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Committee against Torture

Consideration of reports submitted by States parties under article 19 of the Convention under the optional reporting procedure

Fifth periodic reports of States parties due in 2013

Colombia* **

[Date received: 30 December 2013]

* The fourth periodic report of Colombia appears in document CAT/C/COL/4; it was considered by the Committee at its 908th and 911th meetings, held on 10 and 11 November 2009 (CAT/C/SR.908 and 911). For its consideration, see the Committee's concluding observations (CAT/C/COL/CO/4).

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*** The annexes may be consulted in the files of the Secretariat.

Abbreviations

ACR	Colombian Agency for Reintegration
ANSPE	National Agency for the Eradication of Extreme Poverty
ASFADDES	Association of Relatives of Disappeared Detainees
AUC	Autodefensas Unidas de Colombia (United Self-Defence Forces of Colombia)
C12 BACRIM	Central Intelligence Centre for Combating Criminal Drug Trafficking Gangs
CAPRECOM	Social Provident Fund for Communications Employees
CERREM	Committee for Risk Assessment and Recommended Measures
CIAT	Early Warning Information Centre
CMH	Centre for Historical Memory
CONPES	National Economic and Social Policy Council
CRES	Health Regulation Commission
DAS	Administrative Security Department
DNP	National Planning Department
ENBAC	National Strategy to Combat Drug Trafficking Gangs
EPAMS-CAS	High and Medium Security Prison – High-Security Pretrial Detention Centre
FARC	Fuerzas Armadas Revolucionarias de Colombia
GANSJ	High-level Panel on Security and Justice
GAULA	Joint Task Force for Personal Liberty
IACHR	Inter-American Commission on Human Rights
ICBF	Colombian Family Welfare Institute
ICRC	International Committee of the Red Cross
INPEC	National Prisons Institute
IOM	International Organization for Migration
OHCHR	Office of the United Nations High Commissioner for Human Rights
PADF	Pan American Development Foundation
PAPSIVI	Psychosocial Assistance and Comprehensive Health-Care for Victims Programme
PGN	Office of the Counsel General of the Nation
PISD	Comprehensive Security and Defence Policy for Prosperity
SIID	Disciplinary Information System
SIJYP	Justice and Peace Information System
SIOPEC	Prisons Operation System

SIRDEC	Disappeared Persons and Recovered Bodies Information System
SNARIV	National System for Comprehensive Victim Support and Reparation
UARIV	Comprehensive Victim Assistance and Reparation Unit
UNAC	National Unit for Contextual Analysis
UNDP	United Nations Development Programme
UNP	National Protection Unit
URT	Land Restitution Unit

Articles 1 and 4

Reply to paragraph 1 of the list of issues

1. Colombia has developed a comprehensive legal framework for the prevention and punishment of torture. The act of torture is defined in article 178 of the Colombian Criminal Code (Act No. 599 of 2000) under Chapter V (Offences against personal autonomy), Section III (Offences against personal liberty and other guarantees), as follows: "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 …".

2. Torture is classified as a criminal offence and is punishable by imprisonment for a term ranging from 8 to 15 years, a fine of from 800 to 2,000 times the minimum legal wage (SMLV) and disqualification from the exercise of public rights and duties for the same period as the term of imprisonment. Subsequently, Act No. 890 of 2004 provided for an increase in the penalty of imprisonment to a term ranging from 10 years and 8 months to 22 years and 6 months. The definition of torture in Colombia offers a broader level of protection, than the provisions of international instruments adopted by regional and universal systems, since, in order for an act to constitute torture, the person who committed it does not have to belong to a particular category.

3. In addition, a definition of torture as an offence is also contained in the Criminal Code under the legal designation "torture of protected persons" in Section II (Offences against persons as it relates to armed conflict and property protected by international humanitarian law), article 137, which stipulates that: "Anyone who, in the event or in the course of 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 him or her for any reason based on discrimination of any kind shall be liable to imprisonment for a term of from 10 to 20 years, a fine of from 500 to 1,000 times the minimum legal wage (SMLV), and disqualification from the exercise of public rights and duties for a period of from 10 to 20 years". It should be noted that Act No. 890 of 2004 increased this penalty to a term of imprisonment ranging from 13 years and 4 months to 30 years.

4. Act No. 1426 of 2010, article 1, provided for the amendment of article 83, paragraph 2, of Act No. 599 of 2000, by imposing a penalty of imprisonment for a term of 30 years for the criminal offences of genocide, enforced disappearance, torture, murder of a human rights defender, murder of a journalist or enforced displacement.

5. It is important to clarify that the act of enforced disappearance is characterized as being "of a continuous nature", which means that the statutory limitation period begins with the most recent constitutive element of this act, such as finding the disappeared person alive or discovering his or her remains.

Article 2

Reply to paragraph 2 of the list of issues

6. (a) Articles 110,[1] 111[2] and 112[3] of the Prison Code (Act No. 65 of 1993) establish the rights of persons deprived of their liberty to receive legal assistance, to

[1] Article 110. External information. Prisoners shall enjoy freedom of information, except in the event of a serious breach of law and order, in which case any restriction must be substantiated.

A system shall be set up in all prison facilities to provide news and information to prisoners on a daily basis, covering the most significant national and international events, by means of either a bulletin issued by the prison director or by any other means that is available to all prisoners but not liable to adversely affect discipline.

[2] Article 111. Communication. Prison inmates have the right to maintain communication with the outside world. Upon admission, arrested persons shall be entitled to designate the person to whom their arrest should be communicated, to contact their lawyer and to notify their family of their situation.

The prison director shall establish, in accordance with the internal rules, the timing and mode of such communication with family members. In special cases and subject to equality of conditions, duly supervised telephone calls may be authorized. The oral or written communication provided for in this article may be monitored under orders from a judicial officer, at his or her discretion, or at the request of an authority of the National Prisons Institute, either for the prevention or investigation of an offence or in order to maintain prison security. Communication between a prisoner and his or her lawyer may not be intercepted or monitored.

Prisoners may not, for any reason or in any circumstances, have in their possession private communication devices or equipment, such as faxes, telephones, pagers or other similar items.

The sending and receiving of correspondence shall be subject to the authorization of the prison director in accordance with prison rules. Inmates in the nation's prisons shall be exempt from postal fees for correspondence, provided that the prison director has certified on the envelope of such correspondence that the sender is an inmate.

In the event of the death, illness or serious accident of a prisoner, the prison director shall notify the prisoner's family. Likewise, when such events occur in the prisoner's family, the director shall immediately notify the prisoner.

[3] Article 112. Visitation rules. Accused persons are entitled to receive visits from family and friends when authorized by the relevant prosecutors and judges and subject to the rules on safety and discipline established in each prison facility. The hours, conditions and frequency of visits and the modalities according to which they are to be carried out shall be set forth in the internal rules of each prison facility, depending on the type of facility and the higher or lower security level of each.

Permission to visit shall be granted to any lawyer who requests it, upon presentation of his or her professional identity card and subject to the inmate's consent.

Convicted prisoners may also receive visits from lawyers authorized by them. Rules relating to visits from prisoners' relatives and friends shall be set forth in the general regulations.

Visitors who engage in improper conduct within the facility or who break the internal rules shall be expelled from the facility and barred from future visits, depending on the gravity of the infraction, as determined on the basis of the internal rules of the prison facility.

Visitors who are caught with, or are shown to have possessed, distributed or trafficked in, psychotropic substances, narcotic drugs, earnest money or significant sums of money, shall be permanently barred from visiting the prison facilities, without prejudice to any criminal proceedings that may be warranted in such circumstances.

In exceptional cases and where there is an urgent need, the prison director may derogate from the established rules in order to authorize a visit to a prisoner, provided that a written record is kept of the visit, including the reasons justifying it, and provided that it is granted for the amount of time strictly necessary to accomplish its purpose.

communicate with their family or any other person that they designate and to meet with their lawyer. The timing and frequency of such visits and the conditions and methods of carrying them out are governed by the internal rules of each prison facility, depending on the type of facility and the higher or lower security level of each.

7. The right of inmates to communicate with their family and their lawyer is regulated by National Prisons Institute (INPEC) Agreement No. 0011 of 1995, articles 21, 24, 25, 26 and 27.[4]

Conjugal visits shall be governed by the general regulations, in keeping with principles of hygiene, safety and morality.

[4] Article 21. Communication. Prisoners may communicate with their family, lawyer, relatives, friends and acquaintances, by means of written correspondence, visits or telephone, in accordance with the rules prescribed in Act No. 65 of 1993, in these regulations and in the internal regulations of each facility.

Article 24. Written communication. Prisoners are allowed to maintain written communication with the outside world. Their incoming or outgoing correspondence shall be subject to the following provisions:

1. No limits shall be placed on the number of letters that prisoners may write, send or receive.

2. All correspondence sent by prisoners shall bear their first and last name and shall be placed in a closed enveloped and deposited in the mailbox, from where it shall be collected, registered in the corresponding log and subsequently dispatched.

Letters deposited by prisoners, which, because of their size or weight, attract the attention of the official in charge of logging them, may be returned to the sender in order for the latter to place it in another envelope in the presence of the prison director or a person appointed by the director.

3. After being registered in the logbook, correspondence addressed to prisoners shall be delivered to them by the official in charge of the service. A prisoner may be ordered to open such correspondence in the presence of an official in order to ensure that it does not contain prohibited items.

Article 25. Telephone calls. Without prejudice to the provisions set forth in the internal prison regulations concerning the authorized timing, mode and duration of calls, all prisoners shall have the right to communicate by telephone:

1. At the time of admission to the prison facility in order to contact their lawyer and inform their family of their situation;

2. When they must communicate some matter urgently to their family or their lawyer, after obtaining the approval of the deputy director — or in his or her absence, the watch commander — of the reasons for the purported urgency;

3. When the prison administration has been informed of the death, illness or serious accident of a relative; or

4. By means of public telephones, in the conditions set forth in the internal prison regulations of the respective prison centre.

The Director-General of INPEC shall ensure that public telephones are installed in prison facilities so that prisoners may use them to make phone calls under the terms of the present agreement. These calls may be intercepted by order of the judicial authority. It is prohibited to have or use unauthorized means of communication, such as pagers, cell phones, walkie-talkies or computers.

Article 26. Visits. Prison directors shall set out, in the internal prison regulations, the authorized times during which prisoners may receive visits, and the authorized modes and forms of communication, in accordance with the following requirements:

1. Male visitors may be received on Saturdays and female visitors on Sundays;

2. Each prisoner shall have the right to receive two groups of visits per week – one group on Saturday and one group on Sunday, without prejudice to the regulations concerning scheduled visits.

3. Each prisoner may receive no more than three persons on each of those days.

8. (b) This power is entrusted to judicial authorities in keeping with the provisions of article 14 of the Prisons Code (Act No. 65 of 1993).[5] The legal requirements for examining the legitimacy of detention include those set forth in article 303 of the Code of Criminal Procedure.[6]

9. A person in pretrial detention must be brought before a judge within 36 hours so that the latter may make an appropriate determination.[7]

10. (c) In accordance with Act No. 65 of 1993, Title IX, entitled "Health Services", the prison admission process includes a medical evaluation of all inmates entering the

4. The visit shall take place in visiting rooms specifically intended for that purpose. In places where these do not exist, and while they are being set up, visits may take place in the prison wards. Visitors may not, in any circumstances, enter the areas where prisoners reside, except in the case of conjugal visits.

5. The internal prison regulations shall specify the visiting hours for each ward, so that visits received by half the prison population shall be carried out in the morning and the other half in the afternoon. The prison administration shall inform prisoners and visitors of the visiting hours for each ward. The number of visitors per prisoner shall be checked at the entrance of the prison.

Article 27. Communication with lawyers. Meetings between prisoners and their defence lawyers shall be held in places designated specifically for that purpose. Lawyers who enter the prison shall comply with the rules concerning entry, identification, inspection and all other measures relating to the security of the inmates, the facility and themselves. They shall also comply with the visiting hours specified in the internal prison regulations.

Upon entry, lawyers shall present the following documentation:

1. National identity card;

2. Professional identity card, provisional or current valid licence or certification from the law clinic of the law faculty;

3. For first-time visits, a power of attorney form to be completed by the prisoner. Before the lawyer is granted entry, the prisoner shall be requested to grant his or her authorization; and

4. For subsequent visits, judicial recognition of the lawyer's role in the process.

[5] Article 14. Functions of the National Prisons Institute. The national Government shall be responsible for the operation of the National Prisons Institute, *the enforcement of criminal sentencing, pretrial detention*, security measures and the formulation of rules regarding accessory penalties, which are set out in the Criminal Code, and their supervision. (Emphasis added.)

[6] Article 303. Rights of persons arrested. Persons who are arrested shall be informed immediately of the following:

1. The offence of which they are being accused, the reason for their arrest and the officer who ordered it;

2. Their right to designate a person who should be notified of their arrest. The official responsible for the arrested individual shall proceed immediately to notifying the person so designated;

3. Their right to remain silent, the fact that anything they say may be used against them and their right not to testify against their spouse, common-law spouse, or relatives up to the fourth degree of consanguinity or civil relationship or up to second degree of affinity; and

4. Their right to appoint and to meet with a lawyer of their choice without delay. If they are unable to do so, the national public defender system shall appoint an attorney for them.

[7] Article 28. All persons are free. No one may be subjected to interference with his or her person or family, to arrest, detention or imprisonment or to having his or her home searched, except in accordance with a written order from a competent judicial authority, in due form and for reasons previously defined by law. A person in pretrial detention shall be brought before the competent judge within 36 hours so that the latter may make an appropriate determination within the time limit prescribed by law. There shall be no circumstances in which arrest, detention or imprisonment for debts or penalties or security measures are not subject to statutory limitations.

facility in order to determine their health status at the time of admission.[8] In the vast majority of the prisons under the purview of INPEC, there is one staff member who is a medical professional and who is hired by the health insurance provider CAPRECOM (Social Provident Fund for Communications Employees), which is currently responsible for providing primary care to the prison population. In cases in which no medical professionals are on the prison centre staff, CAPRECOM contracts with the network of health service providers for the necessary care, in keeping with the level of complexity of each case.

11. In its capacity as a health insurance provider, CAPRECOM is required to inform its members of how they can access health services. As a health service provider, it is responsible for the maintenance and storage of medical records, as set forth in resolution

[8] Article 104. Health Service. A health service shall be set up in each prison facility in order to safeguard the health of the inmates; it shall be required to examine them upon admission to the prison and upon order for their release; it shall also organize prevention and hygiene campaigns and oversee the food service and environmental and workplace hygiene. Health services may be provided directly through facility staff or by contract with public or private entities.

Article 105. Prison medical service. The prison medical service shall be composed of doctors, psychologists, dentists, psychiatrists, therapists, nurses and nursing assistants.

Article 106. Medical assistance. Every inmate of a prison facility is entitled to receive medical assistance in the form and conditions prescribed in the regulations. Treatment by private doctors may be permitted in certain cases and where the facility is unable to provide the service in question. If an inmate contracts a contagious disease or if he or she is diagnosed with a terminal illness, the prison director, subject to the advice of the medical and transfers board, shall ascertain whether it is necessary to transfer the inmate to a hospital or determine the appropriate measures to take, in accordance with the Code of Criminal Procedure. To that end, he or she shall propose that the judicial authority order the provisional release or suspension of pretrial detention. In the case of a convicted prisoner, the General Directorate of the National Prisons Institute shall be informed immediately of the measure. In the event of serious illness or need for surgery, the prison director shall be authorized, subject to the advice of the in-house doctor, to order the transfer of the inmate to a hospital, subject to the security measures warranted in each case. When a prisoner has been medically certified as being pregnant, the prison director shall promptly apply to the competent judicial authority for the suspension of pretrial detention or of the prisoner's sentence, in accordance with the provisions of the Code of Criminal Procedure.

Paragraph 1. In the foregoing cases, transfer to a hospital shall take place only if it is not possible to care for the inmate in a prison facility.

Paragraph 2. In prisons where medical care does not function in the manner prescribed in this Title, such care shall remain the responsibility of the National Health Service.

Article 107. Cases of mental disorder. If an inmate presents signs of mental disorder and the prison doctor is of the opinion that the prisoner suffers from a mental illness, the prison director shall request a forensic medical opinion. If the latter is affirmative, the prison doctor shall request the inmate's admittance to a psychiatric facility, appropriate clinic or study or work home, as the case may be, and shall notify the sentence and security measures enforcement judge.

Article 108. Births and deaths. The prison director shall inform the competent authorities and INPEC of the births and deaths that occur in the prison facility. Likewise, he or she shall notify the relatives whose names appear in the inmate's record of such events. In no circumstances shall the place where the birth occurred appear in the birth registration. In the event of death, the body shall be delivered to the family members of the inmate who so request. If there is no such request, the inmate shall be buried at the prison's expense.

Article 109. Inventory of belongings. (Paragraph crossed out UNENFORCEABLE) An inventory shall be made of the belongings left by the deceased inmate and the balance of the special fund shall be liquidated, all of which shall be delivered, in the event it is of minor value, to the relatives who promptly show proof that they are relatives. When the objects or sums of money are of significant value, they shall be delivered to the persons designated by the competent authority ~~or steps shall be taken in accordance with article 60 of the present Act~~.

No. 1995 of 1999, which specifies how such records are to be used and how they may be accessed.

Reply to paragraph 3 of the list of issues

12. Beginning in 2010, national resources were used to strengthen the Early Warning System (SAT), which was established along with the Office of the Specialized Ombudsman for the Prevention of Human Rights Violations and International Humanitarian Law. Its sustainability is ensured since it is now financed by the national budget.

13. For fiscal year 2013, the National Planning Department allocated US$ 941,400 to the budget of the Early Warning System.[9] For 2014, funds have also been earmarked from the national budget for hiring 52 community ombudsmen in the country's 32 departments and 3 special zones (Urabá, Ocaña and Magdalena Medio). The Government also hopes that international cooperation will continue to be provided, in particular by the Colombia Office of the United Nations High Commissioner for Refugees (UNHCR) and by the Embassy of Sweden.[10]

14. Responses from institutions at each level of government demonstrate a growing commitment to incorporating the recommendations of the Ministry of the Interior in the plans and programmes that those institutions are mandated to develop and implement.[11] In addition, the efforts of national institutions are focused mainly at the departmental and municipal levels on the basis of information provided by the Early Warning Information Centre (CIAT).

