



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

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COMMITTEE AGAINST TORTURE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

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

[24 March 2006]

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

1. I have the honour to transmit herewith note verbale DDH/ONU 13077/0597 of 15 March 2006, in which the Government of Colombia responds to the request contained in communication jmn/mm/fg/follow-up/CAT of 17 February 2006 regarding implementation of the conclusions and recommendations of the Committee against Torture on the third periodic report of Colombia.
2. I have the honour to reply on behalf of the Colombian Government to your communication jmn/mm/fg/follow-up/CAT, dated 17 February 2006, concerning implementation of the recommendations made by the Committee against Torture to the Colombian State on the occasion of its review of the third periodic report in 2003.
3. In that connection, further to the developments and progress described in note verbale DDH.57149 transmitted to the Committee through our Mission in Geneva by communication MPC.1688 of 15 November 2004, I wish to make reference on this occasion to the following points.

### **Standard-setting developments**

4. The practice of torture violates a large number of fundamental human rights that are protected by the Colombian Constitution and are also enshrined in many international human rights instruments ratified by the Colombian State. Article 12 of the Colombian Constitution expressly prohibits torture, stipulating that “No one shall be subjected to enforced disappearance, to torture or to cruel, inhuman or degrading treatment or punishment”. This provision of the Constitution follows from article 1 - according to which Colombia is a State based on the rule of law and on respect for human dignity - and embodies the provision of article 5 of the Universal Declaration of Human Rights and the American Convention on Human Rights as well as the provisions of articles 2 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
5. With regard to the legislative development of article 12 of the Constitution, mention should be made of the adoption and entry into force of Act No. 589 of 6 July 2000, which defines the crimes of genocide, enforced disappearance and forced displacement and imposes heavier penalties for the crime of torture, in keeping with the main international standards in that regard. Furthermore, the Act stipulates that such crimes shall not be eligible for amnesty or clemency and that cases concerning them shall be heard by the specialized circuit criminal courts.
6. Under the Colombian Criminal Code, as amended by Act No. 599 of 2000, the crime of torture is defined as follows:

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

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

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

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

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

- (a) Where the perpetrator is a member of the victim's family group;*
- (b) Where the perpetrator is a public official or an individual acting at the instigation or with the acquiescence of that person;*
- (c) Where the victim is a person with a disability, a person of less than 18 or more than 60 years of age or a pregnant woman;*
- (d) Where the act is perpetrated against the following persons on account of their status: public officials, journalists, social communicators, human rights defenders, candidates for or aspirants to electoral office, civic, community, ethnic, trade union, political or religious leaders, persons who have witnessed or been the victims of punishable acts or disciplinary offences, or the spouse or stable partner of the above-mentioned persons, or their relatives up to the third degree of consanguinity, the second degree of affinity or the first degree of civil relationship;*
- (e) Where State property is used in perpetrating the act;*
- (f) Where the act is perpetrated to prepare, facilitate, conceal or ensure the outcome or impunity of another offence; or to prevent the person from taking part in judicial or disciplinary proceedings.*

8. The Criminal Code further provides for additional or heavier penalties in cases of collusion to commit an offence, instigation to commit an offence, and malfeasance through action, failure to report and encouragement, where such conduct is for the purpose of committing torture.

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

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

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

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

### **The Peasant Soldiers Programme**

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

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

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

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

### **Strengthening of the administration of justice**

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

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

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

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

20. The new adversarial system of criminal justice will ensure that the prosecutors and investigators engaged in proceedings produce results in less than seven months, during which period the preliminary inquiry, the investigation and the trial will be conducted. In 2004 special academic programmes were launched for prosecutors, investigators, expert witnesses and court assessors who will take up new duties under the new system. The Public Prosecutor's Office and other relevant bodies seek to enhance the qualifications of the members of the country's different judicial police forces through training and refresher courses. By December 2004, 479 prosecutors, 499 investigators and 302 officials had been trained and joined the staff of the Technical Investigation Unit of the Public Prosecutor's Office, representing a total of 1,280 officers in Bogotá during the first quarter of 2005.

21. Defence counsel under the new adversarial system of criminal justice will be chosen freely by the accused or alternatively by the National Public Defenders System. At the first

hearing, the accused must have the services of defence counsel, exercising all the rights and powers prescribed in international human rights treaties and those expressly mentioned in the Constitution. For instance, defence counsel must have reasonable time and means to mount a defence, including the possibility, on an exceptional basis, to have the oral hearing deferred where such postponement is justified.

