

Colombia

Open letter to the Presidential candidates

Dear Presidential Candidate,

With a month to go before the presidential elections, scheduled for 28 May, Amnesty International (AI) would like to take this opportunity to underline the organization's sincere hope that the key issue of human rights in Colombia will be placed at the forefront of the election agenda and emerge as a top priority for all the presidential candidates.

AI has over the last three decades closely monitored the human rights crisis in Colombia. The organization has issued many actions and published reports based on *in situ* research. In these reports, AI has made public the many violations of human rights and grave breaches of international humanitarian law (IHL) that have implicated members of the security forces, paramilitaries – which continue to operate in collaboration or with the acquiescence of the security forces – and the guerrilla groups. In the long-standing dialogue that AI has maintained with successive Colombian governments over the last 30 years, it has emphasized the international responsibility of the Colombian state to fulfil its national and international obligations with regards to the respect and protection of human rights. AI has also consistently called on guerrilla groups to fully respect IHL.

This letter outlines AI's key human rights concerns and recommendations, which AI believes would significantly contribute to resolving the country's long-standing and bloody armed conflict, which has caused the death or "disappearance" of more than 70,000 people, the vast majority civilians killed out of combat, and the displacement of more than 3 million over the last 20 years. AI is calling on all the presidential candidates to incorporate these recommendations into their election manifestos and make a public commitment to comply with them should they emerge as the winner of the presidential election.

Acknowledge the human rights crisis and the internal armed conflict

All the parties to the conflict continue to show grave disregard for human rights and IHL and have been responsible for war crimes, crimes against humanity and other crimes under international law, including killings, "disappearances", torture, and kidnapping. It is the civilian population that has inevitably borne the brunt of this still critical human rights crisis, since it is they who precisely continue to be targeted by all armed sectors to prevent their possible, perceived or imaginary support for the opposing side. The International Committee of the Red Cross (ICRC) has repeatedly stated that its main concern in Colombia has been the

failure of the parties to the armed conflict to respect the principle of distinction between people who participate in the conflict and those who do not participate.¹

Although some indicators of conflict-related violence appear to have fallen, notably the number of kidnappings and killings, these figures mask a human rights reality which AI continues to categorize as critical. In particular, AI has expressed serious concerns about the increases in numbers of new internally-displaced persons, reports of extra-judicial executions carried out by the security forces, and by paramilitaries despite their supposed demobilization, as well as about the still high number of “disappearances”. The increasing ferocity of guerrilla attacks against civilian communities, including deliberate killings and kidnappings, and their systematic use of economic blockades and “armed strikes”, of which civilians are the main victims, is also a cause for serious concern. Although AI acknowledges there may have been a fall in killings in some of the larger cities, the situation in the regions, and particularly in the countryside, continues to deteriorate. Few of the human rights violations and abuses committed in rural areas are ever reported to the authorities, either out of fear of reprisals by one or another armed actor, or because of a lack of confidence in the relevant institutions.

Recommendations to the Presidential candidates:

- Publicly acknowledge that Colombia is experiencing a human rights crisis. Failure to do so is to make invisible the plight of the millions of victims caused by the conflict.
- Publicly acknowledge the state’s responsibility to resolve the human rights crisis. Successive governments have sought to avoid responsibility for tackling this crisis by pointing to abuses committed by the guerrilla as a justification for repeated inaction. But precisely because of its duties and obligations under domestic and international law, and its monopolistic role in upholding the law, maintaining order and dispensing justice, the state must assume responsibility for resolving this human tragedy.
- Publicly acknowledge the existence of an internal armed conflict.² To do otherwise could undermine the application of IHL, and give ammunition to the guerrilla in their efforts to escape censure for their widespread and systematic attacks against civilians.
- Publicly support withdrawing the declaration made under Article 124 of the Rome Statute of the International Criminal Court (ICC), which allows Colombia to reject the jurisdiction of the ICC to investigate war crimes for a period of seven years.

