



Document #2113456

# IRB – Immigration and Refugee Board of Canada (Author)

Colombia: Documents issued by the police and the Office of the Attorney General of Colombia (General de la Nación), including criminal records and police reports; procedures for an individual to obtain these documents, including ability to obtain them electronically; their content, appearance, and security features; samples; prevalence of fraudulent documents (2022 – June 2024) [COL201566.E]

Research Directorate, Immigration and Refugee Board of Canada

## 1. Criminal Records

In correspondence with the Research Directorate, a former Colombian prosecutor and current researcher at Universidad Católica de Colombia who studies matters related to the use of technologies by public authorities, stated that the Office of the Attorney General of Colombia is responsible for investigations and indictments, not for keeping records or issuing criminal records certificates (*Certificado de Antecedentes Judiciales*) (Researcher 2024-05-07). The Researcher explained that criminal records are managed by the National Police of Colombia (Policía Nacional de Colombia), and that police reports are issued by the National Police or the Technical Investigation Team (Cuerpo Técnico de Investigaciones, CTI) (2024-05-07). Similarly, in correspondence with the Research Directorate, a representative of the Attorney General Office's International Affairs Directorate stated that their office [translation] "does not issue criminal record certificates, nor does it have any relation with the registry of judicial records," and indicated that the management of databases that

store the judicial records of Colombian citizens lies "exclusively" with the National Police (Colombia 2023-07-24).

According to the representative of the Attorney General's Office, an individual has a criminal record only after being convicted in court, and not so if an individual is simply under investigation (2023-07-24).

## 1.1 Procedures to Obtain Proof of a Criminal Record

According to a 2022 article published on the website of the government of Bogotá, citizens of legal age who hold a valid Colombian citizenship card (*cédula de ciudadanía*) can consult their criminal record online, by going to the website of the National Police (2022-06-30). Similarly, the website of Colombia's Ministry of Justice and Law (Ministerio de Justicia y Derecho) states that citizens can access their criminal record by taking the following steps:

[translation]

1. Go to Colombia's National Police web page through the link: <https://antecedentes.policia.gov.co:7005/WebJudicial/> click on "I accept" and then click on "Send."
2. Enter your identification number and look for the type of document among which you will find the following options:
  - Citizenship card.
  - Foreigner's ID card.
  - Passport.
  - Country of Origin Document.

Select the document option that corresponds to you, then click on "I am not a robot" and then on "Consult."

3. If you want to save a copy, you must select print the web page and the option "Save as PDF" will then appear. Save it on the computer or device of your choice. (2022-05-04)

The article published on Bogotá's government website notes the following:

[translation]

The National Police warns that the use of the information provided through this page is limited to personal purposes and that use with a different purpose, such as for commercial reasons or consultation of the personal information of a third party, may be considered improper use and result in legal action as appropriate. The use of personal information by someone other than the owner of the data is prohibited. (2022-06-30)

A sample of a redacted criminal record that appears in the article published on the Bogotá government website is attached to this Response (Attachment 1).

## 1.2 Procedures to Obtain Proof of a Criminal Record from Outside of Colombia

The website of Colombia's Ministry of Foreign Affairs (Ministerio de Relaciones Exteriores) states that a Proof of Criminal Record (*Constancia de Antecedentes Judiciales*) is [translation] "a written testimony from the Consul regarding the applicant's criminal record information, based on the information that can be consulted in the database of the National Police" (2024-05-08). According to the same source, citizens can request proof of a criminal record, at no cost, through the Ministry of Foreign Affairs website, for which they will need their proof of citizenship, a valid passport, and an email address; the document will then be issued through the Colombian consulate selected by the applicant (Colombia 2024-05-08). The Ministry of Justice and Law's website states that one can also obtain their Proof of Criminal Record in person by requesting it at their nearest Colombian consulate (2021-06-26).

## 1.3 Procedures to Obtain a Certified Criminal Record

According to the Ministry of Justice and Law's website, the Proof of Criminal Record [translation] "is only valid to the extent that the foreign authorities that require it accept the document without needing it to be apostilled or notarized" (2024-05-08). The same source describes on its website that the apostille is used to [translation] "certify the authenticity" of public officials' signatures (Colombia 2024-06-13a). Another webpage from the Ministry of Foreign Affairs' website explains that to certify a Proof of Criminal Record, individuals must upload the relevant document to the Ministry of Foreign Affairs' portal and pay 36,000 Colombian Pesos [C\$12.50] for an apostille or 25,000 pesos [C\$8.70] for a notarized copy (2024-06-13b). The request is processed within three business days and the certified document will be available on the portal or will be sent to the applicant's email address (Colombia 2024-06-13b).

