

José Miguel Vivanco
Americas director Human Rights Watch

10 November 2020

Re: Review of autopsies from *La Modelo* prison riot and responses to your inquiries

Dear Mr Vivanco,

Following your request to conduct an independent expert evaluation of 24 post-mortem examinations of individuals who died in *La Modelo* prison during riots on 21 March 2020, the **International Rehabilitation Council for Torture Victims (IRCT)** hereby provides our general observations and responses to your three specific inquiries. Comprising of 158 rehabilitation centres in 74 countries, the IRCT is the world's leading centre of knowledge on the physical and psychological effects of torture and ill-treatment.

Upon your request, we also asked Members of the **Independent Forensic Expert Group (IFEG)** – *Dr Morris Tidball-Binz & Prof Dr Duarte Nuno Viera* – to conduct a comprehensive review of provided materials. The IFEG is an international body of 42 preeminent independent forensic specialists from 23 countries, who are recognised global leaders in the medico-legal investigation of torture, ill-treatment, and unlawful killing.

I. General observations

The **materials we reviewed** comprise of 24 post-mortem examination reports issued by the *Instituto Nacional de Medicina Legal y Ciencias Forenses* of Colombia, which were reputedly obtained through official sources. Ten (10) of these reports were unsigned; and, among those, two (2) were marked “draft,” although, according to official sources, as of yesterday 9 November 2020, no updates or revisions have been submitted. The reports, which comprise of the entire scope of our review, do not contain any photos and sketches nor information from the scene investigations or ballistics. Nor did we review any additional information, including any investigative or medical reports on any prisoners who may have been injured, but not killed.

Overall, the autopsy reports are of good quality and follow professionally acceptable standardised autopsy examination, analysis, documentation and reporting methodology.

The autopsies were carried out by a total of eleven forensic doctors from the *Instituto Nacional de Medicina Legal y Ciencias Forenses* of Colombia using the same standardised

autopsy reporting format. A maximum of 6 autopsies corresponding to this case were carried out by one of the participating doctors and all others carried out between 1 and 2 autopsies each. All autopsies were carried out within a reasonably short period of time after death (less than 2 days).

Unfortunately, those responsible for the post-mortem analysis and reporting did not attend the scene of the incident nor is a detailed report of the crimes scene investigation annexed to the autopsy reports, as recommended by international standards for investigations into deaths in custody, including *The Minnesota Protocol on the Investigation of Potentially Unlawful Death* (United Nations 2016) and *Guidelines for Investigating Deaths in Custody* (ICRC 2013). While this reflects standard practice in criminal investigation proceedings into death in Colombia and is also prevalent in many other countries in Latin America (such as Brazil, Mexico), it represents a considerable shortcoming.

II. Specific issues

1) Whether any of these prisoners were killed intentionally

Fourteen (14) of the autopsy reports specifically state that the manner of death was homicide. Most of the gunshot wounds described in the autopsy reports are consistent with having been produced with the objective of killing those targeted. Moreover, the autopsy reports do not record any signs of gunshot injuries carried out with the intention of solely injuring individuals instead of killing them (e.g., shooting someone in the leg to stop them from running). More information, including the scene investigation ballistics analysis, and investigation, including witnesses accounts and imagery recorded during the events, are necessary to ascertain who is responsible for the gunshot wounds and the circumstances surrounding the shootings.

2) Whether any of these prisoners were subjected to torture or ill-treatment

It is not possible to ascertain whether any of the prisoners were subjected to torture or ill-treatment from the available autopsy reports alone. The autopsies do not include special incisions aimed at exploring subcutaneous haemorrhages. However, in some of the cases, the autopsies describe recent non-lethal injuries produced in or around the time of death which are unrelated to the gunshot injuries, including defence wounds on forearms. Such injuries typically result from attempts to stop a physical attack from another individual.

3) Whether sufficient steps were taken to prevent these prisoners' deaths

This cannot be inferred from the autopsy reports alone, however, in response to the first issue, we remarked that the reports do not record any signs of gunshot injuries carried out

with the intention of solely injuring individuals instead of killing them. For information about the protection of the right to life in Colombian prisons, including *La Modelo*, please see the report published by the UN OHCHR: *Centros de reclusion en Colombia: Un estado de cosas inconstitucional y de flagrante violación de derechos humanos*, Bogotá, 31 October 2001.¹ It is our understanding that many of the observations made in this report still apply to the current situation.

We remain at your disposition should you have any questions about these observations and the responses to your three (3) inquiries.

Yours truly,

Prof James Lin

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¹ <https://grupodeprisiones.uniandes.edu.co/images/stories/relatorias/PRISIONES-OCT2011/ENT.ESTATALES/DEFENSORIA/INFORMES/centrosdereclusionencolombia2001.pdf>.