¹ See http://www.icrc.org/web/eng/siteeng0.nsf/html/audio_respect_ihl_040205!OpenDocument

² The ICRC defines the Colombian situation as one of internal armed conflict.

Comply with international human rights recommendations

Over the last two decades, bodies such as the Office of the UN High Commissioner for Human Rights (OHCHR) and the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS) have issued periodic reports on the general human rights situation in Colombia.³ The Special Procedures of the UN Commission on Human Rights and the IACHR, covering a number of issues such as freedom of expression and “disappearances”, have also visited Colombia at the invitation of successive Colombian governments. These bodies have also issued numerous reports and recommendations, directed both at the Colombian state and the guerrilla groups.⁴

These recommendations provide an effective and practical framework for resolving the human rights crisis.⁵ The recommendations include calls for action to be taken to end the endemic problem of impunity; to break the links between paramilitaries and public officials, including members of the security forces, and take effective action to combat and dismantle paramilitary groups; and to guarantee the effective protection of those civilians most at risk, such as indigenous, afro-descendant, and peasant communities, internally-displaced persons, women and children, and those at the forefront of the struggle for human rights, such as trade unionists, human rights defenders and community activists. The UN recommendations also call on the guerrilla to take decisive action to uphold IHL, and on the government and guerrilla groups to reach a humanitarian agreement to shield civilians from the conflict.

If the human rights crisis in Colombia remains chronic, responsibility lies both with successive governments, which have failed to fully implement UN recommendations, and with guerrilla forces, which have failed to commit to upholding IHL.

Although recent Colombian governments have made some modest progress in complying with several of these recommendations, their record to date in complying fully with them has been seriously deficient. AI is concerned about the current government's

³ See, for example, IACHR, *Third Report of the Human Rights Situation in Colombia*, OEA/Ser.L/V/II.102, Doc. 9, Rev.1, 26 February 1999, and OHCHR, *Informe de la Alta Comisionada de las Naciones Unidas para los Derechos Humanos sobre la situación de los derechos humanos en Colombia*, E/CN.4/2006/9, 20 January 2006.

⁴ See, for example, IACHR, Office of the Special Rapporteur for Freedom of Expression, *Impunity, Self-censorship, and Armed Internal Conflict: An Analysis of the State of Freedom of Expression in Colombia*, OEA/Ser.L/V/II, Doc.51, 31 August 2005, and United Nations, *Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission resolution 2001/49*, E/CN.4/2002/83/Add.3, 11 March 2002.

⁵ The Colombian government has committed itself to implementing the UN human rights recommendations on numerous occasions, including through the London and Cartagena Declarations, signed in 2003 and 2005 respectively, and through repeated Statements of the Chairperson at the annual sessions of the UN Commission on Human Rights, most recently in 2005 (see UN document E/2005/23, pages 347-355).

apparent lack of political will to support fully the implementation of these recommendations. Its repeated failure to comply with the recommendations on preparing a National Human Rights Action Plan and a timetable for complying with UN human rights recommendations are highly tangible examples of the government's inaction on key human rights-related issues.

In its efforts to ensure that the government complies with the UN recommendations, the international community has given its repeated political and financial backing to the Office in Colombia of the UN High Commissioner for Human Rights, which has had a presence in Colombia since 1996. The Office has a mandate to monitor respect for human rights and IHL, and to provide advice and technical assistance to the government. The Office has been effective in ensuring that the lives of many civilians have been saved after its intervention. AI has therefore expressed concern about apparent efforts by the Colombian government to seek to weaken this mandate when it comes up for renewal later this year.

Recommendations to the Presidential candidates:

- Publicly commit to full and prompt implementation of the human rights recommendations by the UN High Commissioner for Human Rights and other UN bodies, as well as by the IACHR.
- Publicly express support for the renewal of the integral mandate of the Office in Colombia of the UN High Commissioner for Human Rights. The mandate should be renewed for a reasonable length of time of at least four years. Any narrowing of the Office's mandate would seriously impede its ability to carry out its work effectively and would risk a further deterioration of the human rights crisis.

