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Excellency,

As Rapporteur for follow-up on the concluding observations of the United Nations Committee against Torture (CAT), I am writing to thank you for your reply to my letter dated 2 May 2007, which was received on 16 October 2007 (CAT/C/COL/CO/3/Add.2). We are grateful for the information and clarifications provided, and have reviewed your second response regarding follow-up items with care.

Our exchange of letters refers to the examination of the third periodic report of Colombia (CAT/C/39/Add.4) by this Committee at its 31st session, from 10 to 21 November 2003 (CAT/C/CR/31/1). At the end of that session, the Committee's Conclusions and Recommendations were transmitted to your Permanent Mission. In paragraph 10(n) of those Conclusions and Recommendations, the Committee asked, pursuant to its rules of procedures, that Colombia provide further information regarding areas of particular concern identified by the Committee in paragraphs 10(b), (d), (f), and (h).

From an analysis of the information provided in response to my letter dated 2 May 2007, I would be grateful for further clarification of the following matters with regard to the implementation of the Convention in Colombia and where sufficient information is not yet provided.

Thank you for the information regarding the measures taken to combat impunity for violations of human rights and breaches of international humanitarian law. The Committee continues to be concerned about the benchmarks used to help measure progress in countering impunity, and specifically whether independence and impartiality of the relevant public officials involved in implementing the policy to combat impunity is one of the benchmarks.

1. Independence and Safety of Prosecutors

a) Military Units

The Committee notes with great interest the information provided regarding the establishment of prosecutors' offices in military units. We would appreciate receiving further information on the measures in place to ensure that these representatives are able to work without undue interference. Please clarify if there are any oversight or review mechanisms to guarantee independence of such prosecutors? If so, please provide information on these mechanisms, such as the number of cases that have been prosecuted by prosecutors' offices in military units, including the number of investigations opened by such prosecutors, how many went to trial and for what offenses, and what were the outcomes of any such trials.

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b) Public Prosecutor's Office

In that same vein, the Committee is grateful for the information provided regarding the independence and safety of the staff of the Human Rights Unit of the Public Prosecutor's Office, in response to recommendation 5(d). The Committee would appreciate receiving further information on the measures in place to ensure independence the staff of that Unit are able to conduct their work with the requisite independence and impartiality. Specifically, are there oversight or review mechanisms in place to guarantee such independence? We would also be grateful to receive detailed information on the measures taken to investigate any reported claims of pressure directed against staff of the Human Rights Unit, and whether any new rules have been implemented to provide them with the requisite safety, independence and job security. Specifically, is there an internal protection or investigation mechanism which staff can access to provide them with adequate job security and physical safety?

The Committee notes with interest the measures taken to ensure the safety of the staff of the Human Rights Unit, as provided in paragraph 31 of your response. The Committee would be grateful for clarification as to whether military or police units are dispatched to ensure the safety of all staff working with the Human Rights Unit, or only for judicial officials? The Committee would also appreciate receiving information on the number of "security schemes", as mentioned in paragraph 34 of your response, in place at the national and local level.

Additionally, the Committee reiterates its request for information on the financing of public service posts for those staff members responsible for human rights investigations, which is another means of ensuring independence and safety of the staff. Specifically, what is the status of funding of these units from Colombian government sources and are there plans for making this permanent?

2. Human Rights Defenders

The Committee is grateful for the information provided on the various human rights initiatives envisaged to protect human rights defenders. While these efforts are noteworthy and commendable, the Committee reiterates its concern for the safety and protection of human rights defenders which we understand continues to be a serious issue.

The Committee commends the Colombian government for the investigation launched to establish the origin of some threats received in 2006 and 2007 mentioned in paragraph 8 of your response. Please provide the Committee with detailed information on the outcome of this investigation, and if any individuals were held accountable for threatening human rights defenders.

