

# AMNESTY INTERNATIONAL

## Public Statement

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### **Colombia: Amnesty International's statement to the 10<sup>th</sup> session of the UN Human Rights Council (2-27 March 2009)**

Amnesty International expresses its continued appreciation of the work of the Office of the UN High Commissioner for Human Rights in Colombia to improve respect for human rights in the country.

This statement presents an overview of Amnesty International's concerns in Colombia and recommendations to the Human Rights Council.

Although some key indicators of conflict-related violence, such as on kidnappings and hostage-taking, continue to improve, others are still deteriorating, such as those on internally-displaced persons. Hundreds of thousands of people are still affected by the ongoing armed conflict, especially those belonging to Indigenous, Afro-descendant and peasant farmer communities, many of whom live on lands of economic interest to the warring parties. Guerrilla groups, paramilitaries and the security forces continue to be responsible for widespread and systematic human rights abuses and violations of international humanitarian law. The still-high incidence of extrajudicial executions committed by the security forces continues to be a grave concern, as do the continued threats against and killings of human rights defenders and trade unionists. Paramilitaries are still operating, sometimes with the support or acquiescence of the security forces, despite government claims to the contrary. There has been some progress in judicial investigations into key human rights cases, although impunity remains a serious problem.

**The security forces.** Amnesty International welcomes the Colombian government's belated acknowledgment that the security forces are responsible for unlawfully killing civilians. In November 2008, during a visit to Colombia, the UN High Commissioner for Human Rights said extrajudicial executions in Colombia appeared to be systematic and widespread. The government has taken some steps to address extrajudicial executions, including the removal in October 2008 of 27 army officers following revelations that army soldiers were responsible for the killing of dozens of young men from Soacha, as well as subsequent dismissals for other cases of extrajudicial executions. However, these serious human rights violations will continue until impunity is effectively addressed. The government must ensure that all cases of human rights violations implicating the security forces are investigated by the civilian, not the military, justice system.

**Guerrilla groups.** The Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) continue to be responsible for widespread and systematic human rights abuses and violations of international humanitarian law, including killings of civilians and hostage-taking. Amnesty International welcomes the latest releases of hostages held by the FARC, but calls on the guerrilla to immediately and unconditionally release the hundreds of civilians they still hold captive.

In December 2008, President Álvaro Uribe stated that members of the guerrilla who hand over hostages under their control will be granted freedom and financial rewards. Hostage-taking in the context of an armed conflict is a violation of international humanitarian law and a war crime. Under international law, war crimes, as well as crimes against humanity, are not subject to amnesties or similar provisions. All those reasonably suspected of having committed hostage taking and other violations of international humanitarian law must be brought to justice in legal proceedings that meet international standards on fair trials.

The use of anti-personnel mines by guerrilla groups is still widespread, with hundreds of civilians and members of the security forces injured and killed each year by such devices. Colombia continues to be the country with the most landmine victims in the world each year. Amnesty International calls on all parties to the conflict not to use landmines or other inherently indiscriminate weapons and to ensure that necessary precautions are taken in planning and carrying out attacks to protect civilians and civilian objects.

**Paramilitary groups.** Paramilitary groups remain active, despite claims by the government that all paramilitaries had demobilized in a government-sponsored process that began in 2003. Amnesty International is concerned that the number of paramilitary groups operating throughout the country is increasing. Paramilitaries continue to kill civilians and to commit other human rights violations, sometimes with the support or acquiescence of the security forces. Moreover, the security forces continue to use supposedly demobilized paramilitaries in military and intelligence operations despite an official ban, introduced in 2007, on such deployments. Amnesty International calls on the Colombian government to ensure that paramilitary groups are effectively disbanded and disarmed, and that those paramilitaries against whom there is credible evidence that they committed human rights violations are prosecuted. It should also ensure that demobilized combatants are not “recycled” into the conflict as, for example, informers. The government must also ensure that third parties, whether members of the security forces, state or government officials, politicians, or private individuals, who have engaged in conduct amounting to complicity in the unlawful acts of paramilitary groups are properly investigated and held to account in a court of law.

**The Justice and Peace Process.** This process allows paramilitaries who have laid down their arms to benefit from reduced prison sentences in return for confessions about human rights violations and reparations for their victims. However, 90 per cent of paramilitaries were excluded from the process and have thus evaded justice. Threats against and killings of victims testifying in the process continue, while many paramilitaries are not collaborating fully with the Justice and Peace tribunals, in particular by failing to return millions of hectares misappropriated by them and their backers. This continues to seriously undermine the right of victims to truth, justice and reparation.

Human rights organizations have raised concerns that the extradition in May 2008 of 15 national paramilitary leaders to the USA to face drug-related charges has seriously undermined investigations in Colombia into human rights violations committed by the paramilitaries and into the links these may have had with Colombian politicians and other state officials.

In May 2008 the Constitutional Court ruled that the government’s protection programme for victims and witnesses participating in the Justice and Peace process was in breach of the state’s constitutional and international obligation to prevent discrimination and violence against women.