15. In general, the response capacity of the governors' and mayors' offices has improved, as has that of various civilian, military and police organizations. A new methodology will soon be introduced to monitor implementation of the recommendations through action plans to be drawn up jointly by the relevant municipal-level institutions, and indicators will be established in order to objectively evaluate progress. A pilot project will be carried out in 20 per cent of the municipalities that have an Early Warning System in place, with a view to developing these action plans in all municipalities with such a system within one year, which will facilitate the monitoring and reassessment of risks in each case.

Reply to paragraph 4 of the list of issues

16. It is important to note that there are two ways of arresting a person in Colombia: in flagrante delicto and by order of a prosecutor[12] or by order of a supervisory judge.[13] Accordingly, neither the National Army, nor more generally, the Armed Forces or the

[9] The adoption of Act No. 1448 of 2011 and its regulatory decrees helped build the capacity of several special ombudsmen offices, including the one responsible for the Early Warning System, as a result of hiring 30 staff members (national, regional and support-group analysts), while the remaining professionals working with the System were hired on a short-term basis. There are 32 regional and 5 macro-regional analysts responsible for monitoring risk scenarios with assistance from the offices of the regional ombudsmen and the field teams. A technical operations team has also been hired with funds from the national budget.

[10] From 2001 to 2009, the Early Warning System was funded by the human rights programme of the United States Agency for International Development (USAID).

[11] These recommendations are incorporated into such mechanisms as the comprehensive plans for prevention and protection in the areas of human rights and international humanitarian law, territorial action plans and contingency plans.

[12] Act No. 600 of 2000.

[13] Act No. 906 of 2004.

National Police, are authorized to order an arrest. Any action taken by military personnel in such cases is intended to support the National Police, which acts pursuant to a court order and in keeping with all legal requirements established for that purpose. It is also important to note that there is no such procedure as "mass arrest" in Colombia.

Reply to paragraph 5 of the list of issues

17. The Government has taken measures to prevent the scourge of enforced disappearance and to provide safeguards to the families of disappeared persons. In connection with the latter point, attention is drawn to a strategy launched in 2010 for identifying, locating and handing over the bodies and remains of persons subjected to enforced disappearance that relies on the broad and expert participation of a number of international human rights organizations for victims. Act No. 1408 of 2008 clearly specifies the institutions that are responsible for its implementation and mandate.[14] Responsibility for monitoring and ensuring the implementation of the Act belongs to the Public Legal Service (Office of the Counsel General of the Nation, the Ombudsman's Office and the municipal ombudsmen).[15]

18. Article 8 of this Act also states that the Ministry of Social Protection (now the Ministry of Health) is to ensure that family members of identified victims receive psychosocial care throughout the process of the return of the bodies or remains.

19. A number of non-governmental organizations (NGOs) and associations are represented on the National Disappeared Persons Search Commission, which is responsible for implementing Act No. 1408. These include: Asociación de Familiares de Detenidos Desaparecidos (Association of Relatives of Disappeared Detainees in Colombia) (ASFADDES), Familiares Colombia, Fundación Nydia Erika Bautista, Comisión Colombiana de Juristas (Colombian Commission of Jurists), Avre Corporation, Inter-Ecclesiastical Commission for Justice and Peace, Equipo Colombiano Interdisciplinario de Trabajo Forense y Asistencia Psicosocial (Colombian Interdisciplinary Team for Forensic Work and Psychosocial Assistance) (EQUITAS), Equipo Colombiano Interdisciplinario de Investigaciones Antropológico Forenses (Colombian Interdisciplinary Team for Forensic Anthropological Investigation) (ECIAF) and Reiniciar (New Beginnings). These

[14] The National Missing Persons Search Commission is responsible for formulating the Inter-Agency Protocol for the Dignified Return of the Remains of Disappeared Persons. It is also responsible for matching the National Disappeared Persons Search Request Form to the Disappeared Persons and Recovered Bodies Information System (SIRDEC). The National Institute of Forensic Medicine and Science is tasked with updating the National Registry of Disappeared Persons (art. 3). Under article 3 of the Act, the Attorney General's Office is responsible for assembling and monitoring the database of genetic profiles of disappeared persons. It is also responsible for preparing maps for exhumation and inhumation procedures, with the support of departmental authorities, the Public Legal Service and the Agustín Codazzi Geographical Institute (art. 9).

The Ministry of Social Protection (now the Ministry of Health and Social Protection) is charged with ensuring that families of identified victims receive psychosocial attention throughout the process for the return of the bodies or remains (art. 8).

The national, departmental and municipal authorities are responsible for maintaining the Santuarios de Memoria (Sanctuaries for Remembering) and for placing commemorative plaques in them. They must also arrange for homages to victims of forced disappearance on the dates designated for that purpose (arts. 12, 13 and 14).

Under article 7, the Presidential Social Action Programme (now the Social Prosperity Department) is tasked with administering the funds needed to cover funeral, travel, accommodation and food expenses throughout the process for the return of the bodies or remains.

[15] Act No. 1408 of 2011, arts. 7.3 and 10.

organizations represent civil society in the decisions made by the National Disappeared Persons Search Commission, and as such, play a role in implementing the Act. In her annual report, the United Nations High Commissioner for Human Rights noted that the country office in Colombia welcomed the transparent, participatory process spearheaded by the Ministry of the Interior to implement an Act paying homage to victims of enforced disappearance, stating that the process was an example of ways in which victims can participate in the design of public policy. The Government has relied on the participation of civil society in implementing the law in the context of the National Disappeared Persons Search Commission and the inter-agency board that heads the field offices of the Office of the United Nations High Commissioner for Human Rights and the International Committee of the Red Cross in Colombia. According to article 7 of the Act, family members of victims may be present during exhumation proceedings, which is a form of direct participation and verification of compliance with the protocols prescribed by law.

20. The obligations of the State to grant full reparation and provide guarantees of non-recurrence include contributing to the restitution of rights and taking measures to restore the dignity of victims of disappearance. To accomplish this objective, the Government decided to establish a coordination mechanism that would be tasked with the formulation of an inter-agency strategy for the identification of deceased persons who had been buried as "NNs" (which stands for *ningún nombre*, or "no name"), which was used to designate unidentified bodies.

21. This led to the signing of Inter-administrative Agreement No. 1 of 2010 between the Human Rights Directorate of the Ministry of the Interior, the National Civil Registry Office and the National Institute of Forensic Medicine and Sciences, in order to join forces for processing post-mortem fingerprints kept by the National Civil Registry Office using the Automated Fingerprint Identification System and the National Registry of Disappeared Persons to identify persons who had been interred as "NN", or unknown persons, in Colombia in recent decades. The agreement produced the following results:

(1) Post-mortem fingerprints processed: 22,689;

(2) Positive identifications: 10,300, corresponding to persons who had requested identity documents; and

(3) Identification of persons whose families had reported their disappearance to the National Registry of Disappeared Persons: 440.

22. The new strategy allowed for the identification of the mortal remains of 9,968 unknown persons. Of these, the Government has been able to hand over, in a dignified manner, 160 bodies to members of victims' families. This work is a positive step towards granting reparation to victims and guaranteeing their right to the truth. The challenge for coming years, in view of the lack of records and oversight, is to locate the rest of the unmarked graves in the national cemeteries – a process hampered, inter alia, by the persistence of the conflict and by severe winter floods.

23. For 2013, the Ministry of the Interior submitted a spending plan for the period 2013–2015 to the National Planning Department entitled "Strengthening institutional capacities for restoring rights, uncovering the truth and offering reparation to identified victims of disappearance in keeping with the obligations of the State", which plans to map and analyse 180 selected cemeteries in 12 departments with a sizeable budget of US$ 3,114,000.

24. Colombia ratified the International Convention for the Protection of All Persons from Enforced Disappearance on 11 June 2012; the Convention entered into force for Colombia on 10 August 2012.

Reply to paragraph 6 of the list of issues

25. The National Protection Unit is directly responsible for providing access to programmes for the protection of victims and witnesses. The Attorney General's Office, along with its Forced Disappearance and Displacement Unit, receives requests for the activation of the urgent search mechanism. The Unit has given broad scope to this instrument as a Government-sponsored preventive mechanism whose objective is to safeguard the rights and freedoms of persons alleged to have disappeared, in particular their rights to freedom and to physical integrity. Since the Unit was set up, requests have been made to activate the urgent search mechanism 762 times throughout the country. The subjects were found alive in 634 cases and deceased in 128. Articles 6 and 7 of Decree No. 4912 of 2011, which were amended by articles 2 and 3 of Decree No. 1225 of 2012, specify the persons to be served by the National Protection Unit's prevention and protection programme.[16]

[16] Article 2: Amendment. Article 6 of Decree No. 4912 of 2011 is hereby amended to read: "Article 6: Protection of persons at extraordinary or extreme risk. The following persons shall be subject to protection on the grounds of exposure to risk:

1. Leaders or activists of political groups, in particular opposition groups;
2. Leaders, representatives and activists of human rights defence organizations, including social, civic, community, peasants' and victims' organizations;
3. Trade union leaders or activists;
4. Leaders, representatives or activists in professional organizations;
5. Leaders, representatives or members of ethnic groups;
6. Members of the medical mission staff;
7. Witnesses in cases involving a violation of human rights or infringement of international humanitarian law;
8. Journalists and members of media organizations;
9. Victims of human rights violations and infringements of international humanitarian law, including leaders and representatives of organizations for displaced persons or persons reclaiming land, who are at extraordinary or extreme risk;
10. Public servants who are or have been responsible for the design, coordination or implementation of the human rights and peace policy of the national Government;
11. Former public servants who have been responsible for the design, coordination or implementation of the human rights and peace policy of the national Government;
12. Leaders of the Movimiento 19 de April ("M-19"), Corriente de Renovación Socialista (CRS), Ejército Popular de Liberación (EPL), Partido Revolucionario de los Trabajadores (PRT), Movimiento Armado Quintín Lame (MAQL), Frente Francisco Garnica de la Coordinadora Guerrillera, Movimiento Independiente Revolucionario-Comandos Armados (MIR-COAR), Milicias Populares del Pueblo para el Pueblo, Milicias Independientes del Valle de Aburrá and Milicias Metropolitanas de la Ciudad de Medellín, who concluded peace agreements with the national Government between 1994 and 1998 and were reintegrated into civilian life;
13. Leaders, members and survivors of the Unión Patriótica and the Communist Party of Colombia.
14. Legal representatives or forensic professionals who take part in legal or disciplinary proceedings concerning violations of human rights or infringements of international humanitarian law;
15. Teachers subject to the terms of resolution No. 1240 of 2010 of the Ministry of Education, without prejudice to the Ministry's responsibilities to provide protection stipulated therein;
16. Children and relatives of former presidents and former vice-presidents of Colombia;

17. Public servants, with the exception of those mentioned in paragraph 10 of this article, and officials in the Counsel General's Office and the Attorney General's Office, which have their own legal framework of protection.

Paragraph 1: The protection of persons referred to in paragraphs 1 to 15 shall be the responsibility of the National Protection Unit.

Paragraph 2: The protection of persons referred to in paragraph 16 shall be the responsibility of the National Protection Unit and the National Police, as follows: the National Police shall assign men and women to perform protection activities; the National Protection Unit shall, additionally, supply material resources and escorts in cases where the agency to which the official belongs does not have the means or budget allocations. The National Police and the National Protection Unit shall carry out protection measures only in cases where the agency to which the public servants belong have exhausted the prescribed internal remedies for ensuring their security.

Paragraph 3: The security of legislators and councillors in rural zones. The Headquarters of the Armed Forces shall assign specific responsibilities to the commanders-in-chief for carrying out joint operations to protect the lives and physical integrity of legislators and councillors in rural zones.

Paragraph 4: Public servants shall immediately alert the National Protection Unit and other competent agencies about any situation posing a risk or a threat to persons covered by the Protection Programme, whether in person, by telephone or in an e-mail, to request the procedures set forth in the protection programmes or the measures to be taken by police or military law enforcement personnel to protect personal safety.

Paragraph 5: The National Protection Unit shall arrange for the witnesses under its protection to appear before the judicial or disciplinary authority or to provide the latter access to them if requested, following the appropriate security measures required in each case.

Paragraph 6: Article 1 of Decree No. 2958 of 2010 and article 3 of Decree No. 978 of 2000 provide for the protection of the persons mentioned in paragraph 13.

Paragraph 7: The National Protection Unit shall be responsible for protecting the officials of the Administrative Security Department (DAS) during the liquidation and definitive closure of that agency. To that end, DAS shall provide material support for the security protocols needed to protect its officials, and the National Protection Unit shall supply escorts.

Paragraph 8: At the request of the Colombian Agency for the Reintegration of Armed Persons and Groups, the National Protection Unit shall conduct risk assessments for persons engaged in the reintegration process who are covered under article 8 of Decree No. 128 of 2003 and its amending legislation. In the case of unusual or extreme risk, the National Protection Unit shall, on an exceptional basis, carry out the protection measures set forth in this Decree, once the Colombian Agency for Reintegration has authorized the transfer of financial support in accordance with its mandate.

Article 3: Amendment. Article 7 of Decree No. 4912 of 2011 is hereby amended to read: "Article 7: Protection of persons by virtue of office. The following persons are subject to protection by virtue of their office:

1. President of the Republic of Colombia and his or her family;
2. Vice-president of the Republic of Colombia and his or her family;
3. Cabinet ministers;
4. The Attorney General of the Nation;
5. The Counsel General of the Nation;
6. The Comptroller General of the Republic;
7. The national Ombudsman;
8. Senators and members of the House of Representatives;
9. Governors of departments;
10. Judges of the Constitutional Court, the Supreme Court of Justice, the Council of State and the High Council of the Judiciary;
11. District and municipal mayors.

26. With regard to the effectiveness of the urgent search mechanism, to date, the Disappeared Persons and Recovered Bodies Information System (SIRDEC), which is one of four systems that make up the Central Registry of Disappeared Persons, has shown that, in 475 of the cases for which the mechanism was used, the persons sought were found alive, while in 175 of the cases, they were reported as dead. These figures demonstrate the effectiveness of the urgent search mechanism. Moreover, a large number of such mechanisms have been used by judicial authorities, and searches have been conducted over a period of six months, as stipulated by Act No. 971 of 2005. Although it has not been possible to uncover the whereabouts of all persons allegedly subjected to enforced disappearance, these actions nonetheless indicate that the authorities and the criminal investigation police have conducted various searches in accordance with the detailed methodologies and plans designed by each office for such cases.

Paragraph 1: Protection for former presidents and former vice-presidents of the Republic of Colombia, their surviving spouses, children and other family members shall be the responsibility of the National Police and the National Protection Unit, as specified by Decree No. 1700 of 2010.

Paragraph 2: Protection for persons referred to in paragraphs 1 to 9 shall be the responsibility of the National Police and the National Protection Unit. The agency or organization to which these persons belong shall supply the material resources.

Paragraph 3: The Secretariat for Presidential Security shall select the staff members of the National Protection Unit who will protect the persons referred to in subparagraphs 1 and 2 of this article.

Paragraph 4: Protection for persons referred to in subparagraphs 10 and 11 shall be the responsibility of the National Protection Unit and the National Police, as follows: the National Police shall select the men and women who will carry out protection measures, and the National Protection Unit shall supply material resources and escorts in cases where the protection protocols involve the use of a vehicle, provided that the agency or organization to which they belong attests to a lack of the necessary budget resources for purchasing material resources.

Paragraph 5: Extraordinary protection services. The National Police, through the Directorate for Protection and Special Services, shall adopt temporary protection measures for Heads of State and Heads of Government on their visits to the country, as well as for representatives of the diplomatic mission in the conduct of their own duties, subject to prior request, which shall be processed by the Office of the President of the Republic or the Ministry of Foreign Affairs.

Paragraph 6: The Director of the National Protection Unit shall establish protocols for assigning responsibility for security measures to Unit officials that he or she so designates.

Paragraph 7: Protection for foreign ambassadors and consuls who are duly accredited in Colombia shall be the responsibility of the National Police, insofar as the assignment of men or women to protect them, for the purposes of which the principle of reciprocity and general or specific agreements on cooperation in matters of security shall apply. The provision of material resources shall be the responsibility of each diplomatic mission.

Paragraph 8: The Director General of the Colombian National Police shall make internal arrangements to provide protection for active and retired officers and other public servants of the institution on an as-need basis. The Commander-in-Chief of the Armed Forces shall make internal arrangements to provide such protection to members of the Armed Forces, both active duty and retired, who need them.

Paragraph 9: The protection of religious authorities shall be the responsibility of the National Police; the material resources shall be the responsibility of the corresponding congregation.

Paragraph 10: The adoption of protection measures for the families of persons mentioned in this article shall depend on the outcome of risk assessments to be conducted by the National Police for each member of the family individually, for the purposes of which the existence of a causal link between the level of risk and the office of the person protected or requesting protection shall be taken into account.

Reply to paragraph 7 of the list of issues

27. It should be clarified at the outset that the paramilitary forces have been completely demobilized. What is emerging now is the completely distinct phenomenon of "BACRIM", or criminal gangs. In order to counteract this phenomenon, the police and military have been instructed to refrain from any involvement with these illegal organizations. Ministerial Directive No. 014 of 2011 entitled "Policy of the Ministry of Defence on Combating Criminal Drug Trafficking Gangs" defines these gangs as criminal organizations, thereby distinguishing them from what it refers to as "illegal organized groups"; consequently, the use of force to neutralize such organizations is governed by human rights law, as stipulated in the second instruction of the above-mentioned Directive.[17]

28. This anti-crime specialization has also helped to channel and coordinate efforts to fight these criminal gangs through the National Unit to Combat Emerging Criminal Gangs, which is part of the Attorney General's Office. From 2011 to July 2013, this Unit obtained 5,454 arrest warrants from supervisory judges, of which 3,809 were served. These were followed by combined hearings for the formalization of the arrests, the laying of charges and requests for precautionary measures, according to which 3,767 persons were placed under precautionary measures in pretrial detention, 856 entered guilty pleas, 1,108 accepted pretrial agreements, 1,569 were formally charged, and 1,255 were ultimately convicted and sentenced.

29. Prosecutors assigned to the above-mentioned Unit also obtained a total of 858 arrest warrants against demobilized combatants, which amounted to 15.37 per cent of the arrest warrants issued by the Unit. In addition, 473 more arrest warrants were served, including on 96 ringleaders of those criminal organizations.