Reform the legal framework for the demobilization of illegal armed groups

More than 25,000 paramilitaries have supposedly demobilized under a process which has been criticized by AI and other Colombian and international human rights groups, as well as by the OHCHR and the IACHR. AI would welcome a demobilization process which would lead to the effective dismantling of paramilitarism and end the links between the security forces and paramilitaries. But the current demobilization process is unlikely to guarantee the effective dismantling of such structures. In fact, it is facilitating the re-emergence of paramilitarism and undermining the right of victims to truth, justice and reparation.

Most paramilitaries who have demobilized have benefited from Decree 128 of 2003 under which members of illegal armed groups who are not under investigation for human rights offences receive *de facto* amnesties. It is precisely because of the endemic problem of impunity in Colombia that most paramilitaries and guerrillas, many of whom are responsible for war crimes, crimes against humanity and other crimes under international law, have never been investigated, let alone been brought to justice for these offences. As such, almost all members of paramilitary groups have already benefited from Decree 128.

A few hundred paramilitaries at most, mainly high- and middle-ranking leaders, are under investigation for human rights violations. Although these cannot benefit from Decree 128 they are likely to receive significant procedural benefits under the Justice and Peace Law,⁶ which was approved in 2005 ostensibly to facilitate the demobilization of paramilitary groups. In common with the OHCHR and the IACHR, AI has repeatedly criticized both Decree 128 and the Justice and Peace Law for its failure to meet international standards on the right of victims to truth, justice and reparation, and because it will guarantee the impunity of paramilitaries and guerrillas responsible for human rights violations and abuses, and of third parties who have supported and backed paramilitarism, including members of the security forces and those who have provided other logistical, political and financial support to them.⁷

But the evidence suggests that many paramilitary structures remain virtually intact and that paramilitaries continue to kill. AI continues to document human rights violations committed by paramilitary groups, sometimes operating under new names, and often in collusion with the security forces. In Meta Department, for example, despite the supposed demobilization of the *Bloque Centauros* in September 2005, AI continues to receive credible information of killings and “disappearances” by paramilitaries operating under a new name in collusion with the security forces in the same areas in which the *Bloque Centauros* operated. According to local residents these structures continue to be led by the same military commanders. In the country as a whole, more than 2,750 killings and “disappearances” have been reliably attributed to paramilitaries since they announced a ceasefire at the end of 2002.

The government has failed to ensure that demobilized paramilitaries are reintegrated fully into civilian life and is, instead, promoting policies which could “recycle” combatants into the conflict. Many demobilized combatants are being encouraged to join “civilian informer networks”, which are designed to provide military intelligence to the security forces, and to become “civic guards”, who will provide security in, for example, public parks and highways. The weak legal framework under which the paramilitaries have demobilized means there are no guarantees that human rights violators are not being integrated into such security structures, including private security firms, where they could be armed and so be in a position to exert power and commit further abuses in those areas in which they operate.

The millions of survivors of the conflict have become the true victims of the government’s paramilitary demobilization strategy. Not only is there little provision for their participation in any judicial processes that may arise out of the Justice and Peace Law, but their right to integral reparation – in particular for the land stolen from them by paramilitaries – has been woefully ignored. The paramilitaries are thought to possess several million hectares of land, much of it obtained by force. Existing legislation threatens to enable demobilized paramilitaries to maintain control of and legalize these assets.

⁶ Law 975 of 2005.

⁷ For a detailed examination of AI’s concerns on this issue see, *The Paramilitaries in Medellín: Demobilization or Legalization*, AI Index: AMR 23/019/2005, 1 September 2005.

