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Colombia: Conviction for conflict-related rape and murders ‘a rare victory’

A civilian court’s conviction of a Colombian junior army officer for the murder and rape of a girl is a rare victory for those campaigning against impunity for sexual crimes committed during the country’s decades-old armed conflict, said Amnesty International.

On Monday sub-Lieutenant Raúl Muñoz Linares was sentenced to 60 years in prison for the rape and murder of 14-year-old Jenni Torres, as well as the murder of her brothers, nine-year old Jimi and six-year-old Jefferson, and the rape of another girl, in Tame – in north-eastern Colombia’s Arauca region – in October 2010.

“The conviction of Raúl Muñoz is a testament to the perseverance of the victims’ families and their lawyers. It is rare that perpetrators of human rights abuses are ever brought to justice in Colombia, and more so if they are members of the security forces and if the crime is one of sexual violence,” said Amnesty International Colombia Researcher Marcelo Pollack.

The case against the Sub-Lieutenant was repeatedly held up by the dubious delaying tactics of his defence team – prompting criticism from the presiding judge – and was marked by the failure of the local army battalion to assist the families of the children.

After the three murdered children disappeared in Tame in October 2010, the army refused to help search for them. Then when the bodies were found, the local authorities refused to recover their remains.

Despite repeated complaints by the local community that soldiers were regularly sexually abusing and raping women and girls in the area, the army tried to blame local residents, criminal gangs and the guerrilla for the rape and killings.

In March 2011, the case was transferred to the capital Bogotá for security reasons after the presiding judge, Gloria Constanza Gaona, was shot dead in Saravena, Arauca.

The Torres family received threats, which forced them to leave the area, and a human rights organization assisting the victims’ families was also threatened.

“Although the government and the prosecuting authorities have implemented measures to combat impunity in such cases, these have been ineffectual. More must be done to ensure that the right of survivors to truth, justice and reparation is fully respected,” said Pollack.

Sexual violence in Colombia’s conflict

Sexual violence continues to be a defining feature of Colombia’s 45-year-old conflict. All the warring parties – the security forces, the guerrillas, and paramilitaries – are responsible for such crimes.

In 2008, Colombia's Constitutional Court described sexual violence committed in the conflict as "habitual, extensive, systematic and invisible", and called on the authorities to take effective measures to end such violence and the impunity for those responsible.

But four years later, the vast majority of those responsible for conflict-related sexual crimes continue to evade justice.

Other human rights violations by the military

In a separate case, a Bogotá court on Friday convicted a retired military general to 26 years in prison for the 1990s murder of a peasant farmer by a right-wing paramilitary group.

The court found that the retired general, Rito Alejo Del Río – who has been in detention since 2008 – did not participate directly in this and the many other killings committed in the area under his command but maintained close links with the paramilitaries near Urabá, north of Medellín, from 1995 to 1997, allowing them to commit abuses with impunity.

Collusion between members of the security forces and paramilitaries has and continues to fuel human rights violations in Colombia's armed conflict.

Congress is currently debating a constitutional reform bill that, if approved, will strengthen the military justice system's role in investigating and prosecuting human rights violations in which the security forces are implicated.

"Military courts in Colombia have a shameful history of closing investigations into cases of human rights violations by members of the armed forces without holding those responsible to account," said Pollack.

"If this reform is approved, it would be a serious step backwards in the fight against impunity, and would make it even more difficult to bring to justice those responsible for serious human rights abuses and violations of international humanitarian law."