**Impunity.** Impunity remains the norm in most human rights cases. There has been continued progress in several high-profile investigations, mainly as a result of international pressure, but there have been very few advances in identifying chain-of-command responsibility. Amnesty International is concerned about efforts by the military justice system to claim jurisdiction over the criminal investigation against retired army Colonel Luis Alfonso Plazas Vega, on trial in the civilian

courts for his alleged part in the enforced disappearance of 11 people during the military assault on the Palace of Justice in Bogotá in 1985. In January 2009, a civilian judge ruled the case must remain in the ordinary courts. The Superior Council of the Judiciary will now have the final say with regards to which institution has jurisdiction over the case. In accordance with repeated recommendations from UN bodies, including the UN High Commissioner for Human Rights, all cases implicating members of the security forces in serious human rights violations must be investigated by the civilian, not the military, justice system.

**Human rights defenders, trade unionists and other activists.** Human rights activists continue to be targeted by all parties to the conflict. Threats against human rights defenders and killings of trade unionists increased in 2008, especially around the time of the 6 March 2008 demonstrations in Colombia and abroad in protest of human rights violations by paramilitaries and the security forces. Responsibility for these attacks was attributed to paramilitaries. President Uribe again made statements undermining the legitimacy of human rights work.<sup>1</sup> Amnesty International calls on all government and state officials to once and for all desist from making public statements which undermine the legitimacy of human rights work by stigmatizing human rights defenders, often by accusing them of being guerrilla sympathizers.

**Civilian groups at particular risk.** Civilians continue to bear the brunt of the conflict. The human rights and humanitarian situation facing Indigenous, Afro-descendant and peasant farmer communities is particularly precarious. In December 2008, Amnesty International condemned the killing by members of the security forces of Edwin Legarda, the husband of Indigenous leader Aída Quilcué. At the time, Edwin Legarda was travelling by car to the city of Popayán, Cauca Department, to pick up his wife, who was returning from Geneva where she had been active around the Universal Periodic Review (UPR) examination of Colombia by the UN Human Rights Council. Amnesty International calls on the authorities to carry out an impartial and thorough investigation into the killing and to bring to justice all those responsible.

Forced displacement continues to be a defining feature of the Colombian conflict, and is a human rights abuse that shows no signs of abating. In 2008 there was another large increase in forced displacement. The south of the country was particularly badly affected, largely because of ongoing combat between the security forces and paramilitary and guerrilla groups.

Guerrilla and paramilitary groups continue to recruit children. The security forces still use children as informants, contrary to a Ministry of Defence 2007 Directive which prohibits the use of children for intelligence purposes.<sup>2</sup> Amnesty International welcomes the government's decision to finally accept the reporting and monitoring mechanisms under UN Security Council Resolution 1612 (2005) on children and armed conflict, but regrets its reservations about extending it to cover acts of sexual violence.

Civilians continue to be the main victims of bomb attacks in urban centres, some of which have been attributed to the FARC.

In April 2008, the government issued Decree 1290, which created a programme to allow victims of abuses by guerrilla and paramilitary groups to receive monetary compensation from the state. However, Amnesty International regrets that the compensation scheme did not address the issues of restitution of stolen lands or reparation for victims of violations by the security forces.

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<sup>1</sup> For examples see Amnesty International's report on Colombia - *"Leave us in Peace!": Targeting civilians in Colombia's internal armed conflict*, Amnesty International (AMR 23/023/2008) and the joint Amnesty International/Human Rights Watch press release *Stop False Accusations against Human Rights Groups, Government should Address Reported Abuses*, 19 November 2008.

<sup>2</sup> Ministry of Defence Directive 30743 from 6 March 2007

Amnesty International also regrets that the original draft of a bill designed to legislate on reparation for victims (known as the “Victims’ Law”), which would have gone some way towards guaranteeing reparation for the victims of the conflict, was significantly weakened by a congressional committee. The Office in Colombia of the UN High Commissioner for Human Rights has said the bill, as amended, was discriminatory. Amnesty International calls on the Colombian Congress to ensure that, when it votes on the bill, it takes fully into account the right of all victims of human rights violations – including those of state agents – to integral reparation as defined by international standards.

**Role of the international community.** The role of the international community is fundamental to resolving the serious human rights and humanitarian situation in Colombia. As the recent UPR process has demonstrated, many countries acknowledge that the situation remains critical, although there have been some improvements. The international community must continue to engage actively with the Colombian government. While acknowledging where concrete and effective action on particular issues has been taken, the international community must also not shy away from criticizing the authorities on those issues where they have clearly failed to deliver, such as on full compliance with the repeated recommendations of the UN High Commissioner for Human Rights.

Amnesty International calls on the Human Rights Council at its 10<sup>th</sup> session to:

- express its deep concerns over the ongoing serious human rights and humanitarian situation in the country;
- urge all parties to the conflict to comply promptly and fully with the recommendations of the High Commissioner for Human Rights, including those issued in all her previous reports, and of other UN bodies;
- recommend full implementation of accepted UPR recommendations and commitments and regular reporting to the Council on such implementation;
- put in place a process with deadlines and milestones to evaluate compliance with these recommendations; and
- urge the Colombian government to fully cooperate with the Council and its mechanisms.