

**VENEZUELA Some 700 Colombian refugees**

---

Some 700 Colombian refugees, who fled paramilitary killings and death threats, are reportedly about to be forcibly returned from Venezuela. A Venezuelan army general has apparently told journalists that their return to Colombia is "imminent" ("*inminente*"), possibly through the Venezuelan border town of Puerto Santander. There are serious fears for their safety.

At the end of May 1999 a 400-strong Colombian paramilitary force surrounded the rural district of La Gabarra, Norte de Santander department, near the border with Venezuela. The paramilitaries reportedly killed at least five local peasant farmers, threatened to attack the community and refused to let the inhabitants leave. The paramilitaries warned others, whom they detained and then released, that they were going to take control of the district and execute those they considered to be guerrilla sympathizers or collaborators. On 1 June a Colombian local ombudsman (*Defensor del Pueblo*) reported that the paramilitaries had killed up to 20 people and abducted a further 15 (see UA 125/99, AI Index AMR 23/44/99, 2 June 1999). The paramilitary incursion was followed by clashes in the area between Colombian security forces and guerrillas, which are continuing.

Since the start of the offensive by Colombian paramilitaries and security forces, some 3700 Colombian men, women and children have fled across the border into Venezuela, in four separate waves. Those who crossed in the first three waves - some 3000 - have already been returned to a part of Colombia where they are not in immediate danger. Most apparently returned voluntarily. However, Amnesty International has learned that at least 100 were forcibly returned after having sought assistance from independent human rights defenders to formally request asylum in Venezuela. Another 300 were reportedly returned without having their situation assessed in a full and fair asylum procedure.

The remaining 700 refugees are currently held in a Venezuelan military post near La Vaquera, municipality of Jesús María Semprum, in the state of Zulia. They have apparently been denied access to human rights defenders and journalists. Amnesty International does not know whether they have had access to representatives of the United Nations High Commission for Refugees (UNHCR).

**BACKGROUND INFORMATION**

Under the principle of *non-refoulement* Venezuela is obliged to ensure that no person is returned, directly or indirectly, to a country where they would face serious human rights violations. Implicit in this obligation is the necessity to establish and ensure access to a satisfactory asylum procedure to identify those at risk. Such a procedure must include access to the UNHCR and provisions for an effective appeal against rejection of an asylum claim, whereby the asylum-seeker is allowed to stay in the country for the duration of the appeal.

The principle of *non-refoulement* is recognised by the international community as a norm of customary international law binding on all States.

Furthermore, Venezuela, together with other members of the Organization of American States (OAS) proposed the 1984 Cartagena Declaration on Refugees, and should therefore apply the broader definition of a "refugee" enshrined

in Article 3 of this Declaration. This Article recommends that those who have fled their country because their lives, safety or freedom have been threatened by, among other things, generalized violence, internal conflicts, or massive human rights violations, should be afforded refugee status.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Spanish or your own language:**

- expressing concern that some 700 Colombians, who fled from political violence in their country and sought protection in Venezuela during the last week of June 1999, are reportedly on the point of being forcibly returned to Colombia without having their situation assessed in a full and fair asylum procedure;
- calling on the Venezuelan authorities to ensure that under no circumstances will the Colombians be removed from Venezuela until their refugee status has been assessed through a full and fair asylum procedure;
- urging the Venezuelan authorities to take the definition of "refugees" contained in the 1984 Cartagena Declaration on Refugees into consideration when assessing the situation of the Colombian refugees.

**APPEALS TO:**

Ministry of Interior Affairs

Dr. Ignacio Luis Arcaya  
 Ministro de Relaciones Interiores  
 Carmelitas a Santa Capilla  
 Caracas  
 Venezuela

**Telegrams: Ministerio Interior, Caracas, Venezuela**

**Fax: + 58 2 861 0363**

**Telex: 29694 MRI**

**Salutation: Dear Minister/Estimado Ministro**

Ministry of National Defence

General Raúl Salazar  
 Ministro de Defensa Nacional  
 Fuerte Tiuna, Conejo Blanco  
 El Valle  
 Caracas  
 Venezuela

**Telegrams: Ministerio Defensa, Caracas, Venezuela**

**Fax: + 58 2 662 5542 / 662 4078**

**Salutation: Dear Minister/Estimado Ministro**

**COPIES TO:**

Human rights organization

PROVEA  
 Apartado Postal 5156  
 Caracas  
 Venezuela

and to diplomatic representatives of Venezuela accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 12 August 1999.