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Amnesty International's written statement on Colombia in relation to the Universal Periodic Review

Amnesty International welcomes the results of the examination of the human rights situation in Colombia, which took place in the context of the Universal Periodic Review (UPR) on 10 December 2008, in which 43 countries participated.

Many of the reviewing countries noted the Colombian government's openness in its approach to the UPR process. Amnesty International hopes this indicates a willingness on the part of the government to make greater and more effective efforts to address the serious human rights and humanitarian situation.

Many of the interventions made during the review reflected the concerns repeatedly expressed by Colombian and international human rights organizations, including Amnesty International, as well as by the UN High Commissioner for Human Rights and the OAS' Inter-American Commission on Human Rights. Of particular note was a widely shared acknowledgement that the human rights and humanitarian situation in Colombia remains serious, that the country continues to be in the midst of an armed conflict, and that paramilitary groups continue to operate despite stated efforts by the government to demobilise such groups. The Colombian government has repeatedly rejected all these assertions.

Although some key indicators of conflict-related violence, such as on kidnappings and hostage-taking, continue to improve, others are still deteriorating, such as those on internally-displaced persons. Hundreds of thousands of people are still affected by the ongoing armed conflict, especially those belonging to Indigenous, Afro-descendant and peasant farmer communities, many of whom live on lands of economic interest to the warring parties. Guerrilla groups, paramilitaries and the security forces continue to be responsible for widespread and systematic human rights abuses and violations of international humanitarian law. The still-high incidence of extrajudicial executions committed by the security forces continues to be a grave concern, as do the continued threats against and killings of human rights defenders and trade unionists. Paramilitaries are still operating, sometimes with the support or acquiescence of the security forces, despite government claims to the contrary. There has been some progress in judicial investigations into key human rights cases, although impunity remains a serious problem.

During the dialogue, many reviewing states expressed similar concerns and made an impressive 65 recommendations for concrete action by the Colombian authorities to address these.

The security forces. Many reviewing states expressed concern that the security forces continue to be responsible for serious human rights violations, in particular extrajudicial executions, and they called on the Colombian government to effectively address these human rights violations by vigorously investigating such cases and prosecuting those responsible, putting in place effective measures to stop their occurrence, and ensuring that all cases of human rights violations implicating members of the security forces are investigated by the civilian, not the military, justice system.

Guerrilla groups. Several states highlighted violations of international humanitarian law by guerrilla groups, especially kidnapping and hostage-taking, the use of landmines, and the recruitment of children. Some states called for an end to hostage-taking and kidnapping.

Paramilitaries. Several states expressed concern about continuing human rights violations committed by paramilitary groups and about links that still existed between these and members of the security forces and other state officials. They called on the government to increase efforts to dismantle paramilitary groups and to break any links that they might have with state officials.

The Justice and Peace process and impunity. Several states expressed reservations about the implementation of the Justice and Peace Law. This Law allows some paramilitaries who have laid down their arms to benefit from reduced prison sentences in return for confessions about human rights violations. Concerns revolved around whether the process was fully respecting the right of victims to truth, justice and reparation. Concern was also expressed about the still-high levels of general impunity in the country. Some interventions called on the Colombian government to ensure that all legislation and programmes related to the Justice and Peace process comply with international standards, that those responsible for serious human rights violations or abuses do not benefit from amnesties or any other similar provisions, and that greater protection is offered to witnesses and victims, and their representatives, participating in the process.

Human rights defenders, trade unionists and other activists. Many states expressed concerns over the safety of human rights defenders, trade unionists and journalists. They called on the government to refrain from making statements which undermined the legitimacy of human rights work, to make public statements at the highest level in support of human rights defenders, to take effective measures to end impunity for human rights abuses against defenders, and to cooperate with human rights organizations to adopt the National Action Plan for Human Rights.

Civilian groups at particular risk. Most states raised serious concerns about groups and communities considered at particular risk, especially Indigenous People, Afro-descendant communities, women, children and victims of human rights abuses. In particular, forced displacement was raised as a serious concern by many states. They called on the government to prosecute those responsible for forced displacement, to make greater efforts to address the serious situation facing the 3-4 million internally displaced persons in Colombia, and to ensure that misappropriated lands are returned to their rightful owners. Some states also called on the government to ensure that the Victims' Law, currently before Congress, is non-discriminatory and that it grants the same rights to reparation to victims of human rights violations by state actors as to victims of guerrilla groups. They also recommended that the government cooperate with the monitoring and reporting mechanism of UN Security Council Resolution 1612 (2005) on children and armed conflict.

As regards concerns expressed about Indigenous People, Amnesty International reiterates its condemnation of the killing by members of the security forces of Edwin Legarda, the husband of Indigenous leader Aída Quilcué, 16 December 2008. At the time of his killing, Edwin Legarda was travelling by car to the city of Popayán, Cauca Department, to pick up his wife, who was returning from Geneva where she had been active around the UPR examination of Colombia by the UN Human Rights Council, in meeting with, for example, diplomats, journalists and members of the NGO community.

Amnesty International again calls on the authorities to carry out an impartial and thorough investigation into the killing and to bring to justice in the civilian courts all those responsible. Until such investigations are effectively concluded, doubts will remain over whether the vehicle in which Edwin Legarda was travelling was deliberately targeted and whether Aida Quilcué was in

fact the intended target. The Colombian authorities must also adopt all the necessary measures to protect Indigenous leaders so that they can carry out their legitimate work of promoting and defending the human rights of Indigenous Peoples.

Amnesty International welcomes the Colombian government's decision to accept most of the recommendations submitted by states participating in the UPR, but the organization regrets that the government has rejected several key recommendations. These include, *inter alia*, recommendations to accept the jurisdiction of the committee established by the International Convention for the Protection of All Persons from Enforced Disappearance; to ratify the Optional Protocol to the Convention against Torture; to withdraw the declaration regarding Article 124 of the Rome Statute; and to once and for all put an end to the controversial programme "soldiers for a day", which Amnesty International considers threatens to drag civilians further into the conflict.

Many of the recommendations presented in the UPR review mirror those repeatedly made on an annual basis by the UN High Commissioner for Human Rights, and those from other international bodies, such as the Inter-American Commission on Human Rights. Amnesty International welcomes the fact that the government has expressed its support for a key recommendation arising from the review to urgently implement in full the repeated recommendations of the UN High Commissioner for Human Rights.

However, successive Colombian governments have repeatedly failed to fully comply with these recommendations, despite their repeated commitments to do so. The Colombian government's decision to accept the majority of the recommendations presented during the UPR must once and for all translate into comprehensive, concrete and effective action. To ensure full compliance with these recommendations arising from the review, as well as those put forward by the UN High Commissioner for Human Rights, the Human Rights Council should develop a comprehensive monitoring and follow-up mechanism, in conjunction with Colombian civil society, to effectively evaluate progress in this respect.

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