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*Fuerzas Armadas Revolucionarias
de Colombia- Ejército del Pueblo (FARC-EP)*
Revolutionary Armed Forces of Colombia – People’s Army

For the attention of Mr. Manuel Marulanda

As it has done on several previous occasions, Amnesty International is writing to you to draw your attention to violations of International Humanitarian Law (IHL) by members of the FARC-EP. These human rights abuses are so serious that we feel compelled to write to you again to inform you that we are extremely concerned at the effect these actions are having on the civilian population in Colombia. We would also like to emphasise our concern at the apparent lack of political will by the FARC-EP to respect IHL and commit itself to respecting the civilian population’s right not to be drawn into the conflict.

In November last year, our organization wrote to the FARC-EP International Secretariat expressing our concern about violations of IHL. In that letter, Amnesty International reiterated its unconditional opposition to such violations as kidnapping, hostage-taking, torture and the deliberate and arbitrary killing of civilians, non-combatants and other people not involved in the hostilities. In particular, we condemned the persistent practice of hostage-taking and kidnapping by the FARC-EP. We expressed our concern at the kidnapping of 25 people, apparently by FARC-EP forces, on 27 September 2001 between Valledupar and Patillal, in Cesar department; among those kidnapped was Consuelo Araújo Noguera, former Minister of Culture, who was later killed while held hostage by the FARC-EP. We also highlighted our concern at the cases of Senator Eladio Pérez Bonilla, who was kidnapped on 10 June 2001, and the former Governor of Meta, Alan Jara Urzola, kidnapped on 15 July 2001.

We also condemned the killing of young unarmed people by members of the FARC-EP in the Puracé Natural Park and in Icononzo in February 2001. Another reason for concern was the lack of respect that all parties in the conflict have shown for the humanitarian work being carried out by international organizations such as the United Nations (UN) and the International Committee of the Red Cross (ICRC). At the beginning of last year, the ICRC temporarily suspended its missions to evacuate and provide medical attention to civilians and combatants after the *Autodefensas Unidas de Colombia* (AUC), United Self-Defence Groups of Colombia, a paramilitary organization allied to the Colombian armed forces, killed a FARC-EP member while she was in the care of the Colombian Red Cross (CRC) in Santander department, and after the FARC-EP killed a member of the paramilitaries who was under the protection of the ICRC in the department of Putumayo. In both cases, reports state that paramilitaries and guerrillas stopped ambulances clearly marked with the Red Cross emblem and killed wounded combatants. These killings were in clear violation of Article 11 of 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)* which states that

medical aid vehicles engaged in humanitarian tasks should not be attacked. The kidnapping of the former Governor of Meta, Alan Jara Urzola, from a clearly marked official UN vehicle when he was travelling in Lejanías municipality with the then resident co-ordinator of United Nations agencies in Colombia and the director of the reintegration programme, also represented an attack on the international community's humanitarian aid and a violation of IHL.

After writing to you about our concerns, we were expecting a reply from the FARC-EP, given that, on previous occasions, your organization has expressed its willingness to carry out rigorous investigations of alleged IHL violations and to inform us of the results. We attach a copy of the letter to which we refer and ask you again for a reply. Since the last time we wrote to you, there has been no improvement in the situation and the civilian population's fundamental rights continue to be violated by both sides in the conflict.

Your organization has been holding many civilians against their will for extended periods of time, including politicians kidnapped by the FARC-EP in recent months. In February, these included Senator Jorge Eduardo Gechem Turbay, Presidential candidate Ingrid Betancourt, and her campaign advisor, Clara Rojas. In April, 12 deputies of the Valle del Cauca departmental Assembly were kidnapped. Since April, the Governor of Antioquia, Guillermo Gaviria Correa, and his peace advisor, Gilberto Echeverri, have also been deprived of their liberty. We request the unconditional and immediate release of these and all others kidnapped by the FARC-EP, and a commitment on your part to ensure an end to such practices. We also urge you to ensure the safety of members of the security forces your organization is holding captive.

Such steps would be in accordance with Protocol II. Article 4 of the Convention states that: *"All persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honour and convictions and religious practices. They shall in all circumstances be treated humanely, without any adverse distinction."* As a party to the conflict, the FARC-EP is obliged to respect the IHL principles relative to non-international armed conflicts. Article 3 of the Geneva Convention applies to internal armed conflicts and imposes a duty on the armed parties to comply with the minimum provisions, among which are to treat humanely all those not directly involved in hostilities. Amnesty International insists that these international standards are respected and considers that this is the only way to begin to protect the civilian population from the effects of the armed conflict and make progress towards the humanization of the Colombian conflict.

