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Colombia: Victims law an important step forward but questions remain

Colombia's Victims and Land Restitution Law is an important step forward for many victims of the long-running armed conflict but fails to ensure true justice and reparations for many others, Amnesty International said today.

The legislation, which still needs to be signed-off by President Juan Manuel Santos, crucially acknowledges the existence of an armed conflict, which the previous Colombian government denied.

It will allow for integral reparations for some of the survivors of human rights abuses committed during the armed conflict and for the return of millions of hectares of land stolen mainly by paramilitary groups, sometimes in collusion with the security forces.

"It is hugely significant that the law acknowledges that the rights of victims of the conflict must be respected. However, many will be denied their right to full reparations," said Marcelo Pollack, Amnesty International's Colombia researcher.

Financial compensation will only be granted to those who suffered abuses after 1985, and only those whose lands were stolen after 1991 will be able to claim them back. Many recent victims of paramilitary groups are also excluded because the authorities claim such groups demobilized in a government-sponsored process that began in 2003.

"Failing to acknowledge that paramilitary groups continue to threaten, forcibly displace or kill thousands of people, including human rights defenders, trade unionists and community leaders, and sometimes in collusion with the security forces, is of grave concern," said Marcelo Pollack.

There are also concerns over the lack of effective measures in the law to ensure the safety of those returning to their lands, and that some returnees may find themselves forced to work alongside, or ceding effective control over their land, to those who displaced them, often violently, in the first place.

Given the onerous demands of the law on those soliciting the restitution of lands, many victims could also find it difficult to prove ownership of their land.

The Colombian authorities must ensure that victims of human rights violations and their families, as well as the human rights organizations representing them, are fully consulted on how best to effectively implement this legislation," said Marcelo Pollack.

Parallel legislation is being developed to address land restitution and reparations for Indigenous and Afro-descendant victims and their communities, who are not covered by this legislation. It is paramount that both these communities are fully involved in and consulted on the drafting and implementation of any future legislation.

The Victims and Land Restitution Law was approved by Congress during an increase in threats against and killings of leaders of displaced communities and of those seeking the return of stolen lands. Some of those involved in human rights-related criminal investigations, such as victims, witnesses, lawyers, prosecutors and judges, also continue to be threatened and killed.

“Any effort to undo the wrongs of the past and the present, therefore, must also include effective measures to put an end to the human rights abuses that have marked the 45-year-old conflict and to the impunity that has for so long protected the perpetrators”, said Marcelo Pollack.