

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AMR 23/139/2002 (Public)
News Service No: 227

Embargo Date: 10 December 2002 18:30 GMT

Colombia: Democratic security or insecurity for all?

Published

Bogotá - Four months into Álvaro Uribe's presidency, it is already clear that the measures included in his "democratic security" doctrine threaten to weaken the rule of law and the human rights of all Colombians, said Javier Zúñiga, Amnesty International's Director of Strategy, today.

The statement was made in Bogotá today as the organization released a new report on the human rights consequences of the Uribe government's security policies.

"The frustration of Colombian society at the failure of the peace negotiations and at the worsening of the conflict is understandable, as are its repeated calls for protection in the face of the violent action of armed groups - which have never been heeded," said Zúñiga.

Undoubtedly, the Colombian government has the right and the duty to guarantee the security of its citizens. And undoubtedly, Colombia is facing an extremely difficult situation due to the action of armed groups refusing to respect international humanitarian law and to acknowledge the right of the civilian population to stay out of the hostilities.

"However, we are dismayed to see that many of the measures adopted to guarantee greater security are not aimed at illegal armed groups, but rather at the majority of Colombians, whose rights are restricted and whose security against abuses of power and arbitrary actions is undermined. If security means the protection of a few at the cost of the insecurity and lack of protection of the rights of the rest of the population, it is but an illusion."

The measures that Amnesty International is particularly concerned at include attempts to undermine the human rights guarantees contained in the 1991 Constitution. These include the weakening of the Ombudsman's Office and local State human rights structures (*Personerías*), the limitation of writs of protection (*tutelas*), as well as the restriction of human rights which have been imposed within the framework of the state of internal commotion.

"As well as being dragged increasingly into the conflict, the civilian population is becoming a target for abuses committed in the name of security. Many of these abuses happen unnoticed behind a curtain of silence that the government is making more and more impenetrable, including by hindering the legitimate

monitoring and reporting activities of human rights organizations," stressed Amnesty International's Director of Strategy.

Furthermore, Amnesty International is alarmed to observe a clear trend towards strengthening the mechanisms of impunity which have so far protected the majority of those responsible for the worst atrocities, and have denied victims and their families their inalienable right to truth, justice and integral reparation.

Measures such as the provision of judicial police powers to the security forces could not only facilitate the perpetration of abuses by allowing for detentions and house searches without judicial authorization, but could also reduce the possibility of full and impartial investigations into human rights violations committed by the security forces with or without their paramilitary allies, and of bringing to justice those responsible.

As for the initiation of peace talks with paramilitary groups, Amnesty International recalled that the international community has for years called for these groups to be dismantled. These groups are responsible for the vast majority of human rights violations.

However, the organization stressed that these negotiations must not be used to legalize paramilitary groups and guarantee their impunity and that of those who support them. In particular, Amnesty International is concerned at the possibility that members of these groups responsible for human rights violations could enjoy benefits such as amnesties or pardons and join new structures - including the peasant soldiers - created by the government to strengthen war efforts against illegal armed groups. Thus, instead of being demobilized, combatants would again be drawn into the conflict by disguising paramilitarism behind a new legal façade.

"Justice must be done in all cases of violations of human rights and international humanitarian law. This is a key condition to achieve true peace and security in Colombia," Zúñiga warned. He also stressed that the experience of internal conflicts in Latin America and the world has shown that genuine national reconciliation is only possible through negotiated solutions rooted in truth, justice, and the acknowledgment of the right to reparation for victims of violations of human rights and international humanitarian law, and their families.

"The weakening of the Attorney General's Office (*Fiscalía General*) threatens the right to justice. This right is further undermined in cases of high-ranking military officers implicated in serious human rights violations who are promoted and rewarded, rather than being held accountable for their responsibilities."

"This is not acceptable. However, the evolution of international laws offers some hope to the victims of the appalling crimes against humanity that have been and are still being committed in Colombia by state agents, private individuals who enjoy the tolerance or support of the security forces, and armed opposition groups."

"However many efforts are made to protect the impunity of those responsible, it is now possible for other countries to exercise jurisdiction over these crimes, or for those responsible for war crimes and crimes against humanity to be brought to the International Criminal Court, which will begin to function towards the middle of next year," Zúñiga concluded.

Background

Colombia is the only country of the 86 that ratified the Statute of the International Criminal Court to have submitted a declaration in relation to possible amnesties or pardons for those responsible of human rights violations, which is in breach of international law.

Furthermore, the reservation submitted to the effect of not accepting the Court's jurisdiction over war crimes over a seven-year period undermines the protection of fundamental rights.

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