## 2. Police Reports

The representative from the Attorney General's Office stated that [translation] "judicial police reports are the starting point on which the prosecutor bases the indictment before the judge" (2023-07-24). According to the same source, the manual of the Judicial Police (Policía Judicial) specifies that the following judicial police reports exist:

- Initiation report (Reporte de iniciación);
- Executive report (Informe ejecutivo);
- Field investigator's report (Informe investigador de campo);

- Laboratory investigator's report (Informe investigador de laboratorio);
- Search and seizure report (Informe de actuaciones en allanamientos y registros);
- Judicial police report from Law 600 of 2000 [1] (Colombia 2023-07-24).

Blank samples of an initiation report (Attachment 2), an executive report (Attachment 3), a laboratory investigator's report (Attachment 4) and a report of search and seizure (Attachment 5), are available on the website of the Office of the Attorney General of Colombia and are attached to this Response. Additionally, a blank sample of a field investigator's report, sent to the Research Directorate by the Captain of the Legal Affairs team of the Santiago de Cali Metropolitan Police is attached to this Response (Attachment 6).

## 2.1 Appearance, Content and Security Features

According to the representative of the Attorney General's Office, judicial police reports include an identification code, version number, date of approval and of publication (2023-07-24). The same source indicated that judicial police officer who prepares them must sign it and include their personal details such as their name, identification number, position, phone number and email (Colombia 2023-07-24). According to the Researcher, police reports in Colombia are typically signed manually, as electronic or digital signatures are not in use within police stations; however, reports from the CTI judicial police may have a digital or manual signature depending on the originating office (2024-05-07).

In correspondence with the Research Directorate, a representative of the Colombian Commission of Jurists (Comisión Colombiana de Juristas), a non-profit organization in Colombia that offers assistance with civil, political, economic, social and cultural rights in Colombia (Comisión Colombiana de Juristas n.d.), provided the following information:

[translation]

The reports received from the National Police are characterized by specifying the file number of the request in the header; this is a serial number with a unique number assigned to the document by the police for handling the request internally. All responses issued include the logo, file number, description of and response to the request, and all reports received are documents in a standard format ... [and] mainly includ[e] the review, approval, and signature by more than three officials. (Comisión Colombiana de Juristas 2022-01-28)

In correspondence with the Research Directorate, a representative of the Santiago de Cali Metropolitan Police indicated that reports from the

judicial police unit [translation] "can be downloaded from the web portal of the Office of the Attorney General" and "do not contain special security, authenticity, or originality characteristics" (Colombia 2022-01-29).

### 3. Documents from the Office of the Attorney General

The Office of the Attorney General's website states that in criminal matters, a complaint (*denuncia*) is the act of providing information to the investigating authorities about a criminal offence, regardless of whether they were personally affected by the offence (2024-06-13c). The same source writes that complaints can be filed online, by phone, by mail, or in person, and that once filed, citizens can look up the status of their complaint online using the unique criminal notification number (Número único de noticia criminal, NUNC) provided to them (Colombia 2024-06-13c). The website of the Office of the Attorney General further states that once the complaint is created and a NUNC is assigned,

[translation]

the [Oral Accusatory System of Criminal Justice (Sistema Penal Oral Acusatorio)] SPOA mission system automatically assigns a prosecutor who will evaluate the information and determine whether the acts have the characteristics of a crime. If the acts are deemed criminal, the corresponding investigation will be initiated. (Colombia 2024-06-13d)

#### 3.1 Appearance, Content and Security Features

The Researcher stated that, upon request, the Office of the Attorney General of Colombia issues certificates on the status of a complaint to the requestor (2024-05-07). The same source noted that such certificates are drafted in a Microsoft Word document and while [translation] "there is no standard model," certificates should include the prosecutor's office number, the number of the complaint, and the status of the investigation being carried out by the prosecutor (Researcher 2024-05-07). The Researcher added that these certificates "must be signed" by hand or digitally and can be delivered in-person or by email (2024-05-07).

