

COLOMBIA

The Necessity of International Action on the Continuing Human Rights Crisis

Colombia: The human rights crisis continues

In spite of the new government of President Ernesto Samper Pizano taking office in August 1994, extrajudicial executions, "disappearances", torture and death threats carried out by members of the security forces have persisted. Non-combatant civilians have been killed during counter-insurgency operations and members of legal opposition groups, trade unionists, teachers, peasant and indigenous community leaders have been the target of extrajudicial executions and "disappearances". Despite the government's stated commitment to ensure their safety, human rights workers continue to be particularly targeted and to face serious threats. The activity of paramilitary groups working in close collaboration with and with the acquiescence and support of the armed forces has also persisted.

Between 7 August 1994, when the present Colombian Government took office, and January 1995, Amnesty International has taken urgent action on the following human rights violations by the armed forces and paramilitary groups:

60 people were extrajudicially executed;
12 people were "disappeared";
4 people were subject to attempts at extrajudicial execution;
More than **50** people have suffered death threats¹.

Add to this situation the fact that the introduction of anti-terrorist legislation and special public order courts dealing with terrorist and drug-trafficking cases, has led to a rapidly increasing number of political prisoners. Of the estimated 1500 political prisoners many, perhaps hundreds of them, are believed to have been arbitrarily arrested and wrongfully charged with offenses related to terrorism.

¹ These figures only relate to cases in which information arrived in good time for Amnesty International to undertake urgent action. They do not include cases on which Amnesty International is undertaking other forms of action or is following up sources of information.

Impunity for human rights violators is almost total. Despite the thousands of judicial investigations opened each year into serious human rights violations, the number of armed forces personnel convicted - and serving prison sentences - remains in single figures. Only exceptionally have members of the Colombian armed forces been held accountable before the law for political killings, and even those tried are almost all low-ranking members of the armed forces or police. It is this high level of impunity, now recognized by the Colombian Government, which has permitted the persistence of human rights violations.

Guerrilla forces have also been responsible for numerous violations of international humanitarian law, including the indiscriminate use of landmines, kidnapping and hostage taking and the deliberate and arbitrary killing of civilians and off-duty or captured members of the security forces. Amnesty International has repeatedly condemned such abuses and called on armed opposition groups to ensure respect for international humanitarian law.

Despite the gravity of the situation successive governments have failed to comply - or attempt to comply - with recommendations formulated by the United Nations (UN) Working Group on Enforced or Involuntary Disappearances, the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the Human Rights Centre of the UN and the Inter-American Commission on Human Rights (IACHR) of the Organization of Americas States (OAS).

A welcome stance

The government of President Samper has made some positive statements with regard to the human rights situation in Colombia. The Colombian Government has taken an important step forward, in comparison with previous administrations, by acknowledging the scale of the crisis and the extent to which members of the security forces are responsible for human rights violations and by making human rights a priority political issue.

In line with this acknowledgement, on 9 September 1994 President Samper launched his government's human rights program which recognized that impunity and the eradication of paramilitary forces are amongst the key issues which require urgent action. However, as yet these positive policy statements have yet to be translated into effective action.

A past pattern of governmental promises and inaction

In the past Colombian Governments have started their terms of office by emphasising their commitments to improving the human rights situation. However, these commitments were not then backed by the political will nor implementation of effective measures to reverse, and eventually halt, the spiral of human rights violations in Colombia and the human rights situation remained unchanged.

The present Colombian Government led by President Samper has similarly made positive commitments. Indeed, it has gone much further than previous administrations in its commitment, but it has as yet to turn these promises into effective action to end the human rights crisis and show that it truly possesses the political will necessary for this.

World governments including the Government of Belgium have a responsibility to continue to monitor the human rights situation in Colombia, the implementation of effective measures to end the human rights crisis and to ensure that the Colombian Government exercises the political will necessary for change.

