

Dr. Alvaro Uribe Vélez  
President of the Republic of Colombia  
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Santafé de Bogotá,  
COLOMBIA

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*Dear Mr President,*

*On the day that your government takes office, I would like to take this opportunity to underline Amnesty International's (AI) sincere hope that the human rights of all Colombians will be placed at the heart of your political program.*

*AI has over the last three decades closely monitored the human rights crisis in Colombia. The organization has issued numerous actions and has published reports based on AI's *in situ* research. In these reports, the organization has made public the many violations of human rights and international humanitarian law that have implicated members of the security forces, as well as paramilitaries, operating in collaboration or with the acquiescence of the armed forces. AI has also highlighted abuses of human rights and violations of international humanitarian law committed by the armed opposition groups. In the long-standing dialogue that AI has maintained with successive Colombian Governments over the last 30 years, it has emphasized the international responsibility of the Colombian State to fulfil its national and international obligations with regards to the respect and protection of human rights.*

*The armed parties to the conflict increasingly show very grave disregard for human rights and international humanitarian law. It is the*

civilian population that inevitably bears the brunt of this deteriorating human rights crisis, since it is increasingly targeted by all armed sectors to prevent its possible, perceived or imaginary support for the opposing side. The statistics for 2001 alone are alarming; according to AI, over 300 people "disappeared", more than 4,000 civilians were killed -- the majority by army-backed paramilitaries -- tens of thousands of people were displaced and over 1,700 people were kidnapped, mainly by guerrilla groups. Preliminary data collated by AI suggests that the human rights situation is deteriorating in 2002.

AI is seriously concerned that the collapse of the peace process with the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), Revolutionary Armed Forces of Colombia, in February 2002 is leading to an intensification of the conflict, and that the chronic human rights crisis will worsen even further as a result. The organization also fears that the likely impact of some of the policies being put forward by your government would exacerbate this human rights crisis even further.

The armed opposition groups, which have also been responsible for numerous and repeated violations of international humanitarian law, must assume their responsibility for perpetuating and exacerbating the cycle of violence in Colombia. AI unreservedly condemns their deliberate and arbitrary killings of civilians, kidnappings and hostage-taking, and indiscriminate and disproportionate attacks on military targets which have resulted in the killing and wounding of civilians. FARC attacks often involve the use of gas cylinder explosives, which were used to such deadly effect in Bojayá, Chocó Department, in May 2002. These are serious breaches of international humanitarian law which AI deplors and for which the guerrilla forces must be held to account. However, abuses by the armed opposition groups should not and cannot be used as an excuse by the Colombian Government not to take the policy measures necessary to confront the human rights crisis.

It is AI's strongly held belief that until human rights and Colombia's international commitments are fully observed the country will not enjoy

effective or long-lasting security. Because of its duties and obligations under domestic and international law, and its role in upholding the law, maintaining order and dispensing justice, the Colombian State must assume responsibility for resolving the human rights crisis. AI therefore urges you to develop and implement a coherent and comprehensive human rights policy that complies fully with Colombia's international obligations, the human rights recommendations of the United Nations (UN) and other international bodies, including on action to end impunity; to confront and dismantle army-backed paramilitaries; and to guarantee the safety of vulnerable sectors, such as human rights defenders, trade unionists, the indigenous and Afro-Colombian populations, and internally displaced persons.

Impunity is the cornerstone of continued extrajudicial killings, "disappearances", torture and other human rights violations in Colombia. Despite the August 1997 ruling of the Constitutional Court, the approval of the law against forced disappearances, and the new Military Criminal Code in 2000, military courts continue to pursue investigations into human rights violations in which senior military officers are implicated. These courts have routinely failed to bring to justice those responsible for human rights violations. Although the civilian justice system has implicated members of the security forces in human rights violations committed in collaboration with paramilitary forces, these criminal investigations have been severely hampered by threats made against judicial investigators and witnesses, and by the removal from their posts of judicial investigators by the Office of the Attorney General at critical moments in an investigation.

AI is therefore concerned about the safety of judicial investigators, many of whom have been threatened and even killed because of their work on human rights cases. AI calls on the new government to ensure that all cases of human rights violations be excluded from the jurisdiction of military courts; that all members of the security forces implicated in cases of human rights violations by judicial or disciplinary investigations be suspended from duty until such time that their responsibility or innocence has been determined; that the security forces provide full support to the Office of the Attorney General in advancing judicial investigations into cases of human

rights violations; and that the necessary measures are put in place to guarantee the safety of judicial investigators.

The Colombian authorities have also consistently failed to take decisive action to confront paramilitary forces, who are responsible for the vast majority of non-combat related killings. The principal reason that paramilitary groups have been able to continue their military offensive, characterized by widespread human rights violations, is that they continue to benefit from the support and acquiescence of the security forces and frequently operate in coordination with them. The use of paramilitary forces continues to be integral to the military's counter-insurgency strategy. Successive Colombian governments have and continue to argue that the links between the security forces and the paramilitaries represent isolated incidents. However, evidence pointing to high-level coordination between these two groups is overwhelming. The new government must, therefore, commit itself to undertake full and impartial investigations into the links between paramilitary groups and the security forces, and ensure that those members of the security forces responsible for training, supporting and collaborating with paramilitary groups are held to account; and take immediate steps to ensure that paramilitary organizations are dismantled and those members responsible for human rights violations are brought to justice.

Despite measures taken by your predecessor to protect the invaluable work carried out by human rights defenders, the threats against those at the forefront of human rights work have continued unabated. Human rights defenders have been internationally recognized as playing a crucial role in promoting and defending human rights and ensuring that grave human rights violations committed by the State against its citizens are exposed and those responsible held to account. The importance of this work has been recognized by the UN and the Organization of American States as essential, and more so in times of conflict. To ensure that human rights defenders in Colombia are able to continue their work without the threat of reprisals, AI calls on your government to initiate an immediate dialogue at the highest level with defenders to revise existing policies for their protection; strengthen the protection program administered by the Ministry of the Interior; and implement the recommendations of the Special Representative of the UN Secretary General's on human rights defenders.