30. Assisted by security agencies and under the direction of the National Police, the national Government set up the Central Intelligence Centre for Criminal Drug Trafficking Gangs, whose aim is to launch a comprehensive campaign against these gangs. The strategy initially led to the fragmentation of these organizations, affecting the extent of their territorial deployment and reducing the number of organizations from 33 in 2006 to 5 in 2012 and to 3 in 2013.

31. The National Police took a number of actions to counter this phenomenon, including the formulation of the National Strategy to Combat Criminal Drug Trafficking Gangs, which is a mechanism to combat these illegal groups that is tailored to the various security agencies of the State.

32. As a result of the joint efforts carried out under the Strategy and with the support of the General Command of the Armed Forces, Armed Forces Directive No. 208 of November 2008 was formulated and implemented. Through its application, measures were adopted in the areas of observance, enforcement and protection of human rights and international humanitarian law within the context of military operations undertaken in the campaign against criminal gangs.

33. The Ministry of Defence launched a model plan for joint, coordinated action called "Operation Troy"; it was designed as an inter-agency tool for the coordination of efforts to systematically neutralize criminal gangs.

[17] "Operations carried out by the Armed Forces and the National Police against BACRIM (criminal gangs) shall follow the principles of human rights. Consequently, with regard to the Armed Forces, 'Security Maintenance Operations' shall be formulated and implemented in accordance with the guidelines set forth in the Armed Forces Manual of Public Operational Law 3-41. The rules set forth on the blue card shall apply to such operations."

34. This investigative focus allows the Attorney General's Office to concentrate on dismantling all criminal organizations by means of identifying, capturing, prosecuting and convicting the members of these groups, particularly their leaders, and the public servants in collusion with them, while also pursuing the other members of these outlaw groups. The goal is to link them to the commission of more serious offences, such as crimes against humanity, murder, extortion, money-laundering, financing terrorism, trafficking and bearing arms for private, personal use and gender crimes.

35. In response to the final part of this question, it is worth noting that, under article 223 of the Constitution, no private security agencies are authorized to use force in Colombia.[18] The Private Security Services Authority, which is a governmental agency, oversees, inspects and monitors the private security services industry in Colombia in order to ensure that companies demonstrate a sufficient level of technical and professional expertise in performing their activities and that these companies inspire public confidence in their services as they combat lawlessness and work with the authorities to prevent crime.

Reply to paragraph 8 of the list of issues

36. The Security Advisory Office of the judicial branch provides security advice to the Administrative Division of the High Council of the Judiciary with a view to protecting judicial officials and personnel. This Office provides support and advice to judicial personnel who are confronted with risks to their lives and personal integrity in the exercise of their judicial duties.

37. The Security Advisory Office coordinates its work with the Directorates and Sectional Councils, police and military law enforcement agencies and the National Planning Unit in order to serve security needs brought to its attention by judicial officials and personnel. Security in court buildings is monitored by the National Police, which ensures the security of the premises and guards the courtrooms.

38. In the last three years, only one security incident has occurred in the judicial branch: the murder of Judge Gloria Constanza Gaona Rodríguez. The Attorney General's Office is carrying out an investigation, listed as case No. 817366109539201180107 (R.I. 8239), against two persons who are currently deprived of their liberty and suspected of having committed this murder.

39. The trial is at the oral proceedings stage in the First Criminal Court of the Cundinamarca Special Circuit, and the evidence required by the Attorney General's Office is now being examined.

Reply to paragraph 9 of the list of issues

40. In September 2012, the Government introduced a set of guidelines for national public policies on gender equity for women and for the Comprehensive Plan to Guarantee a Life Free from Violence. These guidelines serve as a benchmark for the design and implementation of sustainable actions to close any gaps and bring about the cultural

[18] Article 223: Only the Government may import and manufacture arms, munitions and explosives. No one may possess or carry them without authorization from the competent authority. Such authorization shall not be granted for public spectator events, such as political meetings, elections or meetings of public corporations or assemblies, to either participants or attendees. Members of national security agencies and other official permanent armed forces that are established or authorized by law may carry arms under the supervision of the Government in accordance with the principles and procedures prescribed by law.

transformation that will contribute over the next 10 years to the effective enjoyment of women's rights in Colombia. The High-level Advisory Office for Equity for Women formulated these guidelines with the participation of a broad range of social stakeholders that were representative of the diversity of Colombian women.

41. These guidelines were used to formulate the Gender Equity Policy, which also includes the Plan to Guarantee a Life Free from Violence. It seeks to launch an array of strategic and coordinated sectoral actions designed to eliminate discrimination, guarantee women the exercise of their rights and, in so doing, benefit the entire population of Colombia, who will enjoy a more equitable, inclusive, prosperous and peaceful society.

42. This policy was adopted by the National Council on Economic and Social Policy (CONPES) on 12 March 2013 by means of CONPES document No. 161 on Gender Equity for Women. It outlines six related components that represent the main forms of discrimination to which women are subjected which can be eliminated only by means of long-term intervention.[19] This document has a 10-year target date and lays out an indicative plan of action for the period 2013–2016, with a budget of US$ 1.8 billion. The target is to be achieved through the implementation of the action plan, which specifies goals and actions for the institutions involved, in order to help bridge the equity gap. The plan is now in its first year of implementation.

43. The inter-agency strategy to promote the prosecution of cases of violence against women and the provision of victim assistance seeks to reduce the incidence of impunity in such cases, especially those involving sexual violence, and to provide comprehensive assistance to women and girls who have been subjected to gender-based violence. This is accomplished by following protocols for the provision of comprehensive assistance and reducing the gap between the relevant legislation and its implementation.

44. The Public Health Monitoring System for Women Victims of Violence has been working to identify women who have been subjected to sexual violence in the context of the armed conflict – a project being implemented in 32 departments, 4 districts and 781 municipalities. Once a case has been identified, the Government focuses on providing comprehensive assistance to the victim. The Comprehensive Health-Care Model and Protocol for Victims of Sexual Violence, which was issued pursuant to resolution No. 459 of 2012,[20] was designed with a view to improving overall health care for such victims.

45. In the particular case of acts of sexual violence that are committed in the context of the armed conflict, the Colombian Government has gone to great lengths to prevent the commission of such crimes by members of the Armed Forces. In 2010, the Ministry of Defence issued Directive No. 11 on Zero Tolerance for Sexual Violence and, in accordance with this directive, the policy on sexual and reproductive rights, equity, gender-based violence, and sexual and reproductive health, with an emphasis on HIV/AIDS. This policy has been implemented through awareness-raising workshops, protocols and handbooks on

[19] The first component deals with peacebuilding and cultural transformation, the second with ensuring women's economic independence and fostering a work-life balance, the third with promoting women's participation in positions of power and decision-making, the fourth and fifth with taking a differentiated approach to rights in the health and educational systems, respectively, and the sixth with implementing the Comprehensive Plan to Guarantee a Life Free from Violence.

[20] This document sets out, in 15 practical steps, the guidelines that health-care workers should follow in providing care to victims of sexual violence, which begins with preparing the community to access the comprehensive health-care services for victims of sexual violence and then goes on to give instructions for the provision of immediate attention to victims, including emergency contraception and access to voluntary interruption of the pregnancy, psychological counselling and referrals to other health-care professionals and Government sectors in order to ensure comprehensive assistance.

the prevention of domestic and sexual violence, with a focus on the armed conflict for police and military law enforcement personnel.

46. Another document that has proved to be an effective tool in teaching military and police personnel about sexual violence is the Manual on the Prevention of Sexual Violence, Protection for Women and International Humanitarian Law. It describes cases and scenarios that lead to the recognition that all types of violence impair women's self-esteem and constitute a form of discrimination and a violation of human rights.

47. On the question of assistance to victims of sexual violence in the context of the armed conflict, the Victims Act (No. 1448 of 2011) establishes a procedure for recognizing the victimizing act. This is done by evaluating the circumstances of the time, method and place in which it occurred, in order to determine the closeness of its connection to the armed conflict, without prejudice to the perpetrator of the act, as required by the Constitutional Court in Decision No. C-781 of 2013. Accordingly, the provision of assistance to victims of sexual violence with a sufficiently close connection to the armed conflict is authorized as soon as the victimizing act has been recognized. Such recognition has been established as a prerequisite for the provision of assistance to victims, as set out in resolution No. 0223 of 8 April 2013, which was issued by the Comprehensive Victim Assistance and Reparation Unit (UARIV).

48. Regarding the prosecution of these offences, and given the nature of these kinds of cases of sexual violence and the context in which they occur, their verification cannot result solely in obtaining a conviction; rather, it must also include measures of reparation and guarantees the non-recurrence of such grave acts that are so damaging to the human family.

49. The internal armed conflict makes it difficult for the judicial authorities to deal with these acts, in part because victims fear reprisals from perpetrators if they seek justice, and in part because of the risks faced by judicial officers when carrying out investigations to identify the perpetrators of these offences and bring them before the appropriate courts.

50. Certain methodological strategies have been improved with a view to making investigations more efficient and effective. This has been done through the use of a differentiated approach, as part of the institutional response to gender-based violence, which affects women disproportionately and in ways specific to them, in particular in the context of the armed conflict, and considering the vulnerability inherent in the mere fact of being the victim of such a crime, without forgetting that this offence victimizes women and girls without distinction.

51. To that end, the Attorney General's Office is implementing a comprehensive plan to safeguard the fundamental rights of women victims of sexual violence in the context of the armed conflict, which focuses on the following areas: (1) compiling a database exclusively for cases of sexual violence in the context of the armed conflict; (2) carrying out investigations using a differentiated approach; (3) setting up technical legal committees to encourage the prosecution of cases; (4) strengthening channels of communication with contact organizations; (5) coordinating inter-agency efforts to safeguard the fundamental rights of women victims of sexual violence in the context of the armed conflict; and (6) coordinating efforts to combat impunity in cases of sexual violence committed in the context of the armed conflict.

52. The Attorney General's Office also issued resolution No. 0-2608 of October 2011, which provided for the establishment of the Subunit for Registration, Comprehensive Assistance and Guidance for Victims of Illegal Organized Armed Groups as part of the National Unit for Justice and Peace of the Attorney General's Office. Its objective is to generate dialogue with the various offices assigned to the National Unit with a view to formulating a national and regional scheme for registration, accreditation, comprehensive assistance and guidance to victims of illegal organized armed groups and to define specific

approaches to beginning and completing the process of recording the facts and to ensuring the participation of women victims in each procedural step of the justice and peace process.

53. Statistical data for the period 2010–2013 in terms of the number of complaints of different types of violence against women are as follows:

Year	*Number of complaints*
2010	67 177
2011	73 730
2012	73 602
2013	52 043

Source: Office of the Attorney General of the Nation.

Number of decisions handed down by the courts

Acquittals	*Convictions*
1 925	10 671

Source: Office of the Attorney General of the Nation.

54. In conformity with orders issued by the Constitutional Court in Judicial Decree No. 092 of 2008, the Government has made progress in formulating a comprehensive plan for prevention and to address the disproportionate impact of displacement on women. The aim of this plan is to coordinate an effective response by governmental institutions, thereby ensuring women victims the effective enjoyment of their rights.

55. The plan is being implemented on the basis of constitutional presumptions defined by the Court, the objectives of the stronger protection to be provided through the implementation of the 13 programmes set out in Decision No. 092 of 2008, the design and implementation of a national public policy of enforcement and the protection of human rights and gender equity. It is being implemented as part of efforts to correct the unconstitutional state of affairs.

Reply to paragraph 10 of the list of issues

56. In the period 2010–2013, 147 complaints were lodged with local directorates of the Office of the Attorney General of the Nation. These complaints are currently at the following procedural stages:

- Preliminary investigations in progress, 117;
- Preliminary investigations closed, 89;
- Investigations in progress, 2;
- Trials in progress, 5;
- Motions pending, 2;
- Early conclusion, 1.

57. The National Human Rights Unit of the Attorney General’s Office is currently prosecuting 199 cases of human trafficking that involve 421 victims (39 minors, 351 women and 31 men), and 54 convictions have been handed down.

58. (a) In the period from 2010 to 2013, Act No. 1453 was adopted on 24 June 2011 with the aim of strengthening the protection of minors from human trafficking. The Act provided for the amendment of the Colombian Criminal Code through the insertion of two new articles: No. 188C on trafficking in children and adolescents, and No. 189D on the use of minors in the commission of criminal offences.[21]

59. In 2012, the national institutions responsible for combating human trafficking submitted Bill No. 037/12 to Congress (House of Representatives), which would classify as a criminal offence under the Colombian Criminal Code (Act No. 599 of 2000) any act of human trafficking of "protected persons" for the purposes of sexual exploitation. Bill No. 69/12 (Senate) was also submitted to Congress in 2012; it would require the decent treatment of persons in the circumstances, situation or state of prostitution, prescribe affirmative measures in their favour and include other provisions for the restoration of their rights.

60. (b) Protection and assistance measures are twofold: protection for victims during judicial proceedings, which is the remit of the Office for Victim and Witness Protection of the Attorney General's Office; and protection and assistance measures provided by the inter-agency committees on combating human trafficking. In accordance with Act No. 985 of 2005, assistance and protection afforded to victims of human trafficking by the Government of Colombia for the purpose of their social reintegration is directed specifically and exclusively to the design and implementation of programmes for the physical, psychological and social recovery of victims of this scourge, in keeping with respect for human rights.

[21] Article 6: Trafficking in children. An article 188C shall hereby be inserted into Act No. 599 of 2000 to read:

"Article 188C: Trafficking in children and adolescents. Anyone who participates in any act or transaction by virtue of which a child or an adolescent is sold, handed over or trafficked in exchange for a cash fee or any other form of payment to a person or group of persons shall be liable to a term of imprisonment of from 30 to 60 years and a fine of from 1,000 to 2,000 times the current minimum monthly wage. Consent by the victim or his or her parents, representatives or guardians shall not constitute grounds for exoneration from criminal responsibility, nor shall it constitute a mitigating circumstance in the determination of the penalty for such responsibility.

The penalty described in the first paragraph shall be increased by a third to a half in cases where:

1. The victim has been harmed physically or psychologically, is mentally immature or suffers from a mental disorder, whether temporary or permanent;

2. The perpetrator is a relative of the child or adolescent, up to the third degree of consanguinity, second degree of affinity or first degree of civil relationship;

3. The perpetrator or the accomplice is a public official engaged in the provision of health services, professional health care, domestic services or day care; and

4. The perpetrator or the accomplice is a person whose responsibility is to protect and provide comprehensive assistance to the child or adolescent."

Article 7. A new article 188D shall hereby be inserted into Act No. 599 of 2000 to read:

"Article 188D. Use of minors in the commission of crimes. Any person who incites, aids, utilizes, coerces, encourages or makes use of a person under the age of 18 to commit crimes or promotes such use, coercion or incitement, or participates in any way in the acts described herein shall be liable, as a consequence of this sole act, to a term of imprisonment of from 10 to 20 years. Consent given by a person under the age of 18 shall not constitute a ground for exoneration from criminal responsibility. The penalty shall be increased by a third to a half if the victim was under the age of 14. The penalty shall be increased by a third to a half under the same aggravating circumstances as those prescribed under article 188C."

61. As part of this process, the Government provides for medical, psychosocial and legal assistance, as well as alternatives in the areas of education, job training and income-generation, to victims of human trafficking in the hope that such persons can promptly reintegrate into society and lead a peaceful life with their families.[22]

62. In order to accomplish this, the Ministry of the Interior, under the terms of an agreement with the International Organization for Migration (IOM), provides specialized services to victims of human trafficking through a number of foundations. In this regard, the national Government provides the following services: return to place of origin, transport, psychological counselling, medical care, psychosocial assistance, decent housing and a hygiene kit.[23]

63. (c) Within the framework of the Andean Community of Nations, steps have been taken to promote the implementation of Andean Labor Migration Instrument, Decision No. 545, which, progressively and gradually, permits the unhampered movement and temporary residence of Andean nationals in the subregion for the purposes of work or a dependent relationship, as well as affording them equal treatment and opportunities and due respect for their human rights and social and employment entitlements. Regulations are now being drafted that will incorporate the Decision into national law (draft decree providing for the adoption of the guide for implementation by the Colombian Government of Decision No. 545).[24]

64. In the past two years, Colombia has signed agreements along these lines with Argentina, Chile and Ecuador, and signatures are pending on two memorandums of understanding that have already been negotiated with El Salvador and Honduras. The Government also hopes to conclude agreements with Paraguay and Uruguay before the end of 2013. The memorandums of understanding cover a number of variables that must be

[22] This reintegration process lasts for a minimum period that may vary between three and six months and must be extended until such time as the victim achieves a sufficient level of well-being, strength and autonomy and can fully exercise his or her rights.

[23] On 14 November 2012, as part of the agreement signed with IOM, the Government signed a cooperation agreement, providing for the establishment of a technical and financial partnership with the Scalabrini Migration Centre for the purpose of designing and implementing a sustainable strategy to provide comprehensive assistance to victims of human trafficking over the age of 18. Through this partnership:

(a) A physical locale was set up as a home for victims of human trafficking in the city of Bogota D.C. to provide temporary shelter for such victims. It offers psychosocial counselling, covers basic needs and assists victims to return to their countries of origin;

(b) Comprehensive assistance is provided to human trafficking victims in the city of Bogota at the following levels:

- Immediate or urgent assistance;
- Medium-term or rehabilitation assistance (medical and psychological services, legal advice and representation, education, job training and personal development and/or income-generating projects);

(c) The measures and/or services required by the residents of the home are coordinated with the appropriate institutions.

[24] Colombia is evaluating and identifying lessons learned in order to improve the implementation of programmes related to the seasonal and cyclical migration of Colombians, with a view to bolstering the legal and operational structures of these mechanisms, in particular by increasing efforts to recognize and give effect to the social and labour rights of migrants, including the rights to social security and to the enjoyment of the contractual conditions offered to employees. These agreements on seasonal and cyclical migration reduce the risk that migrants will be subject to such crimes as trafficking and labour exploitation, and help to limit the influx of migrants in an irregular situation.

addressed in order to deal with human trafficking, promoting cooperation in the areas of prevention, investigation, prosecution and assistance to the victims of this offence.

65. Colombia has formulated plans of action to combat transnational organized crime in conjunction with Honduras and Paraguay; these plans also deal with human trafficking. The Government has also encouraged debate concerning this transnational offence during the Colombia-Mexico High-level Panel on Security and Justice (GANSJ).