Under Decree 4760, promulgated on 31 December 2005 to regulate implementation of the Justice and Peace Law, such illegally-obtained assets can be classified as reparation if they are deemed to be of economic benefit to the local community and demobilized paramilitaries. Moreover, demobilized paramilitaries who declare such lands to be of economic benefit to the local community and others, including their own supposedly demobilized combatants, could become eligible for grants to develop agricultural projects on these lands under the government's "rural reinsertion" programme, announced in April 2005.

The "rural reinsertion" programme envisages government financing for agro-industrial projects which bring together peasant farmers, displaced peoples and demobilized paramilitaries. The latter will account for half those working in each project. In fact, a number of paramilitary groups have already announced their intention to promote economic development projects for their members, and the local community, in areas they control.

These agricultural projects could therefore see peasant and displaced communities working alongside the very people who forced them off their lands with threats, or killed or "disappeared" their relatives. In a context in which paramilitaries are not being effectively demobilized, nor those responsible for human rights violations being brought to justice, it will prove difficult to guarantee that paramilitaries involved in these projects will not control these projects using violence or the threat of violence against those who oppose their interests.

These projects might also be developed in collective land granted to Afro-descendant and indigenous communities. Such projects could undermine the independence of the Community Councils (*Consejos Comunitarios*), which determine how the lands are exploited, and force these councils to adopt policies contrary to the interests of the community. Any opposition could also be met with violence or the threat of violence.

A bill presented to Congress in March 2005 also threatens to consolidate land assets obtained by paramilitaries through force.⁸ The bill, if approved, will give individuals a limited period of time in which to legalize their ownership of land. It may prove difficult to inform forcibly displaced persons of proceedings to secure tenure of their lands in time to challenge these claims given that many of them invariably live far from their place of origin. According to the bill, anyone challenging a claim must also be present in the proceedings. But this is not a practical proposition for those forced to flee their lands for fear of attack. Although the provisions of the bill suggest that lands in areas of forced displacement would not be recognized, most lands belonging to displaced people have not been registered as such.

⁸ Proyecto de ley 319 Cámara, "por medio del cual se establece un proceso especial para el saneamiento de la titulación de la propiedad inmueble".

Recommendations to the Presidential candidates:

- Publicly express support for introducing a legal framework for the demobilization of illegal armed groups which respects international standards on the right of victims to truth, justice and reparation, including the return of lands obtained through force by paramilitaries to their rightful owners or their descendants.
- Publicly agree to adopt measures to ensure that demobilized combatants are not “recycled” into the conflict and are instead reintegrated fully into civilian life. The use of demobilized combatants in security-related operations risks repeating the conditions which originally led to the development of paramilitarism.
- Publicly commit not to approve any legislation which could legalize tenure over land and other assets expropriated through human rights abuses.

Ensure full respect of human rights and IHL by the security forces

The security forces have a special duty to ensure that their actions conform to international human rights and humanitarian law. But AI, the OHCHR and the IACHR continue to document cases of widespread and systematic security force involvement in human rights violations, including extra-judicial executions, “disappearances”, torture – including sexual violence against women – and the arbitrary detention of civilians. Some reports suggest that at least 100 civilians were executed by the army in 2005. These victims were often falsely described as “guerrillas killed in combat”. Moreover, the evidence that sectors of the security forces continue to collude with paramilitaries remains compelling.

The issue of impunity is a pivotal one for AI and should be tackled head-on by the new Colombian government. Impunity, whether for members of the security forces, the paramilitaries or the guerrilla, lies at heart of Colombia’s human rights crisis. Although very few of those alleged to be responsible for crimes against humanity, war crimes and other crimes under international law have ever been brought to justice, the level of impunity enjoyed by high-ranking members of the security forces implicated in human rights violations has been particularly scandalous given their duty to respect the rule of law.

The scandal of impunity will never be resolved unless there is a commitment to ensure that human rights cases implicating members of the security forces are investigated solely by the civilian justice system, as stipulated by a 1997 Constitutional Court ruling,⁹ rather than by the military justice system, which continues to claim jurisdiction in many cases. These courts routinely failed to bring to justice those responsible for human rights violations. Although the civilian justice system has initiated some investigations in which military

⁹ Constitutional Court ruling C 358 of 5 August 1997.

personnel are implicated in human rights violations, these investigations have been hampered by many factors, including threats against judicial investigators and witnesses.

