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Responses to Information Requests

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4 January 2018

COL106037.FE

Colombia: The meaning of the word “inactivo,” which appears in the “case status” (Estado caso) field of a complaint filed through the Oral Accusatory Criminal Justice System (Sistema Penal Oral Acusatorio) of the Office of the Attorney General (Fiscalía General de la Nación - FGN) (January-December 2017)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

In correspondence with the Research Directorate, a representative of the Individual Freedom Unit (Unidad de Libertad Individual) of the Office of the Attorney General (Fiscalía General de la Nación - FGN) wrote the following:

[translation]

In general, this word [*inactivo*] is used when the prosecutor conducting the investigation stops investigating the case because the case has been closed, a sentence has been rendered or an application for foreclosure has been filed, and the investigation cannot always be reopened.

An investigation may be reopened if the case was closed during the investigation stage and under certain provisions of article 79 of the Code of Criminal Procedure [*Código de Procedimiento Penal*]. (Colombia 5 Dec. 2017)

Article 79 of the Code of Criminal Procedure reads as follows:

[translation]

Article 79. *Closed with no action taken.* When the Public Ministry has knowledge of a fact in respect of which it is established that there is no reason or circumstance for considering it an offence, or where there is no evidence proving the fact, the case is closed and no action is taken.

Nevertheless, should new evidence arise, the investigation shall resume as long as criminal proceedings have not been extinguished. (Colombia 2004)

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.

References

Colombia. 5 December 2017. Fiscalía General de la Nación, Unidad de Libertad Individual. Correspondence from a representative to the Research Directorate.

Colombie. 2004. *Código de Procedimiento Penal, Ley 906 de 2004*. Unofficial translation by the Translation Bureau, Public Services and Procurement Canada. [Accessed 5 Dec. 2017]

Additional Sources Consulted

Oral sources: Colombia – Fiscalía General de la Nación, Unidad de Gestión De Alertas y Clasificación Temprana de Denuncias.

Internet sites, including: Colombia – Corte Constitucional, Defensor del Pueblo, Fiscalía General de la Nación, Policía Nacional.

Date modified:

2018-06-25