66. At the regional level, Colombia takes part in meetings of national authorities on the topic of human trafficking that are held under the auspices of the Organization of American States (OAS) and uses the Work Plan to Combat Trafficking in Persons in the Western Hemisphere as a frame of reference in its efforts to combat this phenomenon.

67. The country has also championed mechanisms to combat transnational organized crime at the regional level and has taken the lead in founding the South American Council on Citizen Security, Justice and Coordinated Action against Transnational Organized Crime of the Union of South American Nations (UNASUR), which views the fight against human trafficking as a priority.

68. Lastly, the use of Act No. 985 of 2005 by other countries in the region (such as, for example, Chile) as a starting point for the development of their own national institutional framework attests to Colombia's regional leadership in this area.

Article 3

Reply to paragraph 11 of the list of issues

69. Included in the national legislation of Colombia is Decree No. 4503 of 2009, article 22 of which contains the provisions that are required under article 3 of the 1951 Convention relating to the Status of Refugees, which read:

70. "The provisions of this Decree shall apply to refugee claimants and refugees without discrimination on the grounds of race, colour, gender, language, religion, political or other opinion, national or social origin, country of origin, economic status, birth or other social condition."

Reply to paragraph 12 of the list of issues

71. See tables 1.1–1.4.

Reply to paragraph 13 of the list of issues

72. Between January 2008 and June 2013, the Government carried out 975 extraditions. Article 494 of Act No. 906 of 2004 sets out the guarantees to which the extradition of the requested person is subject, namely that the requested citizen may not be prosecuted or convicted for an act that was committed prior to and separately from the one giving rise to the extradition, and that he or she may not be subjected to enforced disappearance, torture or cruel, inhuman or degrading treatment or punishment, or to the penalties of deportation, life imprisonment or confiscation of property.[25] The Constitutional Court has issued a ruling

[25] "Article 494: Conditions for offering or granting extradition. The Government may impose whatever conditions it deems appropriate on the offering or granting of extradition. In any case, it must require that the person whose extradition has been requested will not be tried for an offence other than the

on the guarantees that must be sought in the context of extradition proceedings. In judgement No. C-1106 of 24 August 2000, the Plenary Chamber of the Court stated:

73. "[…] the surrender of a person to a requesting State in which the death penalty exists for the offence giving rise to the extradition shall be granted only on condition that said penalty is commuted, as stipulated in the Code of Criminal Procedure, and that the extradited person is not subjected to enforced disappearance, torture or cruel, inhuman or degrading treatment or punishment, or to the penalties of deportation, life imprisonment or confiscation of property, in conformity with articles 11, 12 and 34 of the Constitution […]".

Articles 5 to 9

Reply to paragraph 14 of the list of issues

74. As a result of the extradition of the leading commanders of the Autodefensas Unidas de Colombia (United Self-Defence Forces of Colombia) (AUC) to the United States of America, and in order to guarantee their continued involvement in the justice and peace process in Colombia, the Government took action under the Inter-American Convention on Mutual Assistance in Criminal Matters, which was signed in Nassau, Bahamas on 23 May 1992 and incorporated into Colombian law by means of Act No. 636 of 2001.

75. In July 2010, to ensure that the extradition of AUC leaders to the United States of America did not hinder the investigation and prosecution of the serious human rights violations that had taken place in Colombia and that the extradited persons did not escape criminal accountability, the Attorney General's Office, the Ministry of Justice and Law and the United States Department of Justice agreed on an arrangement for access that would

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one giving rise to the extradition or be subjected to any punishment other than that which would be imposed following a conviction. If, under the law of the requesting State, the offence giving rise to extradition is punishable by the death penalty, extradition shall be granted only on condition that the death penalty is commuted and that the extradited person is not subjected to enforced disappearance, torture or cruel, inhuman or degrading treatment or punishment, or to the penalties of deportation, life imprisonment or confiscation of property."

The Constitutional Court has issued a ruling on the guarantees that must be sought in the context of extradition proceedings. In judgement No. C-1106 of 24 August 2000, the Plenary Chamber of the Court stated:

> "… the surrender of a person to a requesting State in which the death penalty exists for the offence giving rise to the extradition shall be granted only on condition that the death penalty is commuted, as stipulated in the Code of Criminal Procedure, and that the extradited person is not subjected to enforced disappearance, torture or cruel, inhuman or degrading treatment or punishment, or to the penalties of deportation, life imprisonment or confiscation of property in accordance with articles 11, 12 and 34 of the Constitution …"

Lastly, Presidential Directive No. 7 of 2005 sets out the guidelines that must be followed by the Colombian authorities that participate in the extradition process. In relation to the assurances given by requesting States, the Directive stipulated that:

> "4. The relevant embassy shall request that the Ministry of Foreign Affairs and the Ministry of Justice of the requesting State, or the body acting on their behalf, comply with the assurances provided by the Government of that country when trying an extradited Colombian citizen.
>
> 5. The consulate shall send the extradition decision and a copy of the note verbale containing the requesting State's assurances to the public prosecutor and/or the trial judge, stressing the importance of complying with the guarantees and requesting a copy of the decision after it is handed down. It shall also provide consular assistance if requested to do so by the Colombian detainee."

enable former AUC members being held in Northern Neck, Virginia, and Miami to appear by videoconference before the Colombian judicial authorities.

Reply to paragraph 15 of the list of issues

76. Articles 14 to 18 of the Criminal Code (Act No. 599 of 2000) stipulate that Colombian criminal law is applicable to any person who violates it in Colombian territory and make provisions for extended territoriality and extraterritoriality.[26] Consequently, and bearing in mind that torture is an classified as an offence under article 178 of the Criminal Code, it is understood that anyone can be charged with the offence of torture, irrespective of his or her nationality and of where in the national territory the offence was committed.

77. According to article 494 of the Code of Criminal Procedure (Act No. 906 of 2004), the Government may impose any conditions it deems appropriate on the offering or granting of extradition. In all cases, it must require that the person whose extradition is being sought will not be tried for any previous offence, other than the one for which extradition is being requested, or be subject to any penalties other than those that would be imposed following a conviction.

78. If, according to the law of the requesting State, the offence giving rise to the extradition carries the death penalty, extradition may be granted only on condition that the death penalty is commuted and that the extradited person is not subjected to enforced disappearance, torture or cruel, inhuman or degrading treatment or punishment, or to the penalties of deportation, life imprisonment or confiscation of property.

Reply to paragraph 16 of the list of issues

79. Please find attached a list of the bilateral and regional extradition treaties in force in Colombia; these are supplemented by article 8, paragraph 1, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (see annexes I and II).

80. This list contains bilateral and regional treaties concluded by Colombia with States parties to the Convention. It also contains the provisions that incorporate into domestic law the offences enumerated in article 4 of the Convention.

[26] Article 14: Territoriality. Colombian criminal law shall apply to any person who violates it in Colombian territory, *with such exceptions as are established in international law*.

The offence shall be deemed to have been committed:

1. In the place where all or part of the act occurred;
2. In the place where the omitted act should have occurred;
3. In the place where the result occurred or should have occurred.

Article 18: Extradition. Extradition may be requested, granted or offered in accordance with public treaties or, in their absence, with laws and regulations.

Moreover, the extradition of native Colombians shall be granted for offences *committed abroad* that are considered as such under Colombian criminal legislation. Extradition shall not be granted for political crimes. Extradition shall not be granted when the offences in question were committed prior to the promulgation of Legislative Act No. 01 of 1997.

Reply to paragraph 17 of the list of issues

81. See annexes III and IV for information on the treaties on judicial assistance in criminal matters to which Colombia is a party. Notwithstanding the foregoing, to date, Colombia has not concluded any treaties or agreements that provide for the practice of transferring evidence in connection with offences of torture or ill-treatment, nor is it aware of instances in which such evidence was either actively or passively requested.

Article 10

Reply to paragraph 18 of the list of issues

82. The Convention is disseminated in training academies and institutes as part of the human rights and international humanitarian law curricula of the Armed Forces, in accordance with the Armed Forces Education System and Standard Teaching Model. Training programmes for military personnel are taught in two formats: curricular and extracurricular. The former includes the Standard Teaching Model for the Armed Forces, comprising six levels of training.[27] Both the curricular and extracurricular programmes include training in all the international human rights and international humanitarian law instruments ratified by Colombia, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Between 2010 and 2012, a total of 499,494 members of the National Army were given curricular and extracurricular training in these fields. Between 2011 and 2013, a total of 28,486 officers, non-commissioned officers, soldiers and civilian personnel of the Air Force received this training and, between 2012 and 2013, in addition to the continuing extracurricular training given to Navy personnel, 11 officers received support from the Navy to pursue specializations and master's degrees in human rights and international humanitarian law.

83. Moreover, under the Police Education System, the human rights training accredited by the Ministry of Education includes a module based on the prevention of torture and all forms of cruel, inhuman or degrading treatment.

Reply to paragraph 19 of the list of issues

84. In 2014, the topic of torture will be included in the training plan of the School of Criminal Studies and Investigations and Forensic Sciences of the Attorney General's Office.

[27] Level 1: Soldiers (regular, campesino and secondary school graduates), marines, aircrew, professional soldiers and professional marines;

Level 2: Cadets, ensigns and students at schools for non-commissioned officers;

Level 3: Deputy sergeants, second flying officers, first officers, third flying officers, second officers, fourth flying officers, third officers, pilot officers, second lieutenants, lieutenants and captains;

Level 4: Joint commanding officers, command sergeants major, sergeants major, master sergeants, staff sergeants and students on the general staff course;

Level 5: Students on the advanced military studies course;

Level 6: Officers, non-commissioned officers and civilian staff with a professional qualification.

Article 11

Reply to paragraph 20 of the list of issues

85. As a planning tool to help the National Prisons Institute (INPEC) fulfil its mission, the Government adopted a comprehensive approach to addressing the prison crisis that relies on the Prisons Operation System (SIOPEC) to implement high-impact measures, such as the use of mechanisms to combat corruption, reduce overcrowding and promote security and fiscal consolidation within the national prisons system. The rationale for this was that the legal and administrative effectiveness of SIOPEC is not based solely on the three key aspects of any prison-related measure, which are health, education and work, but extends beyond the context of the prisons themselves irrespective of whether these are regional or national in nature.

86. In connection with the Prisons Operation System, the INPEC Human Rights Plan 2011–2014 was formulated in order to define and organize processes and activities to promote, protect, observe and defend human rights within INPEC. These, in turn, are incorporated into the institutional policy that was set out in Permanent Directive No. 012 of 2011. The plan comprises five strategic components: (1) institutional policy; (2) dissemination and promotion of human rights; (3) population groups deemed to have special needs; (4) international human rights scenarios; and (5) prevention mechanisms for the area of human rights. For more information, see annex V.

Reply to paragraph 21 of the list of issues

87. In fulfilment of their constitutional mandate, the Counsel General's Office and the Ombudsman's Office[28] conduct regular visits to national prisons and places of detention in order to monitor the situation of persons deprived of their liberty and ensure respect for their rights and guarantees. These authorities carry out inspections with regard to general prison conditions, respect for human rights, services for and treatment of inmates, special legal cases, reports of escapes that have taken place and cases of enforced disappearance or of cruel, inhuman or degrading treatment.

[28] The Ombudsman's Office has prepared a handbook entitled "Inspection of Prisons by the Ombudsman", which lists the rights of persons deprived of their liberty and offers practical guidelines and criteria to make inspections conducted by the Ombudsman more effective. The Counsel General's Office, through the Office of the Specialized Counsel for Human Rights and Ethnic Affairs and the Coordination Office for Criminal and Prison Policy, carries out preventive activities in prisons, for which purpose it has developed an institutional protocol.
These activities include:

(a) Inspections of prisons, which involve a general and detailed examination of all aspects of human life in prisons, on the basis of which a report is drafted and follow-up is later given;

(b) Monitoring of facilities to review the implementation of recommendations made during general visits; and

(c) Inspections of police lock-ups.

These visits are conducted by the territorial branches of the Office, namely the regional, provincial, district and judicial offices, in accordance with their territorial jurisdiction.

88. The Ombudsman's Office must submit an annual report on these activities to Congress and to the Ministry of Justice and Law, and give an account of criminal and disciplinary complaints and their outcomes.[29]

89. Inspections are carried out sporadically and are unannounced, as an obvious precondition for their effectiveness. Prior authorization for these visits from the Directorate-General of INPEC would render them useless.

90. On the other hand, in accordance with national legislation, visits to places of detention by international bodies, such as the International Committee of the Red Cross, Amnesty International or similar organizations, must be authorized by the Government or be provided for explicitly in an agreement. Visitors must also observe regulations and may not refuse to comply with security measures that are deemed appropriate for their personal protection.[30]

Reply to paragraph 22 of the list of issues

91. As at 31 August 2013, there were 138 prison facilities in INPEC, including six women's prisons. As at the same date, the total capacity of the facilities for men and women was 75,726; the capacity for female inmates was 5,431. See annex VI for detailed information on the occupancy rate of all places of detention in Colombia.

92. As of 31 August 2013, there were 148,678 prisoners, all over the age of 18, of whom 118,478 were in prisons, 26,203 were under house arrest and 3,997 were subject to electronic monitoring and surveillance outside a facility. Annex VII shows data on the gender, age, legal situation and origin of foreign and indigenous population groups in special situations.

Reply to paragraph 23 of the list of issues

93. (a) INPEC and the Ministry of Justice and Law have identified a series of measures and strategies to be implemented in the short, medium and long terms, which include categorizing detention facilities, establishing comprehensive assistance teams, transferring inmates, working with various universities in the country (particularly law faculties) to strengthen the legal departments of national prisons, planning ways to increase prison capacity, forging closer ties with the justice system in order to encourage the use of alternative sentencing (i.e. the application of penalties other than detention and imprisonment) and drafting legislative amendments, such as the draft Prison Code, in Bill No. 256 of 2013.[31]

[29] Act No. 65 of 1993, art. 169; Decree No. 2636 of 2004, art. 7; Judgement No. C-461/11, presiding judge: Juan Carlos Henao Pérez.

[30] Agreement No. 0011 of 1995 (art. 34): "Visits from International Organizations". Under procedure No. PT 51-017-02 entitled "Procedures, structure and development of the social support network" and as part of programmes run by the Services and Treatment Directorate, contacts with organizations from the private, public, non-governmental and citizens' voluntary sectors are structured and managed with the aim of channelling and optimizing the resources provided by the network by encouraging the coordinated participation of society in projects to improve prisoners' quality of life.

[31] The draft Prison Code contains provisions aimed at helping judges to apply the law more objectively and, as far as possible, reducing the use of discretion in granting releases. According to these provisions, custodial sentences are sought as a last resort and persons who objectively fulfil the requirements prescribed by law are granted one of the various types of release. Currently, the high level of discretion afforded to judges gives rise to subjective decisions that prevent such benefits from being granted, despite the fact that many of these individuals could qualify for them and that it could

94. INPEC also drafted the Plan to Reduce Overcrowding (PLANDES 2011–2014), which offers a number of strategies for alleviating the serious problem of overpopulation and overcrowding in national prison facilities.[32]

help relieve congestion in prisons. In other words, the draft Code sets out specific elements to be taken into account in making the subjective decision to grant house arrest. These are contained in article 28 (c) of Act No. 599 of 2000, the aim of which is to reduce the impact of discretion on such decisions. These same elements must also be taken into account in granting other types of release.

The draft Code stipulates that qualification for ordinary and other forms of release cannot be subject to the payment of a fine and that prison officials must promptly notify the competent authorities of the fulfilment of the legal requirements for the release of persons deprived of their liberty. It strengthens the role of the sentence enforcement and security measures judge in order to ensure the prompt and effective administration of justice. It provides for the presence of a sentence enforcement and security measures judge at all times in every prison facility, so as to expedite the granting of appropriate alternatives to imprisonment to persons deprived of their liberty, which are based on information available to the judge concerning how long the prisoner has been incarcerated, the punishable act(s) with which he or she has been charged or for which he or she has been convicted and the length of the prison sentence imposed.

It outlines a series of measures to facilitate and expedite the work of sentence enforcement and security measures judges, which include the possibility of conducting virtual court hearings. To that end, there must be the guarantee that the necessary venues and technology are available in every prison in the country.

Sentence and security measures enforcement judges, either of their own motion or at the request of the person deprived of his or her liberty, the Public Defender Service or the Counsel General's Office will also be expected to grant releases when they verify the fulfilment of the respective requirements.

The draft Code also takes into account the existence of population groups that are in special situations by reason of their age, sex, sexual orientation or disability which make it necessary to adapt the correctional measures set out in the Code to those situations, as reiterated in the case law of the Constitutional Court.

It also includes the obligation to establish special conditions of detention for eligible participants and convicts from illegal organized armed groups, taking into account their involvement in the peace process.

Based on the premise that no sentence can be justified unless the prisoner is socially rehabilitated, the draft Code establishes that work is a duty and a right.

[32] PLANDES combines the following seven strategic components: (1) operating standards of national prisons; (2) master plan for infrastructure (Plan 60,000); (3) improvement in prison living conditions; (4) policy on treatment of prisoners; (5) prison and judicial benefits; (6) house arrest and electronic surveillance; and (7) professional development of prison staff. The purpose of these measures is to reduce rates of overpopulation and overcrowding. Each component comprises strategic actions and guiding principles to support the operational measures intended to improve inter-agency management of prison slots. Specifically, PLANDES aims to accomplish the following:

- The construction of prison farms that would provide 10,000 new places;
- The transfer and reclassification of 3,000 inmates by the end of the current year, taking into account family proximity, illness and advanced age;
- The expansion and construction of 20,000 new places in existing facilities;
- The allocation of US$ 116,160,000 to boost the general maintenance of the country's 142 prisons;
- The adaptation of 1,000 existing prison places by means of transfers to municipal and district prison facilities;
- The allocation of US$ 13,200,000 to the refurbishment of health-care services in prisons and the award of 37 contracts to perform that work;
- The establishment of permanent health-care, identification and registration teams, with the assistance of departmental health secretariats; and

95. In 2013, over US$ 247,000,000 was earmarked from the general budget for construction and over US$ 14,790,000 for upgrades and maintenance. These resources were allocated on a priority basis to projects involving 52 establishments. An investment plan for increasing the number of prison places in the country in 2013 and 2014 has also been prepared.