The Colombian Commission of Jurists indicated the following:

[translation]

As for reports or responses to requests for information [certificates on the status of a complaint] issued by the Office of the Attorney General, the documents have an assigned serial number printed together with a unique bar code that identifies the document and placed on a sticker or printed on the first page of the document. The bar code is followed by the logo of the institution, the headers containing the information of the appropriate recipient, the requests required and finally a response to each [request]. Most of them are signed by an official who includes their

electronic signature at the end of the document. (Comisión Colombiana de Juristas 2022-01-28)

#### 4. Whether the Police and the Office of the Attorney General Provide a Copy or Receipt for Complaints Filed

According to the US Embassy in Colombia, individuals should "[b]e sure to receive a copy of the report before departing" the police station where the complaint is filed (n.d.). The Colombian Commission of Jurists stated that [translation] "[o]btaining a copy of this type of complaint is only possible through a request from the victim or their legal representative, since this type of document contains confidential information per the Habeas Data Law (*Ley de habeas data*) and third parties can only obtain information on general statistics" (2022-01-28).

According to the complaint portal of the Office of the Attorney General, once a complaint is filed online, the system generates an incident number (*número de incidente*) and sends it to the email address on file, following which the complaint is reviewed to determine if it corresponds to a crime (Colombia n.d.a). The same source writes that if a crime is confirmed, a criminal notice (*noticia criminal*) along with a unique 21-digit NUNC is created and emailed to the complainant (Colombia n.d.a). The same source states that individuals can [translation] "consult the status of their complaint and the contact details of the assigned prosecutor" online or by phone using the 21-digit NUNC (Colombia n.d.a).

The representative of the Santiago de Cali Metropolitan Police noted that to request a copy [of a past complaint], the request [translation] "must be submitted to the service centre of the Office of the Attorney General in the city or municipality where the complaint was filed, or to the [Office of the Attorney General] to which the complaint was assigned" (2022-01-29). Corroborating information on requesting a copy of a past complaint could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

W Radio, a news source owned by the Colombian radio network Caracol Radio, notes that when an individual files a report for lost documents (such as identification documents), the report remains available on the National Police website for six months, after which it will be automatically deleted (2021-04-20).

#### 5. Availability of Fraudulent Police Reports and Documents from the Office of the Attorney General

Information on the availability of fraudulent police and Office of the Attorney General reports was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

The Colombian Commission of Jurists stated that

[translation]

these documents contain security elements that are easy to access and falsify, among them the logos or symbols of the entities [which] are available on the [National Police and Office of the Attorney General] websites. In the case of stamps, bar codes, seals and digital signatures, these are easily falsifiable elements and do not have security features that allow an adequate distinction between a genuine document and a fraudulent one.

Both entities could be asked to validate the veracity of these documents by sending a right of petition, including the reference document and requesting its validation. (2022-01-28)

The Researcher stated that while documents are issued digitally, "they are not signed electronically or digitally with digital security systems" and can be "easily altered" and forged due to the related "many security gaps" (2024-05-07). Without naming one in particular, the same source noted that there are groups and organizations that specialize in creating falsified documents for those seeking asylum outside of Colombia (Researcher 2024-05-07). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

#### Note

[1] The judicial police report from Law 600 of 2000 contains [translation] "all the activities carried out by the judicial police officers in coordination with the Office of the Attorney General of Colombia, during the investigation stage. The activities carried out detail each of the circumstances of time, mode and place, as ordered by the prosecutor or as known during the verification of information; they must be submitted by means of sworn certification" (Colombia n.d.b, 40). This report [translation] "can be completed using the field investigation report format" (Colombia n.d.b, 40).

## References

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Colombia.2024-06-13a. Ministerio de Relaciones Exteriores. "[¿Qué es apostilla?](#)" [Accessed 2024-06-13]

Colombia. 2024-06-13b. Ministerio de Relaciones Exteriores. "[Pasos para hacer su trámite.](#)" [Accessed 2024-06-13]

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Colombia. 2021-06-26. Ministerio de Justicia y del Derecho. "[¿Qué hacer para solicitar certificaciones y constancias si me encuentro fuera del país?](#)" [Accessed 2024-05-23]

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Comisión Colombiana de Juristas. 2022-01-28. Correspondence from a representative to the Research Directorate.

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United States (US). N.d. US Embassy in Colombia. "[Victims of Crime.](#)" [Accessed 2022-01-17]

W Radio. 2021-04-20. Andrés Felipe Lara Molano. "[Téngalo en cuenta: Esto es lo que tiene que hacer si fue víctima de robo.](#)" [Accessed 2022-01-17]