Recommendations to the Presidential candidates:

- Publicly express concern at the violations of human rights and breaches of IHL committed by the security forces, including the increasing number of reports of extra-judicial executions, and adopt measures to prevent and investigate such violations.
- Publicly agree to ensure full and impartial investigations into violations of human rights and IHL, and to insist that public officials, including members of the security forces, responsible for supporting paramilitarism are investigated and brought to justice. In addition, publicly agree that members of the security forces implicated by judicial or disciplinary investigations in such cases or in collusion with paramilitarism should be suspended from duty until such time that their responsibility or innocence has been determined.
- Publicly agree to adopt measures to ensure that the military justice system does not claim jurisdiction in human rights cases involving members of the security forces, and to ensure that the Office of the Attorney General instructs its judicial investigators (*fiscales*) to act in accordance with international principles which stipulate that members of the security forces implicated in human rights violations should at all times be investigated by the civilian justice system.

Commit to signing a humanitarian agreement with the guerrilla groups

The guerrilla groups have an equal responsibility to ensure that their combatants fully respect the rules of war, as stipulated in international instruments such as the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), including the right of civilians not to be involved in the hostilities. By failing to abide by such commitments the guerrilla groups are also to blame for ensuring that the human rights crisis in Colombia continues to cost the lives of thousands of Colombians and to reduce millions of others to abject misery.

AI has repeatedly expressed its condemnation of guerrilla abuses such as kidnapping, torture, including violence against women, forced recruitment of minors, and the deliberate and arbitrary killing of civilians. In Colombia as a whole, at least 140 civilians were killed and more than 270 kidnapped by the guerrilla groups in the first half of 2005.

Recommendations to the Presidential candidates:

- Publicly commit to reaching a humanitarian agreement with the guerrilla. AI, the international community, including the European Union and the UN (notably the

OHCHR and the Commission on Human Rights), have called on the two sides to reach an agreement to protect civilians from the conflict. Any humanitarian agreement must include the release of all hostages held by the guerrilla groups and a rejection of amnesties for those implicated in serious human rights abuses.

- In view of the current peace negotiations with the National Liberation Army (*Ejército de Liberación Nacional*, ELN) guerrilla group, and in any future peace talks with the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia*, FARC) guerrillas, publicly commit to ensure that the government places respect for human rights and IHL at the top of its negotiation agenda.

Defend the rights of human rights defenders and social activists

The security forces have over time adopted a counter-insurgency strategy which has primarily focused on undermining what they perceive to be the civilian population's support for the guerrilla. This counter-insurgency strategy frequently views civilians in conflict areas not as victims of guerrilla groups but as part of the enemy. This has led to the systematic abuse and stigmatization of groups deemed to be "sympathetic" to the guerrilla, such as human rights defenders, peasant farmer leaders, trade unionists and other social activists.

Human rights defenders, trade unionists and community activists are at the forefront of the struggle for political, social and economic rights in Colombia. Many are active in denouncing violations of human rights and breaches of IHL by all parties to the conflict. As such, these organizations have become a target of those in Colombia who wish to silence their denunciations. This raises concerns that sectors of the security forces and other state, government and judicial officials are seeking to tarnish and undermine them and their organizations through arbitrary detentions and criminal proceedings, thereby paving the way to the risk of violent paramilitary attack. Guerrilla forces have also targeted social activists and human rights defenders who have criticized guerrilla actions or pursued socio-economic alternatives that do not conform to guerrilla ideology. More than 70 trade unionists, seven human rights defenders, and 17 community activists were killed in 2005.

