



## **The Human Rights Situation in Colombia: Amnesty International's written statement to the 22nd session of the UN Human Rights Council (25 February- 22 March 2013)**

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Amnesty International expresses its continued appreciation of the work of the Office of the UN High Commissioner for Human Rights in Colombia to improve respect for human rights in the country, including through insistence on the full implementation of repeated UN recommendations.

This statement presents an overview of Amnesty International's concerns in Colombia and recommendations to the Human Rights Council.

The start of formal peace talks between the government and the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia*, FARC) has raised expectations that the armed conflict with the country's largest guerrilla group could come to an end after almost 50 years of hostilities. However, a stable peace will remain elusive unless the two sides put a definitive end to human rights violations and abuses and violations of international humanitarian law (IHL) and those responsible for such abuses and violations are brought to justice in civilian courts.

Despite the opportunity offered by the peace talks, the parties to the conflict – the security forces, either acting alone or in collusion with paramilitaries, and guerrilla groups – continue to commit serious human rights abuses and violations of IHL, including unlawful killings, forced displacement, torture, abductions or forced disappearances, and sexual violence.

Civilians, especially members of Indigenous People, Afro-descendent and peasant farmer communities, human rights defenders, community leaders and trade unionists continue to bear the brunt of the human rights consequences of the armed conflict.

Recent progress by the civilian courts in bringing to justice at least some of those responsible for such abuses and violations, especially in several emblematic human rights cases, is likely to be reversed as a result of recent legislation, including reform of the military justice system, which will exacerbate impunity in the country.

The Victims and Land Restitution Law, meanwhile, has the potential to make a real difference to the lives of at least some of the millions of victims of human rights violations and abuses. However, threats against and killings of those campaigning for land restitution and those seeking to return to their lands could undermine implementation of the law.

### **Security forces**

The security forces continue to be responsible for serious human rights violations and violations of IHL, sometimes in collusion with paramilitary groups. Extrajudicial executions by the security forces continue to be reported. Although the Office of the Attorney General is investigating thousands of extrajudicial executions committed directly by the security forces during the conflict, few of the perpetrators have been brought to justice. Moreover, the military justice system, which has a record of closing such investigations without holding those responsible properly to account, continues to claim jurisdiction in many such cases.

### **Guerrilla groups**

The FARC and the National Liberation Army (*Ejército de Liberación Nacional*, ELN) continue to commit serious human rights abuses and violations of IHL, including killings, hostage-taking, forced displacement, the recruitment of children and the use of indiscriminate weapons, such as land mines. Although in 2012 the FARC announced it would end the kidnapping of civilians for ransom, it failed to make a commitment to end all forms of kidnapping and hostage-taking as well as other human rights abuses and violations of IHL. Guerrilla groups were also responsible for indiscriminate attacks that placed civilians at risk.

### **Paramilitaries**

Despite their supposed demobilization, paramilitary groups, labelled “criminal gangs”, continue to operate and are responsible for serious human rights violations, including killings, enforced disappearances and “social cleansing” operations in poor urban neighbourhoods. Some were committed with the collusion or acquiescence of the security forces. The victims were mainly trade unionists and human rights defenders, as well as representatives of Indigenous Peoples and Afro-descendent and peasant farmer communities. The Justice and Peace process, which began in 2005, continued to deny victims of paramilitary human rights violations their right to truth, justice and reparation. According to the Office of the Attorney General, by December 2012 only 14 paramilitaries had been convicted under the Justice and Peace process.

### **Impunity**

The government’s support for several legislative reforms raises doubts about its commitment to end impunity. In December 2012, Congress approved a reform giving the military greater control over criminal investigations implicating members of the security forces in human rights violations and that could see cases of human rights violations transferred to the military justice system, contrary to international human rights standards. In June 2012, Congress approved the “legal framework for peace”, which could also enable human rights violators and abusers to evade justice. In December 2012, Congress passed a reform of the Justice and Peace Law, which extended the deadline for demobilizations. This has sent a dangerous message to the parties to the conflict that they can continue to commit human rights violations and abuses and yet still benefit from the provisions in the Justice and Peace Law.

Although in 2012 Colombia ratified the International Convention for the Protection of All Persons from Enforced Disappearance, it did not recognize the competence of the UN Committee on Enforced Disappearances to consider individual communications, thereby denying victims and their families an important recourse to justice. Although accurate numbers are hard to establish, at least 30,000 people are thought to have been forcibly disappeared during the conflict.

### **Human rights defenders, community leaders and trade unionists**

Despite the government’s public condemnation of attacks against them, human rights defenders continue to suffer attacks, threats, judicial persecution and the theft of sensitive case information. In 2012, at least 40 human rights defenders and community leaders and 20 trade union members were killed. Activists working on land restitution issues and those seeking to return to their lands have in recent years been at particular risk of attack.

### **Indigenous Peoples**

The impact of the conflict on Indigenous Peoples intensified as hostilities raged in their territories, especially in Cauca and Valle del Cauca departments. According to the National Indigenous Organization of Colombia, at least 84 Indigenous persons were killed in 2012, including 21 leaders. Every year, thousands of Indigenous persons continue to be forcibly displaced from their territories by all the warring parties. High-ranking officials have made unfounded statements linking Indigenous leaders and communities with guerrilla groups.

### **Violence against women**

All parties to the conflict continue to subject women to sexual violence, including rape, and other forms of gender-based violence. However, very few of the perpetrators have been brought to justice, and compliance by the authorities of the Constitutional Court's landmark ruling on women and displacement (*Auto 092* of 2008) remains poor.

A potentially important development in the fight against gender-based violence is the bill "to guarantee access to justice for victims of sexual violence, especially sexual violence in the context of the armed conflict" that is currently being debated in Congress. If enacted, it will, among other things, amend the Criminal Code to make certain forms of conflict-related sexual violence, such as forced nudity, abortion and pregnancy, specific criminal offences.

### **Role of the international community**

The international community has a fundamental role in resolving the serious human rights and humanitarian situation in Colombia. It must continue to engage actively with the Colombian government. While the international community should acknowledge concrete and effective action on particular issues, it must not desist from criticizing the authorities on those issues where they have clearly failed to deliver, such as on full compliance with the repeated recommendations of the UN High Commissioner for Human Rights, including on Colombia's obligations to effectively combat high levels of impunity for human rights abuses and violations of IHL.

Amnesty International calls on the Human Rights Council and its members and observer states at the 22<sup>nd</sup> session to:

- acknowledge that widespread human rights abuses and violations of IHL continue to be committed by all the parties to the conflict in Colombia;
- urge all parties to the conflict to comply promptly and fully with the recommendations of the High Commissioner for Human Rights, including those issued in all her previous reports, and of other UN bodies, including on effectively protecting communities and groups at risk of attack, ending impunity, and taking action to dismantle paramilitary groups and break their on-going links with the security forces;
- recommend full implementation of accepted UPR recommendations and commitments and regular reporting to the Council on such implementation;
- put in place a process with deadlines and milestones to evaluate compliance with these recommendations and commitments;
- call for the repeal of legislation, such as that broadening of the scope of military jurisdiction, that threatens to exacerbate already high levels of impunity, and insist that all those responsible for human rights violations and abuses are brought to justice; and
- urge the government and the FARC to ensure that respect for human rights are central to the peace talks and insist that both sides make a verifiable commitment to end all human rights violations and abuses and violations of IHL.