investigation.

16. **Mr. Arango Alzate** (Colombia) said that all promotions of persons serving in the armed forces and the National Police took place in accordance with the Constitution and the applicable legislation and regulations. In compliance with the principle of the separation of powers, the Senate organized a competition to select the persons to be promoted to the most senior ranks. The soldiers accused of sexually assaulting the girl mentioned by the Committee had been removed from their posts and banned from occupying any other public position for a period of time that depended on the degree of their involvement in the offence. Two judicial police bodies – the Technical Investigation Corps and the National Police – were responsible for investigating offences committed by members of the security forces.

17. **Ms. Monzón** (Colombia) said that the unit for the search of persons presumed disappeared was responsible for searching for persons who had been disappeared before December 2016 in the context of the armed conflict. The unit and the Attorney General's Office were required to coordinate the work of all the agencies that could usefully contribute to the search for such persons, including the Disappeared Persons Investigative Commission and the Special Jurisdiction for Peace. To that end, a number of inter-agency agreements on coordination and the exchange of information had been concluded. As a result, the remains of over 100 victims had been recovered in different parts of the country and had been transferred to the National Institute of Forensic Medicine and Science.

18. In 2020, the unit's national plan for the search for disappeared persons had been unveiled to the public. The plan contained information on goals, timescales and coordination mechanisms, and addressed a number of key areas in the search for disappeared persons, including information gathering, the finding and identification of victims, and the participation of victims in the investigation process. The unit was currently developing a special module for inclusion in the National Register of Disappeared Persons; the module in question would be used exclusively to register disappearances that had occurred in the context of the armed conflict. The unit was also developing methods for conducting coordinated searches of marshes and swamps in the district of Buenaventura.

19. **Mr. Ramelli** (Colombia) said that, in some respects, the plan for the coordination of statements taken by the Special Jurisdiction for Peace in connection with acts of enforced disappearance and extrajudicial killings could be considered to have failed, as many of the acts and persons mentioned in such statements had never been investigated by the criminal justice system. When the Special Jurisdiction for Peace put together a statement, which was based on comprehensive questionnaires and took months to prepare, it investigated all the information held by the justice system on the case concerned and all the victims' reports to which it had access. The Special Jurisdiction for Peace then compared the statements produced with a view to determining which were true and which were false. Persons who failed to tell the truth in their statements would lose their entitlement to the privileges afforded under the established agreement. To date, all members of the security forces who had been asked to give a statement had done so. Although high-ranking members of the security forces were always questioned about every offence of enforced disappearance of which they might have knowledge, it was usually only the material perpetrators who knew where the bodies of victims were located. Measures were taken to ensure that members of the security forces who provided statements were protected against reprisals.

20. **Mr. Jiménez** (Colombia) said that the information held by the various institutions differed because their mandates and the scope of their databases also differed. The information held in the different databases was cross-checked and, if necessary, corrected and updated with a view to improving the quality of the data in the National Register of Disappeared Persons. In 2020, the National Institute of Forensic Medicine and Science had continued to take genetic samples from the family members of victims of enforced disappearance. That process would be resumed very shortly. Lesbian, bisexual, gay, transgender and intersex persons were classified as vulnerable persons in the National Register of Disappeared Persons.

21. **Ms. Villa Quintana** said that she wished to know what measures were being taken to ensure the efficient coordination of the different institutions responsible for investigating cases of enforced disappearance that had occurred during the armed conflict and in other contexts. The delegation might also describe how those institutions coordinated their efforts with those of the National Institute of Forensic Medicine and Science. The Committee would

welcome information on any measures taken to ensure that persons who reported a case of enforced disappearance were able to participate in the corresponding search processes.

22. It would be interesting to know what the State party was doing to ensure that the urgent search mechanism functioned efficiently and was always activated within 24 hours of a suspected case of enforced disappearance having been reported. In the light of reports that the judicial authorities were not always aware of the existence of the mechanism, she would be grateful to receive information on any steps taken to raise their awareness of it.

23. The Committee would appreciate information on the human and financial resources allocated to the unit for the search of persons presumed disappeared in the context and by reason of the armed conflict, the Commission on Truth, Coexistence and Non-Repetition and the National Protection Unit. In the case of the National Protection Unit, she wondered whether it had received all the resources that it had requested and, if so, whether those resources enabled it to provide sufficient protection to vulnerable persons, particularly in rural areas. The delegation might describe how the Ombudsman's Office coordinated with the Inter-Agency Early Warning Committee to ensure that a swift response was provided to early warnings of risk situations.