The events that took place on 2 May this year in Bojayá, Chocó department, Atrato Medio region, is one of the clearest examples of the IHL violations unconditionally opposed by Amnesty International. The civilian population was the victim of an indiscriminate attack during a clash between the FARC-EP and the AUC. During the confrontation, members of the AUC took up positions around a church where civilians had taken refuge. The FARC-EP showed no hesitation in using gas cylinders in its attack and showed no concern for the safety of civilians, clearly violating the principles of humanitarian conduct that all parties in armed conflicts should observe. Moreover, the use of gas cylinders by the FARC-EP has been repeatedly condemned nationally and internationally by non-governmental and inter-governmental organizations. It is impossible to believe that, in using a gas cylinder, the FARC-EP was unaware of the risk of death and injury to so many. We wish to emphasize the fact that the AUC and the state, as well as the FARC-EP, share responsibility for this incident, which resulted in the deaths of 119 civilians.

In paragraph IV of the conclusions to its 20 May 2002 report on an observation mission to the Atrato Medio, the region in which Bojayá is located, the Colombian Office of the United Nations High Commission for Human Rights, held different actors responsible for the events of Bojayá. The report attributed serious human rights abuses to the FARC-EP, including its responsibility *"for the violent death of more than 100 civilians, the wounding of*

more than 80 people and the destruction of civilian property, caused by the use of a gas cylinder, during an armed clash with a group of paramilitaries". The report also underlines the responsibility of the AUC, stating the paramilitaries "*compromised their humanitarian responsibilities by exposing the civilian population to the dangers of military actions*". Nor does the UN High Commissioner's Office exempt the Colombian State and its armed forces from responsibility. International human rights norms impose a duty to prevent, protect and ensure respect for rights. In this case, the report highlighted that the government failed to fulfil its duty of prevention: "... *there was no intervention from public forces as paramilitaries passed police units and checkpoints on their way from Turbo towards Vigía del Fuerte. In these cases, the government's negligence represents a violation of human rights and compromises its responsibility to prevent such actions by illegal groups.*" Amnesty International believes it is unacceptable to attempt to evade responsibility by arguing that this attack "*was a mistake caused by the confrontation*", and describing it as "*the kind of thing caused by the war independently of our wishes*", which is what the FARC-EP commander Alfonso Cano is reported to have said in an interview with *El Tiempo* published on 8 June 2002. These statements present IHL violations as an inevitable part of a conflict. The two parties to the Colombian conflict – the armed forces and their paramilitary allies and the guerrilla groups – have put forward similar arguments to excuse their actions in an attempt to hide the fact that most human rights violations form an integral part of their military strategies. Most political killings occur in non-combat situations and are the result of premeditated, planned and deliberate actions such as the indiscriminate use of gas cylinders in Bojayá, which had not been banned prior to their use in the attack.

It is important that the FARC-EP has acknowledged its responsibility in the case of Bojayá. However, it is not sufficient for the FARC-EP to state that you are studying how to "*minimize the impact on non-combatants*". The 119 dead, including children, and all the civilians wounded by the use of gas cylinders deserve more than a simple study. We urge the FARC-EP to issue a public statement promising to respect the right of the civilian population in Colombia not to be drawn into the armed conflict, order its fronts to commit themselves to IHL and remove from active service all members who violate IHL. Article 13.1 of Protocol II states that "*The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations.*" We urge the FARC-EP to make this commitment since Amnesty International does not believe that the FARC-EP has made any serious attempt to minimise the conflict's impact on non-combatants. The FARC-EP continues to use gas cylinders in attacks on the security forces, such as that on the police station in Saravena, Arauca department, on 13 September 2002 in which four civilians died. It appears that the FARC-EP also used low precision weapons when they launched explosives at the Nariño Presidential Palace and military installations on 7 August this year, in which at least 17 civilians died.