96. As regards excess demand for prison places and ways to provide them, a strategy for increasing the number of slots has been formulated on the basis of CONPES documents No. 3277 of 2004, No. 3412 of 2006 and No. 3575 of 2009, which were adopted with the aim of improving the spatial and living conditions of inmates, preserving internal order and maintaining the governability of the system.

97. The National Development Plan 2010–2014 provided for the use of concessions to carry out the construction, maintenance and refurbishment of prisons throughout the country. The aim of such outsourcing is to make the construction of prisons quicker and more effective, with the aim of reducing the current rate of overcrowding and improving inmates' living conditions.

98. (b) With the prior consent of the Ministry of Justice and Law, the Director-General of INPEC, by means of resolution No. 001505 of 31 May 2013, declared a state of emergency in all the nation's prisons for the seven-month period from 31 May 2013 to 31 December 2013 as a means of resolving the prison health crisis, in accordance with article 168 (b) of Act No. 65 of 1993.[33]

- The appointment of 11 sentence enforcement and security measures judges to serve alongside the 17 existing judges, in order to process applications for release more quickly.

[33] Article 168: States of emergency in prisons and remand centres (italicized subparagraphs conditionally enforceable). The Director-General of the National Prisons Institute may, with the prior consent of the Ministry of Justice and Law, decree a state of emergency in one, several or all prisons in the country in the following instances:

(a) In the event of incidents that disrupt or threaten to seriously or imminently disrupt order and security in prisons;

(b) In the event of serious sanitary problems that expose prison staff to contagion, when conditions of hygiene are such that communal living is impossible, when a public disaster occurs or there are serious indications that it might occur.

In the case described in subparagraph (a), the Director-General of the National Prisons Institute has the power to take the necessary measures to resolve the situation, such as prisoner transfers, use of solitary confinement for inmates, reasonable use of exceptional means of restraint and calling for support from police or military law enforcement agencies, in accordance with articles 31 and 32 of this Act.

If prison personnel are implicated in the incidents disrupting order and security in the prison facility, the Director-General of the National Prisons Institute may suspend or replace them, without prejudice to any applicable criminal or disciplinary investigation.

In the cases described in subparagraph (b), the Director-General of the National Prisons Institute shall request the assistance of the national, departmental and municipal emergency and health authorities, which are required to cooperate immediately with the affected prison facilities.

The Director-General of the National Prisons Institute may order the transfer of inmates to specified locations as necessary. Moreover, if the circumstances require, prisons may be closed. With the prior consent of the Board of Directors of the National Prisons Institute, the Director-General may also make budgetary transfers and directly contract service providers to carry out the works necessary to deal with the emergency.

Once the danger has passed and order has been restored, the Director-General of the National Prisons Institute shall inform the Board of Directors of the situation, the reasons for declaring the

99. In order to ensure the effectiveness of on-site prison health care, a programme to refurbish health-care units across the country has been launched with a budget of US$ 1,584,000. In addition, the health-care services in the country's prisons are subject to continual monitoring. A situational analysis survey is currently being taken to collect information that will serve to determine a baseline of the status of prison health-care services to be used for analysis and follow-up.

100. Concerning the provision of health care, attention is drawn to the adoption of Decree No. 2496 in 2012, which establishes the rules for the provision of health-care insurance to the prison population. Since 2012, weekly round-table discussions have been held in order to harmonize the efforts of various agencies with regard to the implementation of the Decree.

101. According to the report submitted by the Directorate for the Institutional Governance of INPEC, in 2012, the following projects and maintenance works were scheduled in the Valledupar prison, which is a high- and medium-security prison with a high-security pretrial detention centre:

- Consultancy concerning the design of the supply network, at a cost of over US$ 13,730;
- Adaptation and maintenance of the hydraulic supply network, at a cost of over US$ 278,315;
- Recruitment of the technical, administrative, legal and accounting auditor for the adaptation and maintenance of the hydraulic supply network, at a cost of over US$ 39,468;
- Adaptation, maintenance and placement into operation of 10 wastewater treatment plants and 4 water purification plants, at a cost of over US$ 355,540 for the former and over US$ 11,740 for maintenance of the latter.[34]

state of emergency and the justification for the measures taken. The Director-General shall also notify the judicial authorities of the new location of prisoners for their respective purposes.

[34] In its memorandum No. 323-EPAMSCASVAL-APLAN-2726 of 2013, the prison management reported that:

"The water service was restored to normal, once the company EMPUDAR S.A. selected a completely independent aqueduct for the Cerro de La Popa prison since, previously, the aqueduct supplying the city of Valledupar had not been sectioned and, in order to resolve an issue in the southern part of the city, the supply had been cut off to the northern part, thereby affecting the prison. By making the supply independent with this exclusive aqueduct, EMPUDAR has guaranteed a 24-hour water supply. At the same time, the damage to the hydro-sanitary network — owing either to the obsolescence of the PVC tubing, which has crystallized, or to acts of vandalism by inmates who overloaded and damaged the showers, washbasins and toilet bowls — is such that when water is sent to the various towers, the prison's three storage tanks with a combined capacity of 1,500 cm^3 empty in 30 minutes because a non-gravitational system is used. As a result of the many water leaks, the fourth and fifth floors of the towers are left with no supply – an unavoidable problem given the damage caused. In view of the above, a plumber was hired to supply each tower with water three times a day, thereby ensuring that all inmates have access to water. It should be noted that the Prison Services Unit is conducting a procurement process in order to award a contract for the maintenance of the prison's hydraulic network, at a total cost of Col$ 1,500,000,000 million, making it possible to secure a 24-hour water supply on a permanent basis. The budget for August covers the delivery of the wastewater treatment plant, which is undergoing maintenance pursuant to contract No. 099 of 2012 (PETAR-INPEC VALLEDUPAR consortium). To that end, steps are being taken with EMPUDAR S.A. to ensure that the plant becomes operational."

102. (c) With regard to solitary confinement, it should be noted that article 126 of Act No. 65 of 1993 and Agreement No. 0011 of 1995 stipulate that this disciplinary measure may be applied for health reasons, when necessary for maintaining prison security or as a form of punishment.[35]

103. Any decision to use solitary confinement must first be assessed by a Disciplinary Board, which is the body tasked with evaluating and grading the conduct of inmates.[36] It should be highlighted, however, that the Bill amending Act No. 65 of 1993 and providing for the insertion of new provisions, which is currently awaiting presidential approval, amends article 126 so as to remove solitary confinement as a punishment:

104. Article 71: Article 126 of Act No. 65 of 1993 is hereby amended to read as follows:

> Article 126: Solitary confinement. Solitary confinement as a precautionary measure may be applied in prisons in the following cases:
>
> (1) For health reasons;
>
> (2) For reasons of internal security, in which case it may not exceed five calendar days; and
>
> (3) At the prisoner's request, with the prior authorization of the prison director.

105. Pursuant to Permanent Directive No. 23 of December 2011, the Directorate-General of INPEC established criteria for the placement of inmates in special treatment units and set out the specific instructions to be followed by individual prison directorates.[37] In keeping with the INPEC human rights policy, the situation is monitored and prisons are requested to provide information on the number and state of the cells and the level of compliance with Permanent Directive No. 23.

106. (d) The health insurance provider CAPRECOM is the body currently tasked with providing health-care services to the prison population under the purview of INPEC. To that end, INPEC is responsible for arranging prison infrastructure and supplying the health-care units in all prison facilities. Pursuant to its mandate for 2013, the Prisons Services Unit

[35] Article 126: Solitary confinement. Solitary confinement may be applied as a precautionary measure in prisons in the following instances: (1) for health reasons; (2) when necessary for maintaining internal security; (3) as a form of punishment.

[36] Under article 75 of Agreement No. 0011/95 of the National Prisons Institute, the disciplinary board shall be composed of "the prison director, who will serve as chairperson, the legal advisor, the workshop manager, the head of the education section, the psychologist, the social worker, the watch commander, the doctor, the municipal ombudsman or his or her deputy, and a representative chosen by the prison population pursuant to article 118 of Act No. 65 of 1993. In facilities without such personnel, the Disciplinary Board shall be composed in accordance with internal regulations, and must, at all events, include the municipal ombudsman or his or her deputy and a representative of the inmates and his or her proxy". In psychiatric institutions or wards, the Board must be composed of a senior consultant or medical professional, the psychologist, the psychiatrist, the prison director, the municipal ombudsman, or his or her deputy, and the legal advisor.

[37] The instructions in Permanent Directive No. 23 include:

- Ensure that the prison's special treatment unit is suitable and functional, that it complies with relevant quality standards and regulations and that the human rights of detainees are respected;
- When placing inmates in the prison's special treatment unit, comply strictly and without exception with the conditions set out in Act No. 65 of 1993 and with the regulations and protocol set forth in the present Directive;
- Immediately relocate inmates who do not meet the requirements set forth in the Act and the regulations for remaining in special treatment units and inform the relevant regional authority of such relocation.

accelerated the process of hiring the necessary staff and materials for health-care units throughout the country at a cost of more than US$ 2,067,000, with the aim of giving effect to the applicable rules of public financing. The health insurance provider, meanwhile, supplies professional services, human resources, medical and surgical equipment and medicines and contracts with the service provider network.

107. It is important to stress that INPEC continually monitors the provision of health-care services, in particular with regard to the following: human resources supplied by the health insurance provider for prison care, the provider network and the provision of supplies and medicines. The shortcomings identified through the monitoring process are enumerated in a monthly report sent to the Prison Services Unit. A copy of the report is also sent to the National Health Authority, the Criminal and Prisons Policy Directorate of the Ministry of Justice and Law, the Ministry of Health and Social Protection and the management of the health insurer CAPRECOM.

Reply to paragraph 24 of the list of issues

108. A review of the Disciplinary Information System database revealed that: (a) on the basis of information relating to the death of prisoner José Albeiro Manjarrés Cupitre on 8 January 2011 in Bucaramanga prison, the Eastern Regional Directorate, by means of Order No. 861 of 16 December 2011, withdrew earlier judicial proceedings; (b) no records were found in relation to the alleged death of Mr. Arsecio Lemus in La Dorada prison in 2010 due to hydrocephalus caused by a brain tumour.

Reply to paragraph 25 of the list of issues

109. Table 2 lists the disciplinary proceedings registered in connection with deaths that allegedly occurred while offenders were in prison or pretrial detention in the period between 1 January 2010 and 22 August 2013 (see table 2).

110. When there are reports that persons deprived of their liberty are going on a hunger strike, a message is sent to the director of the prison facility, notifying him or her of the situation, and recommending that medical assistance should be offered immediately and that the reasons for the hunger strike should be verified, in order to restore and give effect to the rights of all inmates within the confines of the law. Procedure No. PO-30-020-01 and Circular No. 00008 of 2013 provide instructions to prison staff on what steps to take in the event of a hunger strike.[38]

Reply to paragraph 26 of the list of issues

111. The following information relates to the number of incidents of inter-prisoner violence:

[38] Procedure No. PO-30-020-01 lays down instructions to be followed in an orderly and systematic fashion by prison staff in the event that a hunger strike is staged by one or more inmates, with a view to protecting inmates' physical integrity, maintaining prison order and pursuing the normal activities of the nation's prisons. As a complement to the foregoing, Circular No. 00008 of 2013 was issued to educate prison staff about the subject and remind them that they should assume direct responsibility for being informed about and attending to hunger strikes in the facilities under their responsibility and request support from the Municipal Attorney's Office of the Public Legal Service and the Ombudsman's Office, as a matter of priority.

Year	*2010*	*2011*	*2012*	*2013*
Total	**800**	**1 712**	**1 956**	**997**

Source: National Prisons Institute (INPEC).

112. Although the data indicate that there was an increase in the number of such incidents, at least in the period 2011–2012, these must be analysed in the context of a growing prison population.

113. The fact that, as of 31 December 2012, the number of persons deprived of their liberty stood at 113,884 and the number of incidents of violence in 2012 at 1,956, means that such incidents involved only 1.71 per cent of the prison population. They could therefore be considered as an unusual, rather than commonplace, occurrence within the prison system and as an indication that the prison staff are fulfilling their duties in the areas of security and custody.

Reply to paragraph 27 of the list of issues

114. According to information provided by the Social Provident Fund for Communications Employees (CAPRECOM), as of 13 July 2013 the list of persons deprived of their liberty for psychiatric reasons was as follows:

Hospitalizations for psychiatric reasons, July 2013

Prisoners hospitalized for mental health reasons	*Time spent in hospital*	*Average number of days in hospital*
55	288 days	5 days

Source: CAPRECOM EPSS (Unit to Promote Subsidized Health Care), July 2013.

115. As from 1 July 2012, pursuant to the entry into force of Agreement No. 032 of 2012 of the Health Regulation Commission (CRES), persons enrolled in the subsidized scheme are entitled to all the services included in the contributory scheme – the Compulsory Health Plan. These include mental health services (psychiatry, psychology, social services and occupational therapy). The only restrictions are the exclusions, services and medicines not covered by the scheme; hence, according to the Agreement, CAPRECOM must provide health benefits to prisoners who are under the authority of the National Prisons Institute.

Overview of the care currently provided

Care provided under the Compulsory Health Plan	
Mental Health Programme – INPEC	
Type of Programme	*Description*
A	2 prison facilities (on-site care)
B	45 prison facilities (30 in the on-site care network and 7 in the external care network)
C	57 prison facilities (18 in the on-site care network and 11 in the external care network)

Source: CAPRECOM EPSS (Unit to Promote Subsidized Health Care), July 2013.

116. Service delivery models for prisoners with mental disorders include a specialized, on-site, outpatient psychiatric programme for inmates who show symptoms or signs of mental confusion, aggression or other altered thought processes (Type A model); a basic, on-site psychiatric programme for inmates who suffer from a mental illness but are not experiencing an acute crisis (Type B model); and a basic, on-site or external psychiatric programme for facilities with fewer than 15 inmates suffering from mental disorders (Type C model).

Articles 12 and 13

Reply to paragraph 29 of the list of issues

117. Annex VIII lists disciplinary proceedings for the period from 1 January 2010 to 22 August 2013 for acts involving torture, ill-treatment or abuse in the departments of Antioquia, Arauca, Caqueta, Meta, Valle del Cauca and Vichada in which members of the police or military were implicated.

118. The above-mentioned annex refers to disciplinary sanctions issued in first and second instance by the Counsel General's Office against members of the police or military for acts involving torture, ill-treatment or abuse in those departments.

119. The procedure for delivering human rights certification to all officers seeking promotion begins with the submission of the list of applicants by the military academy (Escuela Superior de Guerra) to the Directorate of Human Rights and International Humanitarian Law of the Ministry of Defence. The Ministry of Defence then allows five days for examining and processing the certification for each applicant. One of the requirements for certification is verification by the Attorney General's Office and the Counsel General's Office that there are no criminal or disciplinary investigations pending against the applicant. The certification requirement is applicable to all officers seeking promotion from major to lieutenant colonel and from colonel to brigadier general.

Reply to paragraph 30 of the list of issues

120. According to the National Directorate of Prosecution Services of the Attorney General's Office, from 2009 to the present, 630 cases of torture have been prosecuted. These cases may be broken down as follows:

Inquiry	*Investigation*	*Trial*	*Early conclusion*	*Sentence enforcement*	*Conviction*
592	10	13	3	12	12

Source: Attorney General's Office.

121. The National Human Rights Unit of the Attorney General's Office submits the following data for the period 2010–2013:

- Total number of cases assigned: 50;
- Cases under investigation: 35;
- Cases at the trial stage: 5;
- Cases under inquiry: 5;

- Convictions: 63.

122. The Strategy to Counter Impunity, which is part of the Presidential Human Rights and International Humanitarian Law Programme, encourages coordination among the various entities in accordance with the constitutional principle of harmonious collaboration. In adherence to this principle, joint efforts were carried out among the following training schools: the Studies Institute of the Public Legal Service, the Military Criminal Justice Academy, the Training School of the Attorney General's Office, the Training School of the National Institute of Forensic Medicine, the Roberto Camacho Training School of the Ombudsman's Office, the Rodrigo Lara Judicial Training School and the Training School of the National Prisons Institute. The aim of these efforts is to provide inter-agency training sessions that take into account the various aspects of decision-making in criminal, military and disciplinary matters in the work of justice officials.

123. These specialized training activities sought to provide justice officials with conceptual and methodological tools to be used in the investigation, prosecution and punishment of human rights violations and breaches of international humanitarian law. This has led to the formulation and implementation of investigation methodologies and protocols to be followed in cases of human rights violations and breaches of international humanitarian law.[39]

[39] The training provided in the preventive, criminal and disciplinary aspects of cases of human rights violations and breaches of international humanitarian law has produced the following results:

- Since 2008, specialized training in human rights and international humanitarian law has been provided to more than 1,800 officials of the military criminal justice system, the Counsel General's Office, the Attorney General's Office, the Ombudsman's Office, the National Institute of Forensic Medicine and Science, the judicial branch and officials of the National Prisons Institute;
- Two training sessions were held in 2013 – one in Montería, Córdoba, from 22 to 24 April and another in Medellín, Antioquia, from 19 to 21 June. They were attended by more than 90 officials from the Counsel General's Office, the Attorney General's Office, the military criminal justice system, the National Institute of Forensic Medicine and Science, the Ombudsman's Office and the National Prisons Institute. Sessions are also planned in the cities of Neiva, Arauca and Yopal;
- New modules for specialized training in human rights and international humanitarian law have been prepared and published;
- These have been incorporated into the curricula used by the training schools of the Attorney General's Office, the Counsel General's Office, the judicial branch and the military criminal justice system;
- The methodology to be used by the Counsel General's Office to investigate human rights violations has been drawn up and approved;
- A model has been drawn up for using, managing and supervising the resources of the National Human Rights Unit of the Attorney General's Office;
- Actions and strategies have been implemented to acquire information technology and to achieve interoperability in the management of the various agencies;
- Two training sessions were held in 2013 – one in Montería, Córdoba, from 22 to 24 April (with 42 officials) and another in Medellín, Antioquia, from 19 to 21 June (with 50 officials). They were attended by a total of more than 90 officials from the Counsel General's Office, the Attorney General's Office, the military criminal justice system, the National Institute of Forensic Medicine and Science, the Ombudsman's Office and the National Prisons Institute. The following topics were addressed during the sessions:
    - Comparative classification of criminal behaviours that constitute human rights violations, including issues related to enforced disappearance and torture;
    - Disciplinary offences that constitute human rights violations;

Reply to paragraph 31 of the list of issues

124. During the reporting period, 676 cases of extrajudicial execution were assigned to the National Unit for Human Rights and International Humanitarian Law of the Attorney General's Office. Of these, 39 resulted in convictions, 21 are in the trial phase, 138 are under investigation and 508 are under inquiry.