Efforts by the Ministry of the Interior to administer several programmes established for the purpose of protecting human rights defenders and trade unionists have been positive, but these have suffered from financial, operational, administrative and bureaucratic problems. Regardless, while these programmes have saved the lives of social activists, they will continue to prove relatively ineffective unless concrete and effective political measures are adopted to support the legitimate work of those defending human rights in the country, and to put an end to the impunity which ensures that the perpetrators of human rights violations and abuses are rarely identified and even more rarely held accountable.

AI thus continues to view with concern the persistence of public statements by high-ranking government, state and military officials equating the work of human rights activists

with “subversion” – which have only served to place them under greater risk of attack – as well as the continued use of military intelligence files and often paid informants as the sole basis for instigating legal proceedings against human rights defenders and other activists.

In September 2003, criminal charges were filed against five members of the Colombian non-governmental organization *Comisión Intereclesial de Justicia y Paz*, Inter-ecclesiastical Justice and Peace Commission. The Office of the Attorney General initiated judicial investigations into allegations of corruption, drug-smuggling, homicide and formation of illegal armed groups. These proceedings stem from a Constitutional Court decision to allow the organization to participate in judicial proceedings into over 200 human rights violations committed by paramilitaries operating in conjunction with the XVII Brigade of the Colombian Army between 1997 and 1998. Although some of these charges have since been dropped, other new charges have recently been levelled against the organization.

The UN’s Special Representative on human rights defenders, Hina Jilani, recently noted that “the number of communications sent to [the] Government of Colombia concerning cases of defenders in danger and difficulty remains especially high. She notes that despite repeated expression of concerns under her mandate, the situation of human rights defenders in Colombia does not seem to have improved but rather deteriorated”.¹⁰ Also, a request by the UN Working Group on Arbitrary Detention to visit Colombia has so far not been satisfied.¹¹

Recommendations to the Presidential candidates:

- Publicly express support for the work carried out by human rights activists, and publicly commit to ending the apparent campaign to undermine and discredit the legitimate work of human rights defenders, trade unionists and other social activists.
- Publicly commit to review the use of the legal system to undermine the work of human rights defenders, trade unionists and community activists.
- Publicly commit to investigate and sanction public officials who undermine the work of human rights activists. In particular, greater efforts should be made to ensure that public officials comply with Presidential Directive 07, promulgated in 2001, which compels public officials to abstain from questioning the legitimacy of the work of human rights organizations, from formulating false accusations, or from behaving in a way which might denigrate or encourage hostility towards human rights defenders.

¹⁰ See UN document: E/CN.4/2006/95/Add.1, para.139. Hina Jilani also visited Colombia in October 2001. Her report on that mission is available as UN document E/CN.4/2002/106/Add.2, 28 March 2002.

¹¹ “Despite the fact that Colombia (...) [has] extended an open standard invitation to all thematic procedures of the Commission on Human Rights, no response has been received by the Working Group to its request to visit [this country].” Report of the Working Group on Arbitrary Detention, E/CN.4/2006/7, 12 December 2005 (Paragraph 24)

- Publicly commit to effectively revise the military intelligence files held on many human rights defenders, trade unionists and other activists. Despite repeated calls by the OHCHR for such files to be revised, little progress has thus far been made.
- Publicly commit to adopt effective measures to ensure that the judicial authorities advance full and impartial criminal investigations into human rights violations and abuses against human rights defenders, trade unionists and community activists.
- Given continuing concerns about the use of the legal system to undermine the legitimate work of human rights defenders and social activists, publicly commit to satisfy a request by the UN Working Group on Arbitrary Detention to visit Colombia.

Protect those civilians most at risk

AI continues to be concerned by the abject failure of both guerrilla forces and the security forces to respect the right of civilians not to be drawn into the conflict. AI continues to document cases of widespread and systematic targeting of civilians by guerrilla combatants and the security forces acting with or without paramilitary forces. Civilians in conflict zones and areas of military or economic importance, especially peasant farmer, indigenous and Afro-descendant communities, remain among the most vulnerable civilian sectors in Colombia. Women also continue to be targeted by all parties to the conflict, and AI continues to document many cases of attacks, often involving sexual violence, against women.

