

Dr. Juan Manuel Santos
Minister for National Defence,
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Bogotá, COLOMBIA

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Dear Minister,

I am writing to express Amnesty International's concern with regard to the speech you gave in commemoration of national human rights day in Colombia on 9 September, and at the accusations to which human rights NGOs (non-governmental organizations) have recently been subjected.

Amnesty International welcomes the fact that the Colombian government has expressed a public interest in improving the human rights and international humanitarian law crisis that the country is experiencing. However, the way in which your words could be interpreted to discredit and delegitimize the work of human rights NGOs, both national and international, is a cause for Amnesty International's deep concern.

The way in which NGOs are being referred to is particularly worrying when, in addition to the growing number of threats and attacks on human rights defenders by paramilitary groups such as the "Águilas Negras" (Black Eagles), it is noted that eight days prior to your speech, the legitimacy and legality of the work of another human rights organization was also publicly questioned. I am referring to the 21.30 CM& news broadcast on 1 September in which the NGO MINGA was accused of allegedly being "responsible for helping members of the FARC and ELN to emigrate to Canada". This information was apparently based on military intelligence, and the accusation appears to attempt to link MINGA's activities to the guerrilla forces when in fact the work of this organization, including the support of asylum applications, is being undertaken both legally and legitimately.

In your speech of 9 September, you acknowledge that Colombia has a problem of extrajudicial executions involving members of the security forces and you highlight the Colombian government's commitment to resolving this problem. In Amnesty International's view, an important step towards resolving this problem would be to allow the human rights NGOs to make the conclusions of their investigations public, without their work being discredited and delegitimized. National human rights organizations that have made great efforts to investigate extrajudicial executions are not alone in highlighting the severity of the situation. During the course of its research missions to different parts of the country, Amnesty International has also received information regarding a large number of extrajudicial executions, as have other international NGOs, and this is indicative of the scale of the problem.

Your comments on the progress that has been made in the sphere of the Military Criminal Justice System are also a cause for Amnesty International's concern. Without entering into whether or not there has been progress, the Military Criminal Justice System is not the appropriate mechanism by which to investigate human rights violations. Application of the Military Criminal Justice System to past cases of human rights violations involving members of the security forces has meant that the perpetrators of these violations have very often enjoyed complete impunity. Human rights bodies such as the Organization of American States, the United Nations and even the Colombian Constitutional Court itself have repeatedly insisted that cases of human rights violations involving members of the security forces in Colombia, including extrajudicial executions, should be brought before the Civilian Justice System. Without the government's firm support for independent civilian investigation mechanisms, it is difficult to see the government's stated commitment to confront the problem of extrajudicial executions.

By considering them through the Military Criminal Justice System, many cases of extrajudicial executions involving the security forces are not currently properly investigated; they are simply archived and are not included in the statistics on human rights violations. It is essential that there is an impartial and independent justice system that can publicly and transparently show which murders are in fact extrajudicial executions and which are not.

This lack of exhaustive, independent and impartial investigations into cases of extrajudicial executions sends a clear message of impunity to the perpetrators of these human rights violations, who know that they can continue to commit such violations without ever having to answer for their actions before the courts.

At the time of the 10th anniversary of the UN Declaration of Human Rights Defenders, on 9 December, and of the 60th anniversary of the UN Universal Declaration of Human Rights on 10 December, Amnesty International calls upon the Colombian government to state clearly and unequivocally its support for the legitimate work of human rights defenders and their organizations in Colombia. Such a statement would be interpreted as a sign of real political will on the part of the government and of its firm commitment to human rights.

Yours faithfully,

Susan Lee
Director Americas Regional Programme