Reply to paragraph 32 of the list of issues

125. In 2012, the Government of Colombia submitted Senate Bill No. 16 of 2012 and House of Representatives Bill No. 192 of 2012 "providing for the amendment of articles 116, 152 and 221 of the Constitution of Colombia". This was justified by the need to comprehensively reform the military and police criminal justice system and to establish clear rules for investigating, prosecuting and bringing to trial members of the police and military forces, with definitions of constitutional rank and clear implementing legislation in order to provide legal security for members of the Armed Forces and National Police. It was also justified by the need to establish the necessary conditions for ensuring that the military and police criminal courts and the ordinary criminal courts, within their respective jurisdiction, are able to effectively and consistently apply a legal framework based on respect for human rights and the application of international humanitarian law.

126. In accordance with its powers, the Constitutional Court undertook to verify that constitutional and legal guarantees were observed during parliamentary consideration of Bill No. 02 of 2012 providing for the reform of the military criminal justice system, including citizen participation through public hearings, the debate of each of the discussion points (including statements delivered and the proposed amendments), the consecutive coverage of the relevant topics and the constitution of the quorum needed to hold debates and take decisions. Following this review, the Court declared the reform to be unconstitutional in its judgement No. C-740 of 25 October 2013.

Reply to paragraph 33 of the list of issues

127. According to reports from the divisions of the National Army, there are currently no prosecutors assigned to any of the various military units or divisions. However, a special prosecutor works on-site to support the groups known as GAULA, or Joint Task Forces for

- Identification of the alleged perpetrators and accomplices implicated in human rights violations and breaches of international humanitarian law;
- Methodologies for investigating human rights violations and breaches of international humanitarian law;
- The international legal framework and conditions for the investigation of human rights violations and breaches of international humanitarian law;
- International instruments related to the investigation of human rights violations and breaches of international humanitarian law;
- Conditions for the investigation of human rights violations and breaches of international humanitarian law;
- The most important aspects of the Istanbul Protocol and the Minnesota Protocol;
- Procedures to be followed in investigations into torture and other cruel, inhuman or degrading treatment;
- Procedures to be followed in the investigation of sexual offences against women, children and adolescents.

Personal Liberty, which were established under Act No. 282 of 6 June 1996. Article 5 of that Act describes their composition.[40] This arrangement was devised as a result of the particular nature of the cases dealt with by the GAULA task forces, whose purpose is to "help eradicate actions that threaten and violate personal liberty, particularly those relating to kidnapping and extortion".[41] This requires the support of a prosecutor, who conducts investigations and orders legal procedures, such as the arrests and raids that are carried out by the criminal investigation police with the assistance of the military personnel assigned to the task forces. It is important to clarify that the prosecutor works completely independently, without any interference from the military.

Reply to paragraph 34 of the list of issues

128. Resolution No. 2122 of 2012 established the organizational structure of the National Prisons Institute (INPEC) and determined the composition of its working groups. According to this resolution, the Human Rights Group of INPEC receives, processes and answers the various complaints submitted, not only by prisoners, but also by their relatives, lawyers and NGOs, among others.

129. Prisoners can also lodge complaints with mechanisms such as the Ombudsman's Office, the Counsel General's Office and the municipal ombudsman's offices. The procedure according to which prisoners may communicate with the prison administration through the Human Rights Committee has also been strengthened. Since the start of 2013, the Human Rights Committee has held 647 meetings in prisons under the authority of INPEC.

Reply to paragraph 35 of the list of issues

130. There are 355 persons enrolled in the protection programme operated by the Protection and Assistance Unit of the Attorney General's Office. According to information on the effectiveness of such protection, all these persons are still alive.

131. There are currently 7,795 recipients of National Protection Unit measures, which are listed according to the population segment targeted (see table 3). From January 2013 to July 2013, the Unit received 451 cases involving victims of the internal armed conflict: of these,

[40] "Article 5. Organization of GAULA. In order to fulfil their mandate, the Joint Task Forces for Personal Liberty (GAULA) shall be organized as follows:

(a) A joint administration unit under the responsibility of the authorized prosecutor and military or police commander for matters pertaining to their respective areas of competence;

(b) An intelligence-gathering and evaluation unit composed of intelligence analysts and technical officers specialized in communications and database operations, who are responsible for collecting and processing information and proposing possible alternative courses of action to the joint administration unit;

(c) An operational unit composed of personnel of the Armed Forces, the National Police or the Administrative Security Department (DAS). Each unit operates under the command of an officer and is responsible for planning and conducting rescue operations, protecting victims and arresting perpetrators;

(d) An investigation unit composed of agents, detectives and technical officers with investigative powers. Each unit acts under the direction of the authorized prosecutor and shall be responsible for conducting criminal investigations."

[41] Director of the Programme for the Defence of Personal Liberty, resolution No. 001 of 2000, art. 2, p. 1.

6 concerned complaints by alleged victims of cruel and inhuman treatment and torture, representing 1.33 per cent of the total number of cases handled.

Reply to paragraph 36 of the list of issues

132. The National Unit for Justice and Peace of the Attorney General's Office adopted a new investigation methodology that establishes criteria for prioritizing cases and situations and creates a new criminal investigation and management system. Under this new methodology in which cases are prioritized based on the type of violation of human rights or international humanitarian law, cases of torture and of torture of a protected person that were entered into the information system of the National Unit for Justice and Peace are also included.

133. By establishing the criteria to be used when prioritizing cases for investigation, the new Unit aims to identify patterns of widespread criminality or mass victimization in the actions of illegal organized armed groups and the contexts in which they operate. The Unit has laid charges against 16 representative members and/or senior leaders of those groups and is now waiting for the judiciary to set dates for their trials.

134. The general procedure followed by the Unit for Justice and Peace has also been updated in terms of the implementation and development of this investigation methodology, which is designed to safeguard victims' rights to truth, justice and reparation.[42]

[42] The special prosecutor and the criminal investigation police prepare the case file with the aim of identifying patterns of widespread criminality and victimization in the actions of illegal armed groups.

The special prosecutor and the criminal investigation police endeavour to use all available tools and mechanisms to locate and identify the victims of these organized armed groups, in order to ensure that they can access, take part in and speak during the justice and peace process.

The special prosecutor and the criminal investigation police take stock of the social, family and personal situation of the persons participating in the process, their prior conduct, criminal and police records and the damage that they have directly caused to the victims, whether individually or collectively.

The special prosecutor uses the most effective and speedy mechanisms available to summon the persons eligible to take part in the various stages of the proceedings for which he or she is responsible.

Persons who consider themselves to be victims and wish to take part in the justice and peace process must complete a form to give information about the acts attributable to illegal armed groups; after due consideration the information contained therein will be entered in the Justice and Peace Information System and then sent to the relevant prosecutor, together with any additional documentation they may have collected.

The prosecutor requests the relevant authorities to provide legal representation and acts in accordance with Act No. 1448 of 2011 to ensure that victims' rights are respected.

Once a justice and peace case is assigned to a prosecutor's office, the prosecutor verifies, analyses and classifies the information according to municipality, department, type of criminal activity and date of occurrence, if possible. The prosecutor also ascertains whether judicial proceedings have been initiated in the case and, if so, notifies the prosecutor who is carrying out the investigation and monitors that investigation. If proceedings have not been initiated in the case, the prosecutor contacts the District Directorate of Prosecution Services so that it may assign a prosecutor to the investigation, if appropriate.

At any stage of the proceedings, the Support Subunit of the National Unit for Justice and Peace of the Attorney General's Office may be asked to take part so as to accelerate the search for missing and dead persons. The Subunit's duties include: establishing an index of all missing persons; investigating the circumstances leading up to their death; processing the forms used to record information; finding persons who might be able to provide information on the whereabouts of missing persons; conducting field work in graves and recovering remains, while adhering to national and international protocols;

Results of the implementation of Act No. 975 of 2005

Eligible participants who confirmed their willingness to continue with the justice and peace process	*Eligible participants in the justice and peace process against whom charges have been laid/ Total number of charges laid en bloc*	*Decisions handed down in the context of the justice and peace process*	*Confessions of acts of torture*	*Charges of acts of torture*	*Victims identified in the Justice and Peace Information System (SIJYP)*
2 539	292/2 103	10 first-instance decisions,* of which 8 are final.	1 226	1 596	338

Source: Attorney General's Office. The decisions issued include nine cases of torture that have resulted in convictions.

135. As a part of the new investigation prioritization strategy, priority is being given to the crimes of enforced disappearance and forced displacement, offences involving gender-based sexual violence and other cases of particular significance and the conduct associated with them. Charges, possibly resulting in convictions, will be brought in all such cases, including cases where it has been established, through a confession or an investigation, that torture has been committed.

136. Torture is not included among the crimes to which the eligible participants in the justice and peace process and the complainants refer directly. Progress has been made in investigations thanks to the research and verification efforts of the Attorney General's Office. This approach reveals instances of the practice of torture, not only when it is carried out in isolation, but also when it is committed in conjunction with other punishable acts (especially enforced disappearance and homicide).

137. When developing this strategy, the National Unit for Contextual Analysis (UNAC) took into account the observations that had been communicated on numerous occasions to the State of Colombia by the Committee against Torture. These concern the fact that the judicial authorities subsume the crime of torture within punishable acts that are mistakenly viewed as being more serious in nature, such as murder, enforced disappearance or kidnapping. Furthermore, with the implementation of Directive 001 of 2012, a number of

assisting with the taking of reference samples for DNA-profiling of family members of missing persons; working towards the full identification of the remains found and their delivery to the family members once they have been identified; updating information in the Disappeared Persons and Recovered Bodies Information System (SIRDEC); and cross-checking information when necessary.

At any stage of the proceedings, the Elite Subunit for the Confiscation of Goods to Provide Reparation for Victims may be asked to take part. Its job is to locate assets provided or reported by the person participating in the process, as well as those identified that have not been provided or reported. To do this, it conducts investigations to fully identify such assets and to document the circumstances surrounding the possession, acquisition and ownership thereof. Also, in coordination with the Special Administrative Unit for Comprehensive Victim Support and Reparation and the Victims' Compensation Fund, it keeps track of assets subject to seizure.

At any stage of the proceedings, the Subunit for Registration, Comprehensive Assistance and Guidance for Victims of Illegal Organized Armed Groups may be asked to provide comprehensive assistance to victims and to ensure their effective participation in the justice and peace process.

If, after the prosecutor's office has carried out the verification measures, the conclusion is reached that the case assigned to that prosecutor does not fall within his or her sphere of competence, the office communicates orally with the prosecutor whom it considers competent to handle the case in question, for the purpose of dispelling any doubts in that regard. If none of the prosecutors consider themselves competent to handle a particular case, the situation is brought to the attention of the coordinator of the respective unit office, who has the authority to decide on the matter.

new measures have been introduced, including the establishment of an inter-disciplinary team responsible for establishing the circumstances in which serious human rights violations and breaches of international humanitarian law occur. The reconstruction of such contexts makes it possible to identify facts that, in certain circumstances, may constitute a crime of torture, which would not be possible if the analysis is carried out in isolation. This possibility, together with the inter-disciplinary nature of the analysis teams, shows that the concept of torture is a shifting category that needs to be analysed on a case-by-case basis.

138. Given that the prioritization plan is in the process of implementation, one partial outcome that could serve as an example relates to the data collected in the course of investigations into one of the largest demobilized paramilitary groups, the Bloque Central Bolívar (BCB).

139. At the time of writing, 323 cases of enforced disappearance linked to BCB have been given priority status, and it has been established that 92 of those cases in some way involve torture. The Attorney General's Office is finding that torture is a recurrent crime, for which charges are brought in an average of 25 per cent of cases of enforced disappearance.

140. Another case reported by the Attorney General's Office involves instructions for the treatment of prisoners set out in a manual produced by the Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia – FARC) entitled "How to transport prisoners of war". The manual refers to the placing of chains around the arms, hands and neck, as well as to the treatment of individuals during their time in captivity in what were referred to as "concentration camps". Some 261 individuals (both military personnel and civilians) were identified as having been in this situation and have been diagnosed by legal medical experts as suffering from post-traumatic stress.

141. In his role as one of the leading members of FARC responsible for such criminal acts, the insurgent Elý Mejía Mendoza, alias "Martín Sombra", a participant in the justice and peace process who was designated as a priority by the Unit, admitted in his *versión libre* (a "statement") that he commanded the Mario Gómez Company of Front 62 of FARC – a unit created with the sole aim of looking after captives. The Company forced prisoners to walk barefoot for long distances, kept them behind bars when giving them food, made them bathe while chained and attached them to trees in places where they were exposed to stinging ants.

142. As to the recommendation of the Office of the High Commissioner for Human Rights (OHCHR) concerning the need to amend Act No. 975 of 2005, the State party wishes to report that Act No. 1592 of 2012, amending Act No. 975 of 2005, was enacted on 3 December 2012. The main amendments include the following: (i) the establishment of grounds for termination of the justice and peace process and for exclusion from the list of participants (art. 5); (ii) the criteria for the investigation prioritization strategy of the Attorney General's Office (art. 13); (iii) the introduction of the joint hearing for the filing of charges and pleading, as a result of the merger of the existing hearings for the filing of charges and the inspection of legality concerning the acceptance of the charges (arts. 18 and 21); (iv) the creation of the "advance ruling" (*sentencia anticipada*) mechanism (art. 18); (v) the establishment of a mechanism through which security measures ordered as a part of the justice and peace process may be replaced with other measures (art. 19); (vi) the creation of a motion for the identification of the damages caused to the victims, replacing the motion for full reparation (art. 23); and (vii) an amendment concerning the applicability of Act No. 975 of 2005 (art. 36).

Response to paragraph 37 of the list of issues

143. The purpose of Act No. 1424 of 2010 is to guarantee truth, justice and reparation to the victims of illegal organized armed groups and to grant legal benefits to persons who have demobilized provided that they: (i) demonstrate their commitment to the reintegration process and contribute to inquiries into the acts committed by illegal organized armed groups; (ii) explain the circumstances of their participation; and (iii) provide information concerning all the events or actions of which they have knowledge as a result of their membership of a given organization.

144. This Act is one of the instruments that are included in the national model of transitional justice, along with Act No. 975 of 2005 (Justice and Peace Act), Act No. 1592 of 2012, Act No. 418 of 1997, as amended by Act No. 1421 of 2010 (Public Order Act) and Act No. 1448 of 2011 (Act on Victims and Land Restitution).

145. Articles 6 and 7 of Act No. 1424 provide for a series of special measures regarding the liberty of the individual during the stages of investigation, trial and sentence enforcement, such as abstention from issuing arrest warrants, suspension of arrest warrants and the conditional suspension of sentence enforcement.[43]

[43] Article 6. Special measures concerning the liberty of the individual. Once demobilized persons have demonstrated their commitment to being reintegrated into society and have contributed to shedding light on the make-up of the illegal organized groups that are referred to in the present Act, on the circumstances of their participation and on all the facts and events of which they have knowledge as a result of their membership in a given organization, the competent judicial authority shall, within 10 days of submission of a request from the national Government submitted by the High-level Advisory Office for Reintegration, or a body acting on its behalf, order the suspension of any arrest warrants issued for demobilized former members of illegal organized armed groups who are involved in the offences set forth in article 1 of the present Act, provided that such warrants were issued in respect of those offences only and that the following requirements have been fulfilled:

1. The individual in question is participating in the national Government's social and economic reintegration process.

2. The individual in question is in the course of completing, or has satisfactorily completed, the reintegration process.

3. The individual in question has not been convicted of a criminal act or acts committed after the date on which he or she was certified as having been demobilized.

The above requirements shall also apply in the case of requests to refrain from issuing an arrest warrant made to the judicial authority with competence to exercise jurisdiction over proceedings brought against the beneficiaries of the present Act.

By means of a procedural order, the competent authority shall notify the parties and the accredited participants in the process, of the request for the suspension of the arrest warrant referred to in this article, *which is not subject to appeal*. Said parties and accredited participants shall also be notified of the decision taken concerning the request for the suspension of the arrest warrant.

Paragraph. The competent judicial authority shall waive the imposition of security measures in cases where the demobilized beneficiary has committed only offences set forth in article 1 of the present Act, provided that said beneficiary has fulfilled the requirements set forth in subparagraphs (1), (2) and (3) of the present article.

Article 7. Conditional suspension of sentence enforcement and reparation measures. In accordance with the requirements set forth in the present Act, at the request of the national Government, made through the High-level Advisory Office for Reintegration, or a body acting on its behalf, the competent judicial authority shall order the conditional suspension of sentence enforcement for a period equivalent to half the term of the sentence handed down in the decision, subject to fulfilment of the following requirements:

146. These legal benefits may be granted only to demobilized members of illegal organized armed groups who "have not committed any offences other than conspiracy to commit an ordinary or aggravated offence, unlawful use of uniforms or badge, unlawful use of transmitting or receiving equipment and unlawful carrying of weapons and ammunition intended exclusively for the use of the Armed Forces or for personal defence, as a consequence of their membership in the above-mentioned illegal armed groups", in accordance with the provisions of article 1 of the Act.[44]

147. Consequently, the application and granting of such legal benefits is conditional on the formal and material fulfilment of the requirements set forth in Act No.1424 of 2010 and its Regulatory Decree No. 2601 of 2011, which protect the rights of victims to the truth, to justice and to reparation.

148. In order to obtain the legal benefits referred to in the Act, demobilized individuals must satisfy a series of requirements, depending on the benefit they wish to obtain and subject to the approval of the competent authorities.[45] Decree No. 2601 of 2011, regulating

1. The individual in question has signed the Agreement to Contribute to Truth-seeking and Reparation, is enrolled in the Government's social and economic reintegration process and is in the course of completing, or has satisfactorily completed, said process.

2. The individual in question has performed community service in his/her host community, as part of the national Government's reintegration process.

3. The individual in question has made full reparation for the damage caused by the offences for which he/she was convicted under the present Act, unless proof is submitted that he or she is financially unable to do so.

4. The individual in question must not have been convicted of any criminal act committed after the date on which he or she was certified as having been demobilized.

