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Colombia: Justice and Peace Law will guarantee impunity for human rights abusers

If the Justice and Peace Bill is approved, victims of human rights abuses and their relatives may never know the truth about the crimes committed against them or see the perpetrators of these abuses brought to justice, Amnesty International said today as Congress debates the draft Justice and Peace legislation, which is designed to provide a legal framework for the demobilization of illegal armed groups.

"The draft legislation fails to comply with international standards on victims' right to truth, justice and reparation. It will exacerbate Colombia's endemic problem of impunity, and risks demobilized paramilitaries being reintegrated into the armed conflict," said Amnesty International.

Under the proposed legislation, combatants who demobilize will receive benefits including reduced prison sentences of five to eight years even if they are implicated in serious human rights abuses, such as war crimes and crimes against humanity.

A demobilized combatant can provide information on offences they have committed or witnessed, but under the legislation there is no incentive for them to do so since they will not lose any benefits if it is subsequently revealed that they lied in statements made to the authorities during their demobilization.

Paramilitary groups have a political, economic and social stranglehold over many parts of the country. If the Colombian government is serious about dismantling them, it should make sure that paramilitaries collaborate fully with the judicial authorities, including providing information on the offences they and other combatants have committed, the assets they have acquired as a result of their activities, the nature of the group to which they belong, and the support over decades they have received from the security forces and other state and private actors in human rights violations committed by them.

"The right of victims to truth, justice and reparation can only be guaranteed if those responsible are subject to full and impartial legal proceedings, which include cross-examination of defendants in a court of law and the full participation of victims and their families in the legal process to ensure that the full truth is known."

The draft legislation also fails to include measures to guarantee that combatants are effectively demobilized. There is strong evidence that paramilitary structures are remaining intact after demobilization and that demobilized combatants are being "recycled" into the conflict, mainly as paid military informants.

The bill fails to guarantee the right of victims to reparation which, according to international norms, should include guarantees of non-repetition. Failure to ensure that those responsible for human rights violations are brought to justice and that combatants are not reintegrated into the conflict will make it difficult to guarantee non-repetition.

All parties to Colombia's 40 year internal armed conflict -- the security forces, paramilitaries and guerrilla groups -- have committed serious human rights violations. But paramilitaries, who often act in collaboration with the security forces, are responsible for most massacres, "disappearances", and cases of torture and forced displacement.

The government conditioned the demobilization talks on the paramilitaries' agreement to stop attacks against civilians. But more than 2,200 killings and "disappearances" of civilians have been attributed to the paramilitaries since they declared a "ceasefire" in December 2002.

Serious human rights violations also continue to be committed by paramilitaries operating in coordination with the security forces, and by paramilitaries in areas where paramilitary structures have supposedly been demobilized.

"By failing to ensure those accused of human rights violations are subject to full and impartial investigations under proceedings consistent with international norms on truth, justice and reparation, the proposed law would in practice be promoting contracts of impunity which would benefit not only paramilitaries, but their security force backers and others responsible for sponsoring their activities, as well as members of the guerrilla implicated in human rights abuses," Amnesty International said.

Background Information

The government began demobilization talks with the army-backed paramilitary umbrella organization, the Self-Defence Forces of Colombia (Autodefensas Unidas de Colombia, AUC), soon after the AUC announced a ceasefire in December 2002. Under the Santa Fe de Ralito agreement, signed in July 2003, the AUC agreed to demobilize its up to 20,000 combatants by the end of 2005. More than 5,000 paramilitaries have so far reportedly demobilized.

On 13 April, UN High Commissioner for Human Rights Louise Arbour stated: "[...] the possibility of creating judicial benefits for members of illegal armed groups who decide to put down their weapons collectively and sign peace agreement with the Government should be considered. However, such benefits must be dependent on the beneficiaries' efforts to contribute effectively to justice, which would include clarification on what has occurred and the reparation of the damages caused to the victims. Adequate measures to dismantle the illegal structures that enabled these groups to have social, economic and political influence should be implemented. In this context I have to express great concern for the text of the draft bill that the Congress of Colombia is presently debating, in its present form. I encourage the State to use the advice that my office in Colombia has been providing and will continue to provide on these crucial matters."

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