24. As the statistics on enforced disappearance provided by different agencies in the State party were not always consistent or clear, she wondered how many cases of enforced disappearance had been brought before the Attorney General's Office, how many convictions had been secured and how many persons were currently recorded in the National Register of Disappeared Persons. She also wished to know whether the National Register of Disappeared Persons contained information on all the 120,000 persons who, according to the unit for the search of persons presumed disappeared, had been disappeared during the armed conflict. The Committee would welcome the delegation's comments on the disparity between the figures on enforced disappearance provided by the National Centre for Historical Memory, according to which 80,742 persons had been disappeared between 1958 and 2018, and the higher figures provided by certain civil society organizations.

25. **Mr. López Ortega** said that he wished to return to the question of the case of the girl who had been abducted by members of the military and raped. He understood that not only had the perpetrators been dismissed but they were currently being tried and had been remanded in custody. However, they were being tried only for sexual assault, whereas the girl had also been abducted. Rape was a terrible crime, but the incident also involved the crime of enforced disappearance within the meaning of article 2 of the Convention, as it involved arbitrary deprivation of liberty carried out by State agents. The victim would not be able to benefit from the Committee's protection if the perpetrators were not also charged with abduction or enforced disappearance, especially as the State party had not yet recognized the Committee's competence to receive and consider individual and inter-State communications under articles 31 and 32 of the Convention, respectively.

26. At the previous meeting, it had been mentioned that the fate and whereabouts of some 9,900 child victims of enforced disappearance had not yet been established. However, the delegation had also stated that more than 44,000 child victims of enforced disappearance had been entered in the National Register of Disappeared Persons, around half of whom had been found alive and had been released. Others presumably remained disappeared, and some 1 per cent of them were assumed to have died. He failed to understand why the Office had not opened investigations into the some 9,900 cases involving children who had been abducted and were alive; the authorities needed only to interview the persons in question.

27. It was important to stress that the Committee was not simply raising the question of figures or statistics. The crux of the matter was the right to truth. The Committee, the State party and Colombian society as a whole needed to know how many persons had been subjected to enforced disappearance. The statistical information provided raised questions that needed to be clarified.

28. **Ms. Gnecco** (Colombia) said that Colombia was going through a unique process and had an appropriate legal framework and institutions to facilitate it. It was not only supported but also constantly scrutinized by the international community. Above all, it was a process that was being driven by the political will of the current Government.

29. All entities that were part of the comprehensive system of truth, justice, reparation and non-repetition had a budget that enabled them to discharge their mandates. The budget of the Special Jurisdiction for Peace had increased from some 38 million Colombian pesos (Col\$) to some Col\$ 94 million. The budget of the Commission on Truth, Coexistence and Non-Repetition had likewise increased from some Col\$ 5 million in 2018 to approximately Col\$ 34 million in 2021. Similarly, the unit for the search of persons presumed disappeared in the context and by reason of the armed conflict, which had been allocated a budget of some Col\$ 3 million in 2018, currently had nearly Col\$ 37 million at its disposal.

30. **Ms. Rodríguez** (Colombia) said she wished to clarify that the 44,790 children who had been reported as disappeared and had been entered into the National Register of Disappeared Persons included not only children who had been subjected to enforced disappearance but also children who had been trafficked, recruited into armed groups or abducted. The figure also covered children who had been reported as disappeared on account of abuse of parental authority and intrafamily violence. That explained the discrepancies between the figures in the National Register of Disappeared Persons and those of the Attorney General's Office. The figure of some 9,900 cited by the Office referred to the number of investigations launched with a view to solving cases involving the enforced disappearance of children.

31. The concerns raised by the Committee related to the national search plan of the unit for the search of persons presumed disappeared adopted in 2020. The Disappeared Persons Investigative Commission also had a national search plan (the National Plan on the Search for Disappeared Persons); that plan, which had been introduced in 2007 and was still in force, provided a coherent framework for search activities and had been adopted by other institutions involved in the search for disappeared persons.

32. **Ms. Mesa Mayorga** (Colombia) said that the Central Register of Victims was a technical and administrative tool that compiled information on victims within the context of the armed conflict, in accordance with the Victims and Land Restitution Act. In order to be included in the Central Register, victims had to submit a request to the Public Legal Service. It was not necessary to obtain a declaration of presumed death in order to be considered a victim. Victims needed only to provide an account of the facts of the case in question. The Comprehensive Victim Support and Reparation Unit assessed cases to check whether the facts reported by the victims had in fact occurred. The Central Register of Victims was regularly updated and the information that it contained was shared with all relevant State institutions, including those making up the comprehensive system of truth, justice, reparation and non-repetition. That facilitated the registration and characterization of victims and ensured the preservation of historical memory.

