

AMNESTY INTERNATIONAL

Public Statement

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Colombia: Amnesty International's statement to the 7th session of the UN Human Rights Council

Amnesty International (AI) welcomes the agreement to renew the integral mandate of the High Commissioner's Office in Colombia for a further three years and expresses its continued appreciation of the work of the Office in Colombia to improve respect for human rights in the country.

Although there have been improvements in the security situation in some large cities, which have led to fewer kidnappings and conflict-related killings of civilians, the human rights situation remains serious, especially in some regions, such as Nariño and Arauca, and in rural areas. All parties to the conflict – guerrilla groups, paramilitaries, and the security forces – continue to be responsible for repeated and widespread human rights abuses and violations of international humanitarian law, including war crimes and crimes against humanity. Human rights defenders and other activists continue to be targeted in particular. Impunity continues to characterize the human rights crisis in Colombia, despite recent progress in some emblematic and long-standing cases. While AI welcomes this progress, it remains concerned that the perpetrators of most cases of human rights abuses, especially the intellectual authors, are still not being brought to justice.

This statement presents an overview of AI concerns in Colombia and recommendations for the 7th session of the Human Rights Council (3 to 28 March 2008):

Security forces. The increasing reports of extrajudicial executions (EJEs) carried out by the security forces are of particular concern for AI. The victims, mostly peasant farmers, were often presented by the security forces as “guerrillas killed in combat”. Most EJE cases have been referred to the military justice system, despite the 1997 ruling of the Constitutional Court stating that human rights cases implicating the security forces should be handled by the ordinary justice system. The military justice system usually closed such cases without any serious attempt to hold accountable those responsible. AI is concerned that the government is failing to ensure the complete exclusion of such cases from military courts in line with repeated UN recommendations.

Guerrilla groups. The Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) continue to commit human rights abuses and to violate international humanitarian law, including by the deliberate killing of civilians and hostage-taking. AI condemned the killing in uncertain circumstances in June of 11 of the 12 deputies from Valle del Cauca kidnapped by the FARC in 2002. The organisation reiterates its call on guerrilla groups to immediately and unconditionally release all civilians still detained by them.

AI is also concerned about the dispute between the FARC and ELN in Arauca Department, which has resulted in the killing of hundreds of civilians over the last few years, and about the continued use of anti-personnel mines by guerrilla groups which has resulted in numerous casualties. The

FARC were also allegedly responsible for many of the killings of candidates in the run-up to October's local elections.

Paramilitary groups. AI does not share the Colombian government's view that paramilitaries no longer operate in the country and that much of the ongoing violence in Colombia is due solely to drug-trafficking criminal gangs. While some paramilitary groups are operating as criminal gangs, and some of the resultant violence is linked to disputes between such groups, there is evidence that many traditional paramilitary groups continue to operate in many regions. Although the number of killings attributed to paramilitaries has fallen over the last few years, the figure remains high. AI has also received evidence of continued collusion between these groups and the security forces.

The Justice and Peace process. The Justice and Peace process is still failing to meet international standards for victims' rights to truth, justice and reparation. With only some 20 investigative units to handle thousands of cases of human rights violations committed by paramilitaries, the process has moved very slowly. Government plans to try paramilitaries collectively rather than individually, as currently is the case, is likely to further contribute to impunity.

Although some of those paramilitary leaders participating in the Justice and Peace process have revealed some information about persons they have killed, information on their victims' identities and the whereabouts of their bodies remains sketchy. More than 1,100 bodies were exhumed from numerous mass graves between 2006 and the end of 2007, but most of these were discovered as a result of information from rank-and-file paramilitaries who are not participating in the Justice and Peace process. Most of the bodies remain unidentified.

Very little of the estimated 4 million hectares of land stolen by paramilitaries has been returned to their rightful owners. Similarly, what little land has been returned has been as a consequence of investigations carried out outside of the Justice and Peace process. Moreover, the investigations into the links between hundreds of state officials and paramilitaries has been due largely to the work of the Offices of the Attorney General and Procurator General, and the Supreme Court of Justice, as well as of journalists and human rights groups, rather than as a result of the Justice and Peace process. Threats against and killings of victims and persons representing them in the Justice and Peace process, such as Yolanda Izquierdo and Carmen Cecilia Santana Romaña, have been of particular concern.

The civilian population. Civilians continue to bear the brunt of the conflict, especially those belonging to Indigenous, Afro-descendant and peasant farmer communities. Many of them live on lands of economic and strategic interest to the parties to the conflict. AI continues to be concerned about the high numbers of forcibly displaced persons, with some estimates suggesting that more than 130,000 civilians were newly displaced by the conflict in the first half of 2007. AI is particularly worried about the serious humanitarian situation in Nariño, where combat between the guerrilla and the security forces and paramilitary groups has led to the displacement of thousands of civilians and to serious human rights abuses committed by all parties.

During AI's recent visits to Colombia, delegates from the organization also received many testimonies about continued forced recruitment of children by both guerrilla and paramilitary groups. AI also received information about the recruitment of women and girls for prostitution by paramilitaries and criminal gangs in, for example, Putumayo Department. Some of them have been killed. AI is also concerned about the indiscriminate bomb attacks that have taken place in several urban areas, including Cali and Buenaventura, some of which the authorities attributed to the FARC.

Human rights activists. Human rights defenders, trade unionists, and community activists continue to be targeted, principally by paramilitaries. The theft last year of sensitive information from the offices of several non-governmental organizations, as well as the increase in email threats against numerous human rights organizations, trade unions and social organizations are of particular concern to AI. Physical attacks against human rights defenders continue unabated. The attack against Yolanda Becerra of the Women's Popular Organization (OFP) in Barrancabermeja in November 2007 and the killing in April 2007 of Judith Vergara, a community activist from Medellín, are only two prominent examples of such attacks.

While AI welcomes the arrival of a permanent representation of the International Labour Organization and the establishment of special units of Colombia's Office of the Attorney General to investigate the killing of trade unionists, AI remains concerned at the still-high number of attacks against trade unionists and the few prosecutions of the perpetrators of these attacks. Some 39 members of trade unions were killed in 2007.

The international community has a pivotal role to play in efforts to improve the human rights situation. The stance adopted by the international community on several human rights issues has often been clear and constructive, and it has been particularly commendable in the case of human rights defenders and trade unionists. The Human Rights Council should take up the situation in Colombia at its 7th session by critically engaging with the Colombian government, especially on those issues where it is still falling short, such as on full compliance with repeated UN human rights recommendations.

AI therefore calls on the Human Rights Council at its 7th session to:

- express concerns over the ongoing serious human rights and humanitarian situation in the country;
- urge all parties to the conflict to comply fully with the High Commissioner's recommendations, including those issued in all her previous reports;
- put in place a process with deadlines and milestones to monitor compliance with these recommendations; and
- urge the Colombian government to fully cooperate with the Council and its mechanisms..

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