Initial government action

Amnesty International is concerned that some of the measures which the Colombian Government has taken to date are incompatible with its commitments to end impunity and eradicate paramilitary groups, and call into question the extent of its political will to take effective action.

a) Impunity

The Colombian Government has to date failed to limit the scope of military jurisdiction to ensure that cases of human rights violations cannot be handled by military courts. In so doing the government has:

- (i) ignored the acknowledged role military courts have in guaranteeing the virtually total impunity of members of the security forces responsible for human rights violations. The Procurator-General² testified to this fact when he pointed out that military courts had ensured 100% impunity for members of the security forces responsible for "disappearances". The President of the Colombian Supreme Court of Justice and the People's Defender, have also expressed concern at the level of impunity guaranteed by military courts in cases of "disappearance" and recommended that investigation of human rights violations should be excluded from the jurisdiction of military courts;
- (ii) guaranteed the perpetuation of one of the key mechanisms of impunity, which threatens to allow for the continued violation of human rights by members of the security forces who will continue to enjoy virtually total impunity.

b) Paramilitary Forces

Since President Samper assumed office, despite the government's stated commitment to eradicate paramilitary groups, there has been a marked resurgence of paramilitary activity with "new" groups such as *Muerte a Comunistas y Guerrilleros* (MACOGUE) - Death to Communists and

² The Office of the Procurator-General is the main administrative agency with a human rights monitoring and investigative role.

Guerrillas and *Colombia sin Guerrilla* (COLSINGUE) - Colombia without Guerrillas, claiming responsibility for a series of killings.

On 9 August 1994 the only *Unión Patriótica* - Patriotic Union/*Partido Comunista* -Communist Party senator, Manuel Cepeda, was shot dead in Bogotá. The killing was later claimed by MACOGUE. COLSINGUE claimed responsibility for a series of attacks against trade unionists. In many regions including Sucre, Cesar, Norte de Santander and Antioquia paramilitary groups have been responsible for death threats, extrajudicial executions, "disappearances" and other forms of human rights violation.

Despite the government's stated commitment to eradicate paramilitary groups:

- (i) paramilitary forces continue to operate jointly with the armed forces and to carry out human rights violations even in heavily militarized areas.
- (ii) it has singularly failed to ensure that orders to arrest notorious paramilitary leaders are implemented, a move which would be a sign of the government's political will to eradicate paramilitary forces.
- (iii) it has launched a new Integrated Rural Security Plan which envisages the creation of *Asociaciones Comunitarias de Vigilancia Rural* (CONVIVIR) - Community Rural Surveillance Associations. These "Associations" are designed to have a "defensive rather than an offensive role" and will principally assist the armed and security forces in intelligence gathering. However, Amnesty International is concerned that the plan provides that the new model of civilian vigilante groups may still "in exceptional circumstances", be issued with weapons by the army. In view of the army's acknowledged role in creating, training and equipping the paramilitary organizations responsible for widespread human rights violations, the lack of civilian accountability for issuing the weapons is a serious omission. Amnesty International is seriously concerned that these vigilante groups could be used by elements within the armed and security forces to develop a new paramilitary apparatus in order to continue illegal counter-insurgency practices including extrajudicial executions and "disappearances".

Keeping the window of opportunity open - the responsibility of the international community

(i) The gravity of the human rights situation in Colombia - and its persistence over many years - require decisive action from the international community. The adoption of the Resolution by the Belgian Parliament and consideration of direct support for Colombian human rights organizations would represent an important sign of international concern for the human rights situation in Colombia.

(ii) International pressure on the Colombian Government to take effective action to improve the human rights situation is essential now in the early months of the present administration. This is a

time when Colombian and many international human rights organizations are undertaking a national and international campaign demanding such action. In the past there has been little space to debate human rights in Colombia and it is essential that action is taken now whilst the window of opportunity remains open. The risk is that without immediate action the opportunity will pass and the Colombian Government will lack the political will to implement effective change.

(iii) The Resolution represents an opportunity to encourage the Belgian Government to take a lead at the European level in continuing to give priority consideration to the human rights situation in Colombia.

(iv) A vote in favour of the Resolution would represent a positive move in terms of urging support for the appointment of a UN Special Rapporteur on Colombia during the present session of the UN Commission on Human Rights. The appointment of a UN Special Rapporteur on Colombia will help to ensure effective implementation of recommendations made by the UN, OAS and other governments.

(v) For many years Colombian governments have argued that the human rights situation in Colombia is complex, for this very reason world governments should not allow them to be misled into the belief that simply because the present administration of President Samper has launched a human rights program world governments should no longer express concern. The very complexity of political violence in Colombia means that a solution to the human rights crisis will require an extended period of close international monitoring of the human rights situation in Colombia. The appointment of a UN Special Rapporteur on Colombia would be an important step in this direction.