33. Concerning direct and indirect victims, it was true that there were some 185,000 victims of enforced disappearance recorded in the Central Register of Victims, some 50,000 of whom were direct victims. Direct victims were persons who had actually been subjected to enforced disappearance in the context of the armed conflict and had been entered in the Central Register of Victims. The some 135,000 indirect victims were family members or others who had been affected by the disappearance of direct victims. The data on such persons was then broken down by factors such as gender, age, ethnic background and sexual orientation. The Victims and Land Restitution Act also established a comprehensive reparations programme, which, in accordance with the Convention, covered both material and moral damages. In addition to financial compensation, satisfaction, restitution and guarantees of non-repetition were offered as intangible forms of reparation. More than 12,400 victims of enforced disappearance had received compensation. The Comprehensive Victim Support and Reparation Unit also provided psychosocial support, oversaw the dignified return of victims' remains and ensured the effective participation of the victims' families in all relevant processes. The reparation programme in Colombia was unique in the world.

34. **Mr. Strusberg** (Colombia) said that the Attorney General's Office facilitated coordination between agencies with responsibility for combating enforced disappearance. The various bodies involved in those efforts, including those represented in the present delegation, worked as a team. To date, 10,000 victims of enforced disappearance had been exhumed from cemeteries or open rural areas; the remains of some 5,000 had been handed over to their families.

35. **Ms. Monzón** (Colombia) said that the unit for the search of persons presumed disappeared in the context and by reason of the armed conflict coordinated the efforts of the various institutions involved in the search for disappeared persons. The differences in the figures provided by each of those institutions had to do with their different competencies. The unit was making progress thanks to the coordinated efforts of other institutions. Above all, it enjoyed the support of the National Institute of Forensic Medicine and Science, whose tasks included pooling and updating information on disappeared persons and the searches undertaken to locate them.

36. **Mr. Infante Gómez** (Colombia), replying to the questions raised about the urgent search mechanism, said that all prosecutors and criminal police investigators had been trained to treat suspected cases of enforced disappearance as a priority and to activate the mechanism without delay. The work of the Attorney General's Office was guided by the principle that enforced disappearance could be prevented. It always worked on the assumption that the person would be found alive and thus took immediate action by triggering the mechanism. In 2020, the mechanism had been activated on 77 occasions. Just because a case was described as "inactive" did not mean that the Attorney General's Office had halted its investigation. In such cases, either a conviction had been secured or the case had become part of a *macrocaso* – a major case involving investigations of macro patterns of criminality.

37. **Mr. Arango Alzate** (Colombia) said that, when the Ombudsman's Office issued an early warning, the Inter-Agency Early Warning Committee followed it up, listened to all government entities concerned and published its conclusions on whether the action being taken by those entities was sufficient to mitigate the risks cited in the early warning. More than 200 early warnings and over 10,000 associated recommendations had been issued. Recently, particular attention had been paid to demobilized persons.

38. **Ms. Monzón** (Colombia), replying to the questions posed on the participation of victims in search activities, said that the unit for the search of persons presumed disappeared was tasked with carrying out extrajudicial and humanitarian searches. It was developing methodologies to ensure that victims and relevant organizations could participate effectively in information gathering and that they had a proper understanding of the different stages of the search process. In order to strengthen such participation, it had developed regional search plans to be implemented in cooperation with local partners. The unit had an important role to play in helping to consolidate data on disappeared persons. It had a mandate to search not only for victims of enforced disappearance but also persons who had been abducted, enlisted in armed groups or who had disappeared while taking part in hostilities, on whom only scant information was currently available. Through its cooperation with the National Institute of Forensic Medicine and Science, the unit had been able to update several case files and make progress towards identifying the victims' remains. Although inter-institutional coordination remained a challenge, every effort was being made to improve such coordination in order to achieve the State's common goal of finding disappeared persons.

39. **Ms. Mejía Hernández** (Colombia) said that the Government of Colombia had taken due note of the concerns expressed by the country rapporteurs and experts who had participated in the dialogue and wished to reaffirm that it would continue to work to strengthen national capacities in order to respond to the many challenges that still remained, notwithstanding the clear progress that had been made since the beginning of the current century. In fact, the previous 20 years had witnessed an unquestionable reduction in levels of violence and a marked improvement in the quality of life of all Colombians. However, public policy and institutional capacities could always be improved. In Colombia, a country that was firmly committed to democracy, the protection of human rights and the rule of law, public servants would continue to spare no effort to ensure that progress continued to be made.

40. **The Chair** said that he was grateful to the delegation of Colombia for having agreed to participate in an online dialogue, which, despite the technical difficulties that had arisen, had proved to be constructive and fruitful. The Committee would transmit its concluding observations to the State party in due course.

The meeting rose at 6.10 p.m.