Forced displacement continues to be one of the most visible expressions of the deliberate targeting of civilians. Over 300,000 people were forcibly displaced in 2005, a significant increase on the previous year. In its Regional Strategic Presentation to the 35th Standing Committee, the Office of the UN High Commissioner for Refugees noted that an increasing number of armed groups are fighting for control on the outskirts of major cities, where most internally displaced live under difficult security conditions. Outbursts of violence, particularly in border areas, have had an impact on neighbouring countries where there are reportedly more than half a million Colombians living in refugee-like situations.¹²

Civilian communities which have sought to actively demand recognition of their right not to be drawn into the conflict have been targeted by all parties to the conflict. These include the Peace Community of San José de Apartadó in the department of Antioquia, and the Afro-descendant communities of Cacarica, Jiguamiandó and Curvaradó in the department of Chocó. In February 2005, eight members of the San José Peace Community were killed by armed men who witnesses claimed were members of the Colombian army. Other members of the community have subsequently been killed, some of them allegedly by the security forces.

¹² UNHCR, *Regional Strategic Presentation Summary to 35th Standing Committee Meeting*, 7-9 March 2006.

Afro-descendant communities living in “humanitarian zones” (*zonas humanitarias*) in the Cacarica River Basin, including those of Jiguamiandó and Curvaradó, continue to face threats of paramilitary incursions. The killing of a community leader, Orlando Valencia, in October 2005 coincided with the advance of several criminal proceedings against members of the Community Council and of *Justicia y Paz*, which works closely with these communities.¹³

Those implicated in these criminal proceedings include those at the forefront of work on denouncing human rights violations against these communities and the illegal expropriation of community lands by economic interests that are seeking to develop African Palm plantations in the area, and which are allegedly working in conjunction with paramilitary groups. The IACHR and Colombian state officials have acknowledged the link between the threats against these communities and the illegal development of African Palm. Criminal investigations into human rights violations committed against members of the Jiguamiandó, Curvaradó, Cacarica and San José communities have made little progress.

Recommendations to the Presidential candidates:

- Publicly commit to ensuring that measures are adopted to increase the effective protection of civilians, including internally-displaced persons, in line with UN human rights recommendations and the UN Guiding Principles on Internal Displacement.
- Publicly acknowledge the particular obligation of the state to prevent the displacement of indigenous peoples, peasant farmers and other groups in conflict zones and areas of military or economic importance who have a special dependency on or attachment to their lands.
- Publicly acknowledge the right of civilians not to be drawn into the conflict, and the legitimacy of the position adopted by communities, such as those of San José de Apartadó, Cacarica, Jiguamiandó and Curvaradó, to actively assert these rights.
- Publicly agree to carry out an evaluation into the criminal investigations opened against community leaders and non-governmental organizations working with the Jiguamiandó and Curvaradó communities, and ensure that full and impartial investigations into human rights violations against these communities are advanced.
- Publicly commit to carry out an evaluation of the status of criminal investigations into human rights abuses against the San José de Apartadó Peace Community. This would be in line with repeated requests made by the community since 2002 to evaluate the work of the commission set up in 2000 to investigate the more than 150 killings and “disappearances” carried out against members of the San José community.

¹³ See previous section for analysis of *Justicia y Paz*.

As a presidential candidate, AI hopes that you will place these human rights concerns at the centre of your campaign and, if successful in the 28 May poll, will place them at the heart of your administration. AI sincerely believes that by endorsing a human rights strategy based on these preceding recommendations, and those presented by UN and OAS human rights bodies, you will be taking an important and much-needed step towards once and for all ending the human rights crisis. AI will, of course, continue to press the international community and international organizations to support Colombia's efforts towards achieving this objective.

Yours,

Susan Lee
Director, Americas Regional Programme