## Additional Sources Consulted

**Oral sources:** associate professor of law at a Colombian university whose research focuses on penal and procedural law; Belgium – Cedoca; Brookings Institution; Colombia – Defensoría del Pueblo, Defensoría Delegada para la Política Criminal y Penitenciaria, Departamento de Policía Antioquia, Embassy in Ottawa, Dirección de Atención al Usuario, Intervención Temprana y Asignaciones, Instituto Colombiano de Bienestar Familiar, Ministerio de Defensa Nacional, Ministerio de Tecnologías de Información y Comunicaciones, Policía Metropolitana de Bogotá, Policía Nacional de Colombia, Unidad Nacional de Protección; Colombian lawyers (2); Corporación para la Vida Mujeres que Crean; Council on Foreign Relations; Dejusticia; *El Tiempo*; Federación Nacional de Personerías de Colombia; Instituto Nacional de Medicina Legal y Ciencias Forenses; International Crisis Group; North American Congress on Latin America; professor at a Colombian university who researches police and security in Colombia; professor of law at an American university who specializes in national security law in Colombia; professors of law at a Colombian university specializing in criminal law (3); researcher at a Colombian university specializing in criminal law and criminological sciences; Universidad Católica de Colombia – Centro de investigaciones Socio Jurídicas; US – Embassy in Bogotá; Washington Office on Latin America.

**Internet sites, including:** ACAPS; Al Jazeera; Amnesty International; Associated Press; Australia – Department of Foreign Affairs and Trade; Australian Red Cross – ecoi.net; BBC; Belgium – Commissariat général aux réfugiés et aux apatrides; Bertelsmann Stiftung; Brookings Institution; Center for Strategic and International Studies; CNN Español; Colombia – Defensoría del Pueblo, Ministerio de Defensa; Council on Foreign Relations; Deutsche Welle; *El Comercio*; *El País*; *El Tiempo*; EU – Agency for Asylum; Federación Nacional de Personerías de Colombia; Fédération internationale pour les droits humains; France – Office français de protection des réfugiés et apatrides; Freedom House; *The Guardian*; Human Rights Watch; InSight Crime; Institute for War and Peace Reporting; International Crisis Group; INTERPOL; Médecins sans frontières; Netherlands – Ministry of Foreign Affairs; The New Humanitarian; Norway – Landinfo; Organisation mondiale contre la torture; Organisation suisse d'aide aux réfugiés; Organization for Security and Co-operation in Europe; Organization of American States; PAX Protection of Civilians; Profamilia; Proyecto Migración Venezuela; Pulzo; Reporters sans frontières; Reuters; *Semana*; Transparency International; UK – Home Office; UN – Committee Against Torture, Committee on Enforced Disappearances, Office for the Coordination of Humanitarian Affairs, Office of the High Commissioner for Human Rights, Refworld, UNDP, UNHCR, UN Women; Universitat Autònoma de Barcelona; US – Library of Congress; Washington Office on Latin America; Wilson Center; World Bank.

## Attachments

1. Colombia. N.d. Policía Nacional. [Sample of a criminal record](#). Translated by the Translation Bureau, Public Services and Procurement Canada. [Accessed 2024-05-15]
2. Colombia. N.d. Policía Nacional, Policía Judicial. [Blank sample of an initiation report](#). Translated by the Translation Bureau, Public Services and Procurement Canada. [Accessed 2024-05-17]
3. Colombia. N.d. Policía Nacional, Policía Judicial. [Blank sample of an executive report](#). Translated by the Translation Bureau, Public Services and Procurement Canada. [Accessed 2024-05-17]
4. Colombia. N.d. Policía Nacional, Policía Judicial. [Blank sample of a laboratory investigator's report](#). Translated by the Translation Bureau, Public Services and Procurement Canada. [Accessed 2024-05-17]
5. Colombia. N.d. Policía Nacional, Policía Judicial. [Blank sample of a report of search and seizure](#). Translated by the Translation Bureau, Public Services and Procurement Canada. [Accessed 2024-05-17]
6. Colombia. N.d. Policía Nacional, Policía Judicial. Blank sample of a field investigator's report. Sent to the Research Directorate by the Captain of the Legal Affairs unit of the Policía Metropolitana Santiago de Cali, 2022-02-01. Translated by the Translation Bureau, Public Services and Procurement Canada.

## Associated documents

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Colombia

**Query response on Colombia: Documents issued by the police and the Office of the Attorney General (2020 - July 2022) (obtaining a certified criminal record; police reports; appearance, content and security features; copy of or receipt for complaints filed with police or office of the attorney general; fraudulent documents)**

[Colombie : information sur les documents délivrés par la police et le Bureau du procureur général \(Fiscalía General de la Nación\) de la Colombie, y compris ceux faisant état des antécédents judiciaires et les rapports de la police; la marche à suivre pour obtenir ces documents, y compris la possibilité de les obtenir de façon électronique; leur contenu, leur présentation matérielle et leurs caractéristiques de sécurité; des spécimens; information](#)

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