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

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

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

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

### **Action against impunity**

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

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

(b) To design and implement a public policy aimed at counteracting impunity for serious human rights violations and breaches of international humanitarian law.

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

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

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

(a) *Expediting cases*: Providing financial support to bodies responsible for investigating cases of human rights violations and breaches of international humanitarian law for the purpose of undertaking special missions involving the dispatch of investigation teams to places where evidentiary material or information that could assist in clarifying the facts is

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<sup>1</sup> In accordance with Decree No. 2429 of 1998, the Special Committee is composed of the Vice-President of the Republic, who chairs the proceedings, the Minister of Internal Affairs and Justice or his or her representative, and the Attorney-General or his or her representative. The Decree allows for the participation in Committee meetings of human rights NGOs and other bodies with responsibility or expertise in the area in question. In addition, the meetings have occasionally been attended by the Ombudsman, the President of the Higher Council of the Judiciary and the President of its Board of Directors, the Director of the Central Office of the Judicial Police, the Director of Justice and Security of the National Planning Department and a representative of the Director of the Office in Colombia of the Office of the United Nations High Commissioner for Human Rights.

located. There are two kinds of mission: (i) individuals, who focus on clarifying the circumstances of a single case; and (ii) regional missions, which seek to expedite a number of interrelated cases;

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

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

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

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

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

- (i) A total of 159 individual missions and 10 regional missions were undertaken in the course of which 83 selected cases and 384 unselected cases were expedited;
- (ii) A total of 114 persons were convicted: 4 were members of the National Army, 1 was a common criminal, 108 were members of the illegal armed self-defence groups and 1 was a member of the Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia - FARC). Moreover, a total of 307 persons were arrested;
- (iii) Eighty-one orders were issued for the initiation of investigations, 42 for the initiation of preliminary investigations and 108 for the transfer of jurisdiction for preliminary investigations;



- (iv) One hundred and forty-three orders were issued for the imposition of measures to ensure pretrial detention, 50 were issued for indictments and 47 for the closure of investigations; there were also 30 declarations of missing persons. As at December 2005, a total of 31 special missions had been financed in the context of action by the Office of the Attorney-General. As a result of the missions, 25 cases were expedited, of which 13 represented disciplinary investigations and 12 special actions by the Public Prosecutor's Office in criminal investigations. The following results were achieved through the expediting of cases:
- Forty-four per cent of the cases selected by the Committee were dismissed, 90 per cent on the ground of lack of evidence and 10 per cent on the ground of expiry of the time limit for disciplinary action;
  - Of the total number of cases dismissed, 72 per cent were dismissed at the stage of preliminary investigation and 28 per cent at the stage of disciplinary investigation;
  - Seventeen per cent of the cases covered by the Committee had already been dismissed when they were selected;
  - Twenty-seven per cent of the cases financed by the Committee led to a judgement; of these 79 per cent were convictions and 21 per cent acquittals;
  - Twenty-nine per cent of judgements were rendered at the stage of the preliminary investigation, 27 per cent at the stage of the disciplinary investigation and the remaining 44 per cent at the stage of preferment of charges or defence pleadings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36. In keeping with the foregoing, the Institute has been implementing a System of Epidemiological Vigilance in respect of Injuries from External Causes (SIVELCE) which has been collecting data on the subject since 2003 under the heading "Human Rights-related Variables" on the basis of the following definitions:

(a) Evidence of physical torture (applicable in cases of homicide or personal injuries): record the combination of signs that may constitute evidence of torture having been inflicted on the victim, bearing in mind that such evidence must be distinguished from any other type of injury inflicted since the person's death;

(b) Evidence of immobilization: if the dead or injured person presents signs of one or more of the following: hand restraints, feet restraints, body restraints, gagging;

(c) Evidence of infliction of pain: if the dead or injured person presents one or more traces of punctures, burns, cuts, blows, electric shocks, excessive pressure;

(d) Evidence of pre-mortem mutilation: if the dead or injured person has suffered amputation of nails, phalanges, hands, feet, extremities, head, eyes, tongue, sexual organs, ears, nose, hair;

(e) Evidence of practices precipitating death: i.e. if the dead or injured person has a bag over his or her head or shows signs of submersion.

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

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

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

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

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

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

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

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

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

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

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

### **Protection for human rights defenders**

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

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

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

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

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

Disciplinary Representative for the Defence of Human Rights, the Group of Human Rights Advisors and the National Special Investigations Directorate, is conducting investigations of alleged conduct by public servants in violation of human rights.

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

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

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

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

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

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