5. The individual in question has displayed good conduct during the reintegration process.

By means of a procedural order, the competent authority shall notify the parties and the accredited participants in the process, of the request for the conditional suspension of the sentence enforcement referred to in this article, *which is not subject to appeal*. Said parties and accredited participants shall also be notified of the decision taken concerning the request for the conditional suspension of sentence enforcement.

Paragraph 1. The conditional suspension of the main sentence shall also extend to the suspension of any accessory sentences. In accordance with the Prisons Code, the law officer and the National Prisons Institute (INPEC) shall continue to have competence in the area of custody and monitoring enforcement of the sentence.

Paragraph 2. Once the conditional suspension of the enforcement of the sentence has lapsed, and provided that the convicted individual has fulfilled the obligations referred to in the present article, the sentence shall be extinguished by a legal ruling to that effect.

[44] Article 1. Purpose of the Act. The purpose of the present Act is to contribute to the achievement of lasting peace, the realization of rights to the truth, to justice and to reparation within the transitional justice framework, in relation to the conduct of demobilized former members of illegal organized armed groups who have not committed any offences other than *conspiracy to commit an ordinary or aggravated offence*, unlawful use of uniforms or badge, unlawful use of transmitting or receiving equipment and unlawful carrying of weapons and ammunition intended exclusively for the use of the Armed Forces or for personal defence, as a consequence of their membership in the above-mentioned groups, as well as to promote their reintegration into society.

[45] "Article 6. Special measures concerning liberty of the individual:

1. The individual in question has signed the Agreement to Contribute to Historical Truth and Reparation.

2. The individual in question is participating in the Government's social and economic reintegration process.

3. The individual in question is in the course of completing, or has satisfactorily completed, the reintegration process.

Act No. 1424 of 2010, sets forth the procedure for granting these legal benefits.[46] Finally, on 13 October 2011, the Constitutional Court issued Judgement No. C-771/11, declaring Act No. 1424 of 2010 to be enforceable.[47]

149. Thus, the Attorney General's Office, through the National Unit for Demobilized Individuals, has competence to conduct the established judicial proceedings and has made the corresponding adjustments on the understanding that the third parties referred to therein are solely those listed in article 33 of the Constitution and demobilized individuals of the same illegal organized armed group.

Article 14

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150. Both the *Entrelazando* ("Interweaving") programme, which aims to repair the social fabric and rehabilitate communities at the group level, and the individual psychosocial support strategy of the Victims Unit have been launched in communities where there are beneficiaries of a peace and justice process ruling and where there may also be victims of torture and ill-treatment.

151. In 2012, the Directorate for Reparations of the Victims Unit established a group to monitor decisions handed down pursuant to Act No. 975 of 2005 and to inform victims of the comprehensive reparations procedure. The Victims Unit has so far provided assistance during the reconciliation and enforcement stages of nine justice and peace process decisions in eight departments and have coordinated rehabilitation measures, restitution,

4. The individual in question has not been convicted of a criminal act or acts committed after the date on which he or she was certified as having been demobilized."

"Article 7. Conditional suspension of sentence enforcement and reparation measures:

1. The individual in question has signed the Agreement to Contribute to Historical Truth and Reparation, is enrolled in the national Government's social and economic reintegration process and is in the course of completing, or has satisfactorily completed, that process.

2. The individual in question has performed community service in his/her host community, as part of the reintegration process.

3. The individual in question has made full reparation for the damage he/she has caused, unless it can be demonstrated that it is financially impossible for said individual to do so.

4. The individual in question has not been convicted of any criminal acts committed after the date on which he or she was certified as having been demobilized.

5. The individual in question has displayed good conduct during the reintegration process."

[46] Articles 4, 5, 6 and 7 of Decree No. 2601 set out the procedures whereby: (a) demobilized individuals demonstrate their commitment to the reintegration process and to helping uncover the truth – a step that must be formalized by signing the "Standard form for prior verification of fulfilment of requirements" and submitting it to the High-level Presidential Advisory Office for the Social and Economic Reintegration of Armed Insurgents (ACR) before 28 December 2011; (b) this office verifies that the requirements have been met prior to their signing the Agreement to Contribute to Historical Truth and Reparation; and (c) requests for legal benefits for demobilized individuals may be submitted.

[47] "Having examined in this ruling the nature of transitional justice and the feasibility of an approach in which, within the constitutional framework, the legislator might, on an exceptional basis, provide for the implementation of measures of this kind, and based on the content of the rights of the victims to the truth, to justice and to reparation in this context, the Court finds that, having examined the challenges submitted, the provisions of Act No. 1424 of 2010 are enforceable, with one proviso relating to one paragraph in article 4."

compensation, satisfaction and the guarantees of non-recurrence that apply to each act of victimization.

152. The following rehabilitation measures have been taken in collective reparation cases settled through the courts.

Case of Jorge Iván Laverde Zapata, alias "El Iguano"

153. One of the advances made so far has been the establishment of a temporary partnership agreement between the three public health entities in Cúcuta in order to make psychosocial and other related health services available to the affected population referred to in the judgement, with the emphasis on psychological counselling. Specialists in armed conflict are in charge of medical evaluations, diagnosis and treatment.

Case of Edgar Ignacio Fierro Flores, alias "Fierro Flórez"

154. The respective health insurance providers' databases are currently being cross-referenced in an effort to locate victims, identify which health schemes they belong to and determine what type of medical and psychological care they are receiving. Previously, the departmental health secretariats had communicated court decisions to health insurance providers.

155. In response to the court decision, yoga lessons have recently been arranged for 280 victims in the municipalities of Barranquilla, Soledad, Sabanalarga and Sabanagrande, which are home to a larger number of victims than the other municipalities affected by the José Pablo Díaz front. This initiative between private sector foundations and the Victims Unit is being carried out under Agreement No. 1018 of 2013. The three entities that are party to the agreement have spent US$ 212,720 to support victims in these communities, and the Victims Unit has contributed US$ 107,330.

Case of the "Vencedores de Arauca" (Victors of Arauca)

156. In accordance with the decision handed down against participants in the peace and justice process, José Rubén Peña Tobón, Wilmer Morelo Castro and José Manuel Hernández Calderas, better known as the "Vencedores de Arauca ruling", the Ministry of Health and Social Protection and the departmental and municipal secretariats have worked together to establish outreach teams to support the victims recognized in the ruling.

Case of Gian Carlo Gutiérrez Suárez

157. In order to give effect to the provisions of the court decision of 27 June 2013, the Victims Unit and the Ministry of National Defence have signed an "information-sharing and operational protocol for exemption from military service, discharge and provision of military service records".

Case of Mampuján

158. Steps have been taken to provide medical assessments and psychosocial care, and the health secretariat in Bolívar has earmarked resources for those activities. A population analysis is currently being validated by those in charge; it will be followed by an assessment and plan of action.

159. Within the framework of Agreement No. 1018 of 2013, 120 yoga lessons have been arranged for 120 Mampuján victims residing in María la Baja, San Cayetano and San Juan Nepomiceno (relatives of the victims of the Las Brisas massacre). The three entities that are party to the agreement have spent US$ 91,603 to support victims in these communities, and the Victims Unit has contributed US$ 46,220.

Number of claims as at 31 August 2013

	Year of application or declaration					
Description	*2008**	*2009**	*2010**	*2011***	*2012****	*2013****
Applications received	5 923	1 751	62		1 407	865
Applications admitted	5 923	1 751	62		1 406	753
Included	4 581	827	19		1 001	485
Not included	1 257	100	3		358	244
Assessment under preparation	85	824	40		47	24
Applications pending assessment	0	0	0		1	112
Persons recognized	4 722	1 429	534		1 461	513

Source: Information Registration and Management Directorate, Victims Unit.

* The information concerning the victimizing act of torture in the above table for the period 2008–2010 corresponds to applications submitted under Decree No. 1290 of 2008.

** Decree No. 1290 of 2008 was not in force in 2011; consequently, the deadline for submitting applications was 22 April 2010.[48]

*** Applications for 2012 and 2013 were submitted under Act No. 1448 of 2011 and represent statements received before the deadline.

160. Act No. 1448 of 2011 established a comprehensive system to protect, assist, support and provide full reparation to victims of the conflict in Colombia. For the first time in the country's history, every national institution has taken steps to provide reparation for the damage caused during the last 50 years of armed conflict.

161. The comprehensive reparation awarded to victims not only includes monetary compensation or restitution of property but also provides for State support in such areas as education, health, housing and in the provision of income-generation and employment programmes, as well as for actions to honour the dignity and memory of victims, uncover the truth and guarantee the non-recurrence of such events.

162. The Act applies not only to persons who experienced forced displacement, dispossession or eviction from their lands but also to victims of murder, kidnapping, torture, enforced disappearance, child recruitment, anti-personnel mines and offences against sexual freedom. It provides for a differential approach to ensure that persons who have suffered most during the conflict as a result of their age, gender, ethnicity or disability status should receive special treatment in terms of support, assistance and reparation.

163. In addition to the Victims Act, there are three other decrees in force that specifically provide for assistance, reparation and restitution of land rights for the black, Afro-Colombian, Raizal and Palenquera communities (Decree No. 4635 of 2011), for indigenous peoples and communities (Decree No. 4633 of 2011) and for the Roma or Gypsy people (Decree No. 4634 of 2011).

164. Pursuant to Decree No. 4912 of 2011, which sets out "the Ministry of the Interior's programme for prevention and protection of the rights to life, liberty, integrity and security of persons, groups and communities and the National Protection Unit", the Land Restitution Unit has established a procedure to ensure that the National Protection Unit is able to

[48] Decree No. 1290 of 2008, art. 32. "Deadline for applications. An application for administrative reparation must be submitted no later than two years following the date of issuance of this Decree."

provide adequate protection to victims submitting land claims under article 3 of Act No. 1448 of 2011.

165. As part of its efforts to implement these protection procedures and measures, the Land Restitution Unit has taken a number of steps to comply with Act No. 1448 of 2011 as concerns the protection of applicants and officials involved in the land restitution process, in order to ensure that the protection process is as expeditious and opportune as possible.

166. The Land Restitution Unit has included the following question at the top of the application for inclusion in the registry of dispossessed lands: *Have you been subjected to threats, harassment or intimidation as a result of your land claim?* This question enables the Land Restitution Unit to identify whether the applicant has been subjected to intimidation and, if so, to immediately activate the protection process under the National Protection Unit that is set out in Decree No. 4912 of 2011.

167. As part of the protection process, once the existence of some kind of threat or intimidation against the victim's life or personal integrity, or that of his or her immediate family, has been shown to exist, whether at the time of submitting the claim for restitution or in the course of the process, an official from the Land Restitution Unit completes the protection application form of the National Protection Unit. These forms are available in paper or electronic format from the registry system of the Land Restitution Unit.

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168. Access to compensation for the victimizing act of torture does not depend on such compensation having been ordered as a result of criminal proceedings. Pursuant to article 146 of Decree No. 4800 of 2011, which regulates Act No. 1448 of 2011, the administrative compensation programme was established for various acts of victimization, including torture.[49] Access to the administrative programme is available to victims regardless of whether the author or group responsible for the act has been identified; the only prerequisite is that the applicant must be a victim of the armed conflict. Article 149 of the Decree provides for compensation in the amount of 30 times the current minimum legal wage (SMLV) for victims of these acts.[50]

[49] Article 146. Responsibility for the administrative compensation programme. The Special Administrative Unit for Comprehensive Victim Support and Reparation shall manage resources for administrative compensation, while respecting the principle of sustainability.

[50] Article 149. Amounts. Irrespective of the estimated amount of compensation awarded in each individual case and pursuant to the provisions of the preceding article, the Special Administrative Unit for Comprehensive Victim Support and Reparation may grant the following amounts of compensation:

1. Murder, enforced disappearances and abductions: up to 40 times the monthly minimum legal wage.
2. Injuries resulting in permanent disability: up to 40 times the monthly minimum legal wage.
3. Injuries not resulting in permanent disability: up to 30 times the monthly minimum legal wage.
4. Torture or inhumane and degrading treatment: up to 30 times the monthly minimum legal wage.
5. Offences against sexual freedom and integrity: up to 30 times the monthly minimum legal wage.
6. Forced recruitment of minors: up to 30 times the monthly minimum legal wage.
7. Forced displacement: up to 17 times the monthly minimum legal wage.

The amount of administrative compensation provided for in this article shall be determined by the monthly minimum legal wage in force at the time of payment.

Paragraph 1. These compensation amounts may be awarded to any victim entitled to this form of reparation.

169. To date, seven persons have received a total of US$ 60,242 in compensation for acts of torture. Nonetheless, 9,474 victims of torture who are also entitled to administrative compensation of up to 30 times the current monthly minimum legal wage, to be disbursed in incrementally increasing amounts and paid in instalments, have been listed in the Central Register of Victims.

170. In addition to the compensation, victims of torture are entitled to measures of satisfaction, guarantees of non-repetition, rehabilitation and collective reparation when they are part of a group entitled to reparation. Furthermore, restitution includes the return of land in cases in which victims were dispossessed of land or property in their name as a result of the act of victimization. Measures for the return of dwellings and urban and rural employment plans are also included. Lastly, the Act provided for the establishment of a psychosocial assistance and comprehensive health programme for victims, according to their particular situation and needs.

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171. CONPES documents No. 3726 and No. 3712 of 2011 allocated a budget of US$ 467,368,000 for the implementation of the Psychosocial Assistance and Comprehensive Health-Care for Victims Programme (PAPSIVI) pursuant to the application of Act No. 1448 of 2011. These resources have been entrusted to the Ministry of Health, as the institution responsible for the Programme. In 2013, moreover, the Comprehensive Victim Assistance and Reparation Unit (UARIV) allocated US$ 2,627,795 to a group-level emotional recovery strategy whose objective is to help individuals. By means of the group-focused emotional recovery programme *Entrelazando* ("Interweaving"), care is provided for victims of various acts of victimization, including acts that amount to torture.

172. Under the Collective Reparation Investment Plan, it is envisaged that the *Entrelazando* programme will spend US$ 129,250 from its own resources on each group for a three-year implementation period. As of June 2013, the plan had been implemented for 45 beneficiaries of collective reparations.

173. Steps were also taken to begin implementing a project in conjunction with the Programme to Promote Social Harmony and Strengthen Justice of the United Nations Development Programme (UNDP), which establishes an inter-institutional alliance between the Colombian Reintegration Agency (ACR), the Centre for Historical Memory (CMH), the Ombudsman's Office and the Ministry of Justice and Law. It is formulating an inter-institutional proposal for reconstruction of the social fabric and for reconciliation in six municipalities.

Paragraph 2. No more than one administrative compensation procedure shall be carried out in respect of any one victim, and all claims submitted under the procedure shall be cumulative.

If a victim has been subjected to more than one of the violations enumerated in article 3 of Act No. 1448 of 2011, he or she shall be entitled to receive a cumulative amount of administrative compensation of up to 40 times the monthly minimum legal wage.

Paragraph 3. In the event that a person is entitled to seek compensation for multiple victims, he or she shall be entitled to administrative compensation for each victim.

Paragraph 4. If the victimization described in subparagraphs 2, 3 and 4 of this article is committed on grounds of the age, gender or ethnicity of the victim, the amount of compensation may be up to 40 times the monthly minimum legal wage; the same measures apply in cases where the victimization described in subparagraph 5 of this article is committed on grounds of the age or ethnicity of the victim.

Paragraph 5. Compensation for child or adolescent victims under the provisions of article 181 of Act No. 1448 of 2011 shall be recognized for the amount established in subparagraph 5 of this article.

174. Under a cooperation agreement with the Pan American Development Foundation (PADF), the Unit for Assistance and Comprehensive Reparation for Victims is seeking the provision of services and support from the Foundation in order to pursue its strategy of emotional recovery for victims of armed conflict, including victims of torture.

Article 15

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175. A case introduced in the Seventh Criminal Circuit Court (No. 2007-2001-0052) is illustrative. The victim was Wilson Gutiérrez Soler, and the events date back to the night of 24 August 1994, when the victim claims to have been subjected to torture. The case was dismissed and then reopened following a decision by the Supreme Court.

176. At present, a special prosecutor is conducting the new litigation concerning those events. The Public Legal Service filed an application for review in order to have the case retried.

Article 16

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177. The National Protection Unit's Protection Programme was designed from the start specifically for highly vulnerable population groups in order to provide them with real solutions for the protection of their lives and well-being that take into account their particular circumstances. Article 6, paragraph 9, of Decree No. 4912 of 2011, considers "victims of human rights violations and breaches of international humanitarian law, including managers, leaders and representatives of organizations of displaced persons and land restitution claimants in situations of extraordinary or extreme risk" to be among the target population groups.

178. Within the framework of Decree No. 4912, and, more broadly, of the National Protection Unit's efforts to implement the Decree, one of the Unit's guiding principles has been to take a two-tiered approach to requests for protection, which consists of assessing risk and recommending and adopting protection measures. In these processes, consideration is given to the specificities and vulnerabilities related to age, ethnicity, gender, disability and urban or rural origin of the persons being protected.

179. In negotiations with female leaders and women's rights organizations, the National Protection Unit drew up a proposed road map for the protection of female victims of the armed conflict, in cooperation with the Human Rights Directorate of the Ministry of the Interior and with the support of international partners. This resulted in the establishment of a specific protocol with a gender perspective on women's rights, which was adopted by means of resolution No. 805 of 2012.[51]

[51] This instrument establishes the guidelines according to which the National Protection Programme is to handle cases of women who seek protection and who are included in the Programme, particularly with regard to risk assessment with a gender perspective, the creation of the women-only Committee for Risk Assessment and Recommended Measures and protection measures with a gender perspective.

As to the gender perspective for women, article 7 of resolution No. 805 of 2012 provided for the establishment of a mechanism to link the National Protection Programme to the National System for

180. (a) In view of the threats made by emerging criminal gangs — whose modus operandi involves pamphlets sent electronically — against human rights activists, including women's organizations that monitor compliance with Order No. 092 of 2008, the investigations were combined as case No. 110016001276201000027, which was handled by the Office of the Special Prosecutor No. 30. In all — counting both organizations and individuals involved in the protection of human rights — 152 victims have been identified. This strategy is designed to provide oversight and effectiveness, as well as to place the investigation in context. The inquiry is in progress, with regular reviews of the evidence. The prosecutor has contacted the organizations and has travelled to the locations where they are based in order to collect evidence, in an effort to elucidate the facts and restore the victims' rights.

