



Téléfax: (41-22) 917 90 22
Télégrammes: UNATIONS, GENEVE
Télex: 41 29 62
Téléphone: (41-22) 917 91.39
Internet www.ohchr.org
Email: mmorales@ohchr.org



Palais des Nations
CH-1211 GENEVE 10

REFERENCE: jmn/mn/fg/follow-up/CAT

17 February 2006

Ms. Ambassador,

In my capacity as Rapporteur for follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, I refer 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, within one year (by November 2004), further information regarding areas of particular concern identified by the Committee in paragraph 10 b), d), f) and h) (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's Conclusions and Recommendations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Colombia on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

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

A handwritten signature in cursive script, reading "Felice D. Gaer".

Felice D. Gaer
Rapporteur for Follow-up on Conclusions and Recommendations
Committee against Torture

H.E. Ms. Clementina Forero Ueros
Ambassador
Permanent Representative of Colombia
Chemin du Champ-d'Anier 17-19
1209 - Geneva

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

Conclusions and recommendations of the Committee against Torture
(Extracts for follow-up)

COLOMBIA

(...)

E. Recommendations

10. The Committee recommends that the State party take all necessary measures to prevent the acts of torture and ill-treatment that are being committed in its territory, and in particular that it:

(...)

(b) Reconsider also, in the light of its obligation to prevent torture and ill-treatment under the Convention:

(i) The use of "peasant soldiers";

(ii) The adoption of measures that appear to give military forces powers of criminal investigation under which suspects can be detained for long periods without judicial control;

(iii) The judicial reform bill, so as to provide full protection for *amparo* proceedings and respect and promote the role of the Constitutional Court in defending the rule of law;

(...)

(d) Ensure that the staff of the Human Rights Unit of the Public Prosecutor's Office are able to carry out their duties independently, impartially and in safety and provide the Unit with the resources needed to do its work effectively;

(...)

(f) That in cases of violation of the right to life any signs of torture, especially sexual violence, that the victim may show be documented. That evidence should be included in forensic reports so that the investigation may cover not only the homicide but also the torture. The Committee also recommends that the State party provide medical staff with the training necessary to determine when torture or ill-treatment of any kind has occurred;

(...)

(h) Take effective measures to protect human rights defenders against harassment, threats and other attacks and report on any judicial decisions and any other measures taken in that regard. The Committee also recommends the adoption of effective measures for the protection of the physical integrity and independence of members of the judiciary;

(...)

(n) Provide to the Committee, within one year, information on its response to the Committee's recommendations contained in subparagraphs (b), (d), (f) and (h) above.