Amnesty International is also concerned at the FARC-EP's continued deliberate and arbitrary killing of civilians accused of collaborating with its enemies. In its 2002 Annual Report, Amnesty International denounced the killing of Cristóbal Secue Tombe, leader of the Corinto indigenous reserve in Cauca department, by guerrillas belonging to Front 6 of the FARC-EP on 25 June 2001. This year, the FARC-EP appears to be continuing to carry out deliberate and arbitrary killings. On 23 July, it was reported that presumed FARC-EP guerrillas killed an Embera indigenous leader, Bertuflo Domicó, in Dabeiba, Antioquia department. It appears that Mr. Domicó left the town centre of this municipality without the permission of the FARC-EP's V Front commander. This killing violates Article 4.2 of Protocol II which prohibits: "*Violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment*". It should also be remembered that article 13.2 of Protocol II states: "*The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.*". The Protestant Church, especially the Colombian evangelical church, has been the target of FARC-EP actions. In recent months, several church

pastors have been killed by presumed FARC-EP members in the rural zone of San Vicente del Caguán, Caquetá department. One of these victims was Abel Ruiz, who was killed on 31 July in the temple at Campohermoso, one hour away from San Vicente town centre. This was not the only arbitrary killing carried out by the FARC-EP in the former demilitarized zone. Another case of arbitrary and deliberate killings took place recently. On 15 September this year, 22 inhabitants of Lomalinda village, Vistahermosa municipality, Meta department, were detained by presumed members of the FARC-EP's Front 27. Three days later, 11 of these people had reportedly been interrogated and executed, accused of having links with paramilitary groups or of collaborating with the security forces. Seven of the others were forced to leave the area, and the whereabouts of another four is unknown.

The recruitment of minors by the FARC-EP is also a violation of IHL. Reports by many non-governmental and international organizations note that paramilitary groups and guerrillas recruit boys and girls. This is a serious attack on the rights of Colombian children. In an interview published in the magazine NACLA (Vol. XXXIV, No. 2 September/October 2000), Commander Simón Trinidad justified the recruitment of minors by saying that it was better for minors to be with the guerrillas than be exploited in the mines or the coca plantations. This declaration cannot be used as an excuse to justify the irreparable damage done to the future generations of Colombia. The UN *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*, spells out its concern for the general and pernicious effects that armed conflicts have on children. With the objective of achieving full protection of children, the Optional Protocol calls on governments and armed opposition groups to ensure that under 18s do not participate in hostilities. Article 1 states that: “States Parties shall take all feasible measures to ensure that members of their Armed Forces who have not attained the age of 18 years do not take a direct part in hostilities.” Article 4.1 states that: “Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.” Paragraph 3 states that: “The application of the present article shall not affect the legal status of any party to an armed conflict.” In 1999, the Special Representative of the General Secretary for Children and Armed Conflict, Olara A. Otunnu, met members of the FARC-EP's Secretariat during his visit to Colombia between 30 May and 6 June. Mr. Otunnu states that, at these meetings, the FARC-EP committed itself to ending recruitment of minors under the age of 15 and to study, together with the UN and non-governmental organizations, a framework and process that would allow the demobilization and rehabilitation of minors currently in their ranks. In a press release, dated 5 May 2000, the Special Representative of the Secretary General for Children and Armed Conflict expressed his approval of the FARC-EP's announcement that it would demobilize under 15s and allow them to return to their homes. Mr. Otunnu also urged the FARC-EP to increase the minimum recruitment age from 15 to 18 years. Your organization's commitment would emphasize the FARC-EP's duty to demobilize minors under 18, as required by the UN *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* which is directed at all the parties in an armed conflict.

In her report on violence against women in Colombia, *Integration of the Human Rights of Women and the Gender Perspective*, consequent on Resolution 2001/49 of the Human Rights Commission, Addendum – Mission to Colombia (1 to 7 November 2001), E/CN.4/2002/83/Add.3, published in March this year, Mrs. Radhika Coomaraswamy, UN Special Rapporteur on violence against women, its causes and consequences, stressed that “violence against women, particularly sexual violence by armed groups, has become a common practice within the context of a slowly degrading conflict and a lack of respect for international humanitarian law”. On many occasions, women suffer serious attacks on their fundamental human rights and are subjected to the cruellest practices of sexual violence. They are victims of degrading treatment and abuses that are, without doubt, serious violations of IHL and of the standards established by international law. The armed forces, their paramilitary allies and guerrilla groups have all abused women's rights.

According to reports, the FARC-EP, in common with other parties to this conflict, have been responsible for abuses against the human rights of women. We quote one of the testimonies included in Radhika Coomaraswamy's report. It is the case of a young woman sexually abused by FARC-EP members and later forced to offer sexual favours to obtain intelligence information from the army:

"E joined the guerrilla (FARC) at 13, tired of being ignored and mistreated by her father. She was looking for a way out, thinking things would change if she had a weapon. When she was 19, the guerrilla commander of her group took advantage of his position to take her away alone, far from the group, and there he raped her, beat her and then sent her home. He gave her the mission of seducing a member of the Colombian army in order to obtain information for the guerrilla. She did as she was told, but the guerrilla commander was not satisfied, because she had approached a low-ranking officer. The commander went to her house and complained violently. Her father intervened to stop him and the commander killed him and threatened her so that she would not talk. The day after her father's burial she gave herself over to the Colombian army..."