Additionally, it is our understanding that the UN Special Rapporteur on human rights defenders, Margaret Sekaggaya, who visited Colombia in September 2009, has stated that "patterns of harassment and persecution against human rights defenders, and often their families, continue." In a statement issued following her visit, Ms. Sekaggaya cited killings, torture, ill-treatment, disappearances, arbitrary arrests, judicial harassment, surveillance, forcible displacement, and office raids and burglaries as some of the harassment facing human rights defenders. She cited particular concern over the "widespread phenomenon of threats from unknown authors against human rights defenders and their families." According to information before the Committee, 11 human rights defenders were killed in 2008, and 9 were killed in the first 9 months of 2009.

In light of the comments by the Special Rapporteur on the situation of human rights defenders, the Committee would appreciate receiving further detailed information on the measures to protect human rights defenders which are mentioned in paragraphs 4 and 5 of your response and what steps have been taken to implement them.

Also, would you kindly provide the Committee information on the steps taken by the Human Rights Unit to prevent any attacks on the integrity of persons under threat. In addition, please provide the Committee with information on how many investigations into alleged threats against human rights defenders and their families have taken place, how many led to trials and what were the outcomes of any such trials. Please also comment on the effectiveness of these measures and provide the

Committee with information on the investigations into the above-mentioned killings of human rights defenders and whether individuals have been brought to trial and/or held accountable for these crimes. The Committee also reiterates its specific request for information regarding the case of Yolanda Izquierdo. Was any investigation into this homicide ever conducted? If so, please provide the Committee with detailed information on the findings of the investigation and outcomes, if any.

The Special Rapporteur on the situation of human rights defenders also refers with concern to the stigmatization and branding of Colombian human rights defenders by Government officials as a prime reason for the insecurity and threats they face. The Committee reiterates its request for clarification as to what specific sanctions, if any, have been applied to date to any Colombian officials of all ranks who have placed human rights defenders at risk by their public statements critical of them. Specific case examples would be appreciated.

The Committee is pleased to note the ministerial directive issued in 2007 by the Ministry of Defence recalling that armed forces have an obligation to act with legality, necessity and proportionality and that the army must adhere unconditionally to humanitarian standards. We particularly welcome the information provided on the committee established by the ministerial directive to follow up on complaints of alleged killings of protected persons. The Committee would be grateful to receive information on the impact this directive has had on protecting human rights defenders. Specifically, please clarify how many cases the committee established by the directive has followed up on, and what has been the outcome of these cases.

3. Forensic Investigations

Thank you for the information provided regarding the trainings conducted by the Colombian Government on the Istanbul and Minnesota Protocols—the Committee is pleased to note that several such trainings have taken place drawing participation from a broad range of governmental agencies. We would be grateful if the Government would elaborate on how these manuals are used, and what impact the trainings have had on the number of prosecutions for torture and the outcomes of these trials. Please also provide the Committee with information on the measures in place to ensure that the Istanbul and Minnesota Protocols, as well as the guidelines listed in paragraph 20 of your response, are used. Specifically, is there any oversight or review mechanism for autopsy procedures? The Committee would also appreciate receiving information on the number of autopsies in which findings of torture, or findings of torture *and* sexual violence have been made, as well as how many of these autopsies led to prosecutions for abuses and the outcomes of these trials. Please also provide the Committee with specific cases in which autopsies led to findings of sexual violence and prosecutions.

4. "Peasant Soldiers"

We understand that you consider the "peasant soldier" programme a component of the military configuration. However, the Committee has been concerned that these peasant soldiers, drawn from and stationed in their own communities and serving part time, may provoke attacks by illegal armed groups, including acts of torture, that target civilians in those communities. The Committee would appreciate learning whether there has been any assessment of the risk of torture or other ill-treatment that may be created by the presence of "peasant soldiers" in the municipalities where they exist.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Colombia on the implementation of the Convention, and in this context, to receiving clarification to our follow-up questions.

Accept, Mr. Ambassador, the assurances of my highest consideration.



Felice Gaer

Rapporteur for Follow-up on Concluding Observations
Committee Against Torture