181. (b) The abduction, torture and sexual assault of the journalist Jineth Bedoya Lima is being investigated by Public Prosecution Service No. 49 of the Human Rights Unit. The investigation was filed under case No. 807 and reassigned on 24 August 2011 to Prosecution Service No. 49 of the National Human Rights and International Humanitarian Law Unit. The proceedings are currently at the preliminary investigation stage. Jineth Bedoya Lima is currently enrolled in the Protection Programme operated by the National Protection Unit as a result of the precautionary measures requested for her on 2 June 2000 by the Inter-American Commission on Human Rights. The Protection Unit has granted her a number of protection measures after holding direct consultations with her.

182. The National Protection Unit is keeping the case under review. In the event of any contingency that could affect her security, the Unit notifies the National Police and the Attorney General's Office of the situation so that the necessary preventive measures can be taken and the relevant investigation launched.

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183. In taking steps to end the abuses perpetrated by the Colombian intelligence service, the Office of the Specialized Counsel for Human Rights and Ethnic Affairs, exercising its preventive function, established the State Security Agencies Group, whose mission is to exercise comprehensive and preventive oversight of the Armed Forces, the National Police and the civilian State security agencies in the areas of human rights and international humanitarian law.[52]

Comprehensive Victim Support and Reparation, including the possibility to respond to protection cases with complementary measures. The latter refer to measures that lie within the purview of other governmental agencies, such as those concerned with health, education and child protection services but that are nevertheless closely related to the protection measures implemented by the National Protection Unit.

[52] Since 2012, the State Security Agencies Group has dealt continuously with matters of compliance with the safety standards necessary to ensure the safekeeping of the Administrative Security Department (DAS) intelligence archives, adequate physical and facilities security, data storage, prevention of biological risks and, in general, the crucial integrity of document archives as a whole.

The Counsel General's Office participated in its capacity as a member (without decision-making powers) in the Special Committee on the DAS Intelligence, Counter-Intelligence and Secret Expenditures Archives.

Mention should be made of an instruction manual on prevention that was prepared by the Counsel General's Office in relation to intelligence files that have been found in the DAS Records Archives (which are now being liquidated).

184. To this end, the following three areas of activity have been identified.

185. First, overseeing the comprehensive human rights policy that the Ministry of Defence and the Office of the President of the Republic have drawn up for all State security bodies.

186. Second, developing a preventive strategy for all the institutions comprising the intelligence community in Colombia, so as to ensure that, under the leadership of the Counsel General's Office, those bodies' activities are in line with the objectives and needs of a social State governed by the rule of law and that they comply with the recommendations on that subject issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Colombia.

187. Third, and last, preventively monitoring the safekeeping, consultation and purging of the DAS intelligence files and records.

188. Annex IX lists the 130 or so disciplinary cases brought against former DAS agents, including cases against three former directors-general, one former managing director-general, one former head of the Anti-Corruption Group and one former director-general of intelligence, as well as three former deputy area directors. It provides the following information: supervising office (offices of the specialized counsel and regional, provincial or district divisions of the Counsel-General's Office); one unique identifier per application (IUS); date, location and description of the events; name of the person or persons

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A first national conference entitled "A New Legal Framework for Collecting Intelligence and Protecting Human Rights" was organized and held in keeping with the concerns of the Counsel General's Office about the records kept by intelligence agencies.

The conference is the result of a process that began with a discussion group for members of the Office of the Specialized Counsel for Human Rights and Ethnic Affairs on the New Statutory Intelligence Act and the responsibility of the Counsel General's Office in that regard, as well as the preventive monitoring of State security agencies that carry out intelligence functions and the Financial and Intelligence Unit.

In this connection, the Office of the Specialized Counsel for Human Rights and Ethnic Affairs recommended the designation of a body or bodies to take over the entirety of the DAS Records Archives once the liquidation, planned for 31 October of this year has been completed, although that deadline could be extended for an additional year.

In tandem with the preventive monitoring of DAS that was carried out during its liquidation, approval was obtained for an international project with the human rights programme of the United States Agency for International Development (USAID) that would provide the Counsel General's Office with the technical tools needed to monitor all State security agencies responsible for gathering intelligence, as well as the Financial and Intelligence Unit.

As a result of this project, in one year's time, the Counsel General's Office will have a manual on the preventive monitoring of the management and use of intelligence and counter-intelligence files and records that will be used for all the agencies that make up the Colombian intelligence community.

At the same time, a tracking matrix will be developed for the preventive monitoring of the committees on updating, correcting and withdrawing intelligence data and records that are to be set up pursuant to the New Statutory Act.

With the help of the technical tools mentioned above and the international training to be received by the State Security Agencies Group as part of the project financed by USAID, the Counsel General's Office will have at its disposal the necessary institutional mechanisms to chair the Advisory Committee for Purging Intelligence Data and Records required under the new Act.

The State Security Agencies Group is to advise the Counsel General over a period of two years, after which the latter will submit to the Government a report containing final recommendations on the criteria for the preservation, withdrawal and end use of the intelligence data and records that will be withdrawn by the Advisory Committee.

implicated and the position they held; agency or agencies implicated; actions initiated and procedural stage with regard to DAS wiretappings, as indicated in the record of disciplinary proceedings and that appear to be related to the wiretapping activities of implicated DAS agents.

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189. The Intersectoral Commission for the Prevention of Forced Recruitment of Children by Illegal Organized Groups was established pursuant to Decree No. 4690 of 2007 at the initiative of the Ministry of Foreign Affairs based on the decision taken by the State to voluntarily submit to the monitoring and reporting referred to in Security Council resolution 1612 (2005).

190. Subsequently, Decree No. 0552 of 15 March 2012 was issued; it amended Decree No. 4690 to: (a) include the variable of sexual violence with a view to preventing illegal organized groups and organized criminal gangs from sexually abusing children, in keeping with the State's duty to protect children's rights; and (b) transfer the technical secretariat from the Young Colombia Presidential Programme to the Presidential Human Rights and International Humanitarian Law Programme, in keeping with the latter's mandate to protect children's rights.

191. The purpose of the Intersectoral Commission is to guide and coordinate measures taken by public institutions (at both the national and subnational levels, in deference to administrative decentralization), international cooperation agencies and national and international social organizations, to prevent violations of children's rights, and especially their right to be protected from recruitment, exploitation and sexual abuse by illegal organized groups and organized criminal gangs. The Intersectoral Commission is made up of 23 national institutions.

192. It is also the governmental body responsible for promoting: (i) respect for children's rights; (ii) the development and implementation of public policies on providing comprehensive protection in select towns; and (iii) the strengthening of families, communities and institutions so that children are safe and feel safe, the objective being to reduce the risk factors for their recruitment, exploitation and sexual abuse by illegal organized armed groups and organized criminal gangs.

193. The goal of the Intersectoral Commission is to enable children to enjoy all of their rights, develop to their full potential and consider life choices other than violence and exploitation. It seeks to safeguard their living environment, put an end to violence and exploitation in their family, community and social settings and ensure the availability of targeted, proactive, relevant and effective institutional services, at both the national and subnational levels, for the full enjoyment and protection of their rights and to promote their recognition as rights holders in these settings, in order to prevent their recruitment and exploitation.

194. As part of its overall strategy, on 19 July 2010 the Intersectoral Commission adopted CONPES document No. 3673, which sets out a policy on the prevention of recruitment and exploitation that is based on the principle that the more rights are recognized and actually enjoyed and the better they are protected in various settings, the less likely it is that children will be recruited and exploited by the aforementioned groups.[53]

[53] Since 1991, the Constitution has stipulated that children's rights take precedence over those of any other citizen.

195. By coordinating the action plans of national institutions, judicial investigations and monitoring efforts, this CONPES policy seeks directly or indirectly to tackle the causes and risk factors that have been identified as facilitating the recruitment and exploitation of children in order to ensure that they remain in their family, community and school settings. It also encourages families, society and the State to work together to create a safe environment for children that strengthens networking, which contributes to the full enjoyment of children's rights in Colombia.

196. Since 16 November 1999, the Colombian Family Welfare Institute, through its Programme of Specialized Care for Child Victims of Violence, has helped more than 5,000 persons under the age of 18 who have left the groups in question. It should also be noted that those who have left these groups, by whatever means — whether voluntarily or after being rescued by the authorities and placed under the protection of the Welfare Institute — report that there are other minors still in the groups.

Other matters

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197. The Government is not currently considering making the declarations under articles 21 and 22 of the Convention. Given that Colombia has ratified the American Convention on Human Rights, alleged victims of civil and political rights violations can appeal to the inter-American human rights system in accordance with the principle of subsidiarity.

Since 1997, criminal legislation prescribes harsh penalties for persons who recruit or exploit children under the age of 18.

The Children and Adolescents Act of 2006 (Act No. 1098) includes among children's rights the right of all persons under the age of 18 to protection from recruitment and exploitation by illegal organized groups.

The laws regulating peaceful coexistence (Act. No. 1106 of 2006) define as victims persons under the age of 18 who are involved in any capacity in the actions of illegal armed groups.

Pursuant to Decree No. 4690 of 2007, the Intersectoral Commission for the Prevention of Forced Recruitment of Children by Illegal Armed Groups was established to coordinate and guide action taken by the State to reduce the risk factors for recruitment.

Colombia agreed to submit voluntarily to monitoring and reporting referred to in Security Council resolution 1612 (2005).

CONPES document No. 3673 of 2010 sets forth the action plans of 17 institutions for the prevention of child recruitment and exploitation.

Act No. 1448 of 2011, known as the Victims Act, contains an entire section on the comprehensive protection of child victims, which stipulates that all child victims of recruitment have the right to comprehensive reparation, the restoration of their rights and admission to social and economic reintegration programmes.

Act No. 1453 of 2011 sets forth harsh penalties for the use of children and adolescents in the commission of criminal offences.

Decree No. 0552 of 2012 amended Decree No. 4690, which provided for the establishment of the Intersectoral Commission, and entrusted it with responsibility for preventing sexual violence against children in the context of the armed conflict, as well as their recruitment and exploitation.

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198. Colombia has a wide-ranging legal framework on the prevention and punishment of torture, beginning with article 12 of the Constitution (see table 4 for further information). Government institutions have been implementing a series of measures and actions aimed at preventing torture, including the publication of various National Prisons Institute guidelines, the establishment of human rights committees, the creation of the office of Human Rights Ambassador, and the hosting of visits by oversight bodies and international organizations such as the International Committee of the Red Cross. It has also been promoting an inter-agency process for torture prevention in which relevant Government institutions develop and roll out coordinated actions in an effort to promote the right to personal safety and the absolute prohibition of all forms of torture and other cruel, inhuman or degrading treatment or punishment. Furthermore, on 3 December 2013, Congress adopted the new Prisons Code, which is awaiting presidential approval and whose aim is to fully protect the rights of persons deprived of their liberty in Colombia.

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199. The Government of Colombia has developed and set in motion a series of national policies, strategies, plans and programmes to prevent and combat terrorism, chiefly by denying terrorists access to the means for carrying out their attacks and achieving their objectives. The Government's most notable efforts are set out below.

Comprehensive Security and Defence Policy for Prosperity

200. The Comprehensive Security and Defence Policy for Prosperity (PISD) contains strategies to prevent and counteract the actions of terrorist organizations, such as:

- Breaking up networks of terrorist groups by strategically targeting their command structures;
- Stepping up efforts to eradicate illegal growing operations by hand or by crop-spraying, with a view to weakening one of the main sources of funding of these organizations;
- Increasing comprehensive efforts to bring a permanent State presence to the various parts of the country, protect the population and insulate it from the influence of these organizations;
- Strengthening police control throughout the country and improving criminal investigations in order to combat terrorism and various forms of ordinary and organized crime more effectively;
- Enhancing both the regional and international cooperation in order to foster exchanges of knowledge and experience, conduct joint and/or coordinated operations and share Colombia's relevant experience.

Sword of Honour War Plan

201. In addition to the above-mentioned policy, the Government of Colombia, as part of a strategic review of its efforts against terrorist groups, launched the Sword of Honour War Plan, which focuses on breaking up the armed apparatus and support networks of FARC, dismantling their base camps, bringing these areas back under Government control and ensuring that the Armed Forces respond in a timely and appropriate manner to the restructuring efforts of FARC that are intended to evade actions taken by the State.

Green Heart Plan

202. By means of this strategic initiative, the police aim to address and counteract the major factors undermining public safety and civil security. The Plan involves the application of carefully targeted tools and measures that enable the police to weaken criminal structures and networks and to tackle the root causes and contributing factors of violence and their effect on social harmony.

203. As part of the Green Heart Plan, 16 operational strategies have been launched to reduce crimes that affect social harmony and civil security, to dismantle criminal structures and illegal organized groups and to prevent criminal elements from scattering and spreading across the country.

Republic Plan

204. Under the Republic Plan, the Armed Forces and the National Police are developing and carrying out joint, coordinated inter-agency operations throughout the country in the areas of territorial control, security and defence. The objective is to anticipate, neutralize and/or disrupt terrorist attacks on the nation's critical infrastructure. The Plan calls for pursuing a targeted strategy to review, reorganize and reinforce the layers of security in place to protect the country's economic infrastructure — particularly in the critical areas most vulnerable to terrorist attack — with a view to ensuring that the Government's production targets are met.

205. To date, Colombia has signed more than 150 cooperation agreements on action to fight terrorism and transnational organized crime and on exchanging information concerning policing and security matters. Colombia is a party to 10 international anti-terrorism instruments and continues to work towards ratifying all international conventions on this subject in order to strengthen its technical and legislative capabilities for the prevention and elimination of this threat.

General information on the human rights situation in the State party, including information on new measures and developments relating to the implementation of the Convention

Reply to paragraph 49 of the list of issues

206. To strengthen the Government's coordinated response in the areas of human rights and international humanitarian law, the National Human Rights and International Humanitarian Law System was established, the Intersectoral Standing Commission on Human Rights and International Humanitarian Law was changed and a national human rights information system was launched. The National Human Rights and International Humanitarian Law System includes several subsystems. The Intersectoral Standing Commission, which is headed by the Vice-President and composed of cabinet ministers, is the highest authority for the formulation, promotion, orientation, coordination, monitoring and evaluation of the comprehensive policy on human rights and international humanitarian law. It is also the agency that coordinates the follow-up and implementation of international commitments in these areas and the mainstreaming of a rights-based and differentiated approach in sectoral policies.

207. The Sector for Social Inclusion and Reconciliation was established under the aegis of the Department for Social Prosperity (DPS); it includes the Colombian Family Welfare Institute (ICBF), the Centre for Historical Memory (CMH), the Comprehensive Victim

Assistance and Reparation Unit (UARIV), the Land Restitution Unit (URT) and the National Agency for Eradicating Extreme Poverty (ANSPE). Its mandate is to formulate, adopt, direct, coordinate and implement policies, general plans, programmes and projects in the areas of poverty eradication, social inclusion, reconciliation, land recovery, assistance to vulnerable groups and people with disabilities and their social and economic reintegration, and assistance and reparation for victims of the conflict.

208. The Victims and Land Restitution Act (Act No. 1448 of 2011), together with its implementing decrees, constitutes the Government's most ambitious attempt to provide assistance and redress to victims of violence. The Act includes measures designed to prevent the recurrence of gender-, community- and ethnicity-based violence, and lays the foundation for implementing the public policy on assistance and full reparation, in keeping with the principles of progressive, gradual and sustainable measures. It also specifies which institutions are responsible for its implementation and provides for the establishment of the National System for Comprehensive Victim Support and Reparation (see annex X).

209. The reform also included measures to strengthen the sectors and institutions responsible for protecting the rights of minorities and to reinforce judicial functions, social protection, security, housing and environment, culture and protection for communities at extraordinary risk, through the establishment of the National Protection Unit (UNP) and the Committee for Risk Assessment and Recommended Measures (CERREM), as well as cultural aspects and other important initiatives.

210. To facilitate the transition from armed conflict towards a stable peace, a legal framework for peace was adopted. It authorizes the establishment of extrajudicial transitional justice mechanisms, criteria for the selection and prioritization of cases and the suspension of sentence enforcement. In addition, in September 2012, the Government began a process of dialogue with FARC guerrillas, for which it adopted a road map that precisely delimited the terms of discussion for reaching a final agreement providing for the end to the armed conflict, which represents an enormous challenge for the nation.

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211. Under the principles of good governance — efficiency, effectiveness, transparency and accountability — the National Development Plan for 2010–2014, entitled "Prosperity for All", establishes human rights goals and points the way towards social inclusion and reconciliation. Section C of chapter V on the consolidation of peace refers to the Comprehensive Public Policy on Human Rights and International Humanitarian Law and to transitional justice, with the aim of ensuring the rule of law. In order for the rule of law to prevail, there must be greater security, full respect for human rights and an effectively functioning justice system. This, in turn, presupposes taking action to achieve peace, reduce impunity, develop human rights strategies in the areas of culture and citizenship, ensure respect for the rights to life, liberty and the integrity of the person, combat discrimination and ensure respect for diversity.

212. The document entitled "Moving from violence to a society of rights: Proposal for a comprehensive human rights policy for 2014–2034" is the result of a tripartite process engaged in by the Government, civil society organizations and the international community and aimed at developing a national public policy in this area based on democratic principles and the recognition of diversity.

213. The process of drafting the Comprehensive Public Policy on Human Rights and International Humanitarian Law began in November 2010 and culminated in a formal presentation given by the President on 10 December 2013. The entire process involved the participation of 19,000 people and 9,000 organizations at 32 departmental forums and an

assembly in Bogota, D.C. A National Conference on Human Rights was also attended by 2,000 people in December 2012.

214. The Comprehensive Public Policy on Human Rights and International Humanitarian Law is among the major efforts being undertaken by the State to create public policies for all sectors of society in order to guarantee their rights and promote their participation.

Reply to paragraph 51 of the list of issues

215. On 12 December 2012, the Colombian Constitutional Court issued a judgement in case No. T-1078/2012, which sought to protect the rights to identity, family, justice, truth, reparation, liberty, sexual integrity and human dignity that were claimed by victims of domestic trafficking by means of the remedy of *amparo*.

216. The National Protection Unit has created a specialized working group within the Service Management Group to expedite the receiving, analysing, processing and following-up of cases involving victims of the internal armed conflict that are brought against the State. The working group is composed of staff trained in human rights, in the provision of care for victims of the internal armed conflict and in differentiated and gender-sensitive approaches. Its objective is to provide humanitarian and specialized assistance to Protection Programme applicants.