



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE: Follow-up/CAT

29 August 2016

Your Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the fifth periodic reports of Colombia (CAT/C/COL/5) by this Committee, at its 54<sup>th</sup> session, held from 20 April to 15 May 2015. At the end of that session, the Committee's concluding observations (CAT/C/COL/CO/5) were transmitted to your Permanent Mission. In paragraph 28 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 15 May 2016, further information regarding areas of particular concern identified by the Committee in paragraphs 16, 17 and 22 (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 (see, doc. CAT/C/55/3).

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 concluding observations. 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. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). 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, Your Excellency, the assurances of my highest consideration.

Abdelwahab Hani  
Rapporteur for Follow-up on Concluding Observations  
Committee against Torture

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

**Concluding observations of the Committee against Torture**  
*(Extracts for follow-up of CAT/C/COL/CO/5)*

**COLOMBIA**

(...)

**C. Principal subjects of concern and recommendations**

(...)

**Excessive use of force**

16. The Committee is concerned at the number of persons who have been shot to death or wounded by gunshot during confrontations between demonstrators and security forces in the course of social protests. It finds it regrettable that the State party has not provided detailed information on the investigations now under way in this connection. The Committee is also concerned by allegations of police mistreatment of demonstrators (arts. 2, 12, 13 and 16).

**The State party should ensure that all complaints regarding the excessive use of force by law enforcement officers or military personnel are investigated in a prompt, effective and impartial manner. It should also ensure that persons suspected of committing such acts are brought to trial and, if found guilty, are punished in a manner that is commensurate with the gravity of their acts. Victims or their families should also receive appropriate redress. In addition, the State party should train all of its law enforcement officers in the proper use of force and should regulate the use of firearms by its security forces in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990).**

**Prison conditions**

17. While taking note of the State party's efforts to expand the capacity and improve conditions in the country's prisons, the Committee is concerned by the increased overcrowding of these facilities, which has led the Constitutional Court to characterize the situation as an "unconstitutional state of affairs" (Decision No. T-388/13 of 28 June 2013). The Committee is concerned by reports that the wings for women inmates located in men's prisons lack the necessary infrastructure and services for women prisoners. The Committee is concerned by the fact that health-care services in the country's prisons display serious shortcomings, as has been acknowledged by the State party's delegation (arts. 2, 11 and 16).

**The State party should ensure that prison conditions are in line with international standards. In particular, the State party should:**

- (a) Allocate, without delay, the resources needed to provide prisoners with proper medical and health care;**
- (b) Adopt effective measures, as a matter of urgency, to reduce prison occupancy rates, primarily by making use of alternatives to deprivation of liberty in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).**

(...)

### **Redress**

22. According to the information supplied by the State party concerning avenues for the provision of redress for acts of torture under Decree No. 1290 of 2008 and Act No. 1448 of 2011, as of 30 December 2013 only 7 of the 9,474 recognized victims of torture had actually received compensation. Bearing in mind the wide array of measures of redress provided for in Act No. 1448, the Committee finds it regrettable that it has not received detailed information on the implementation of programmes to provide redress, including treatment for trauma and other forms of rehabilitation, to victims of torture (art. 14).

**The Committee urges the State party to provide all victims of torture or ill-treatment with full redress for the harm suffered, which should include fair and adequate compensation and as full rehabilitation as possible. To this end, it should ensure that:**

- (a) Rehabilitation programmes and services are available to all victims, with no discrimination whatsoever being present in this respect;**
- (b) Rehabilitation services are comprehensive and include medical and psychological treatment and social services;**
- (c) Forms of reparation and restitution are determined on the basis of the nature and circumstances of each individual case so that the redress provided is geared to the particular needs of the victim and is commensurate with the gravity of the acts in question.**

**The Committee draws the State party's attention to its general comment No. 3 (2012), particularly paragraphs 6, 11 through 15, 32 and 39, which provide a detailed description of the nature and scope of States parties' obligation to provide victims of torture with redress and the means for full rehabilitation.**



(...)

28. The Committee requests the State party to provide information by 15 May 2016 at the latest on the action taken pursuant to the recommendations made herein concerning: (a) the excessive use of force by law enforcement and military personnel (para. 16); (b) prison conditions (para. 17); and (c) redress for victims of torture and ill-treatment (para. 22).

(...)

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