Attacks such as these are totally unjustifiable. Amnesty International also condemns all cruel, inhuman and degrading treatment of women. Practices such as forcing women to use birth control, and forced abortions are an outrage to the personal dignity of women. Testimonies of girls that have left guerrilla groups allege that the FARC-EP carry out these practices, as shown by the testimony of a girl from San Vicente del Caguán whose statement was taken in July 2001 and published in *Informe sobre violencia sociopolítica contra mujeres y niñas en Colombia, Segundo Avance – 2001* (Report on Socio-Political Violence Against Women and Girls in Colombia, Part Two – 2001), November 2001: *"I got pregnant (...) But no, they said that an old woman, how about it! Pregnant, here, while we are fighting, pregnant like that? They said that this child would not be born (...) They made me abort it, I was two months pregnant"*.

Despite the efforts of many organizations to denounce the situation of women in the Colombian conflict, the violence suffered by women at the hands of all parties to the conflict has been largely invisible. Fear and threats prevent them from denouncing those who subject them to such abuses and force them to keep silent. We urge the guerrilla organizations, including the FARC-EP, to publicly commit themselves to taking the necessary measures to ensure full respect for the integrity and human rights of women in Colombia. We also urge the government to adopt the same measures. Such measures should be in accordance with Article 4.2 of Protocol II which bans: *"Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault"*. Article 3.1 of the Geneva Convention should also be respected. It prohibits *"outrages upon personal dignity, in particular humiliating and degrading treatment"*.

Finally, we express our deep concern at the campaign of kidnappings, threats and hostage-taking carried out by the FARC-EP since the end of May this year against municipal and judicial officials and their families in several departments. Declaring these individuals to be military targets if they do not resign from office is unacceptable. Among these kidnappings is the case of Francy Lorena Erazo, a three-year old child, daughter of the Mayor of Colón municipality, and her nanny on 17 July this year. They were both released on 31 July. As long as they are not participating in the conflict, municipal officials and their families are civilians and, as such, should enjoy the protection of IHL. They have the right to not become involved in the hostilities. We therefore urge the FARC-EP to respect IHL and the lives of all civilians, including officials in the civil and judicial administrations, as required by Article 13.2 of Protocol II, quoted above.

In addition to the recommendations made by Amnesty International to the FARC-EP already mentioned in this letter, the organization urges the FARC-EP and all armed opposition groups in Colombia to prevent their members from committing abuses and to

publicly commit themselves to respect international humanitarian standards. The leaders of guerrilla groups should urgently adopt the following measures:

- Order their combatants to treat prisoners, the wounded and those attempting to surrender humanely, whether they are civilians or members of the armed forces or their paramilitary allies, and never to kill them.
- Prohibit deliberate and arbitrary killings of non-combatants in all circumstances.
- End the practice of using prisoners as hostages. Guerrilla group leaders should immediately adopt all the measures necessary to identify those taken as hostages and ensure their immediate and safe release.
- Ensure that they do not use weapons nor employ military practices that could result in a disproportionate and indiscriminate threat to the safety of the civilian population.
- Conduct rigorous investigations into alleged abuses committed by guerrillas with a view to determining responsibilities.
- Remove from office any individuals accused of or implicated in committing or ordering abuses, such as deliberate and arbitrary killings, hostage-taking, torture or ill-treatment of prisoners, and not allocate them any duties that bring them into contact with prisoners or other individuals who they may abuse.
- Adopt and implement all the measures necessary to ensure respect for IHL by guerrilla forces, such as:
 - Ensure that all forces under their control are trained in IHL and are able to comply with the basic principles of these rights at all times.
- Commit themselves to signing urgently a humanitarian agreement with the government, with a view to protecting the civilian population from the effects of the conflict.

As the Colombian conflict becomes more acute, it becomes even more urgent for the parties to the conflict to commit themselves to IHL and human rights. This commitment is essential to protect the civilian population. We hope that this letter, and the previous one, attached, convinces the FARC-EP to begin to implement its commitment to respect international humanitarian law. We trust that you will give detailed and full consideration to the content of these letters and reply to them, so that we can maintain a dialogue that improves protection for fundamental rights. We wish to inform you of our intention to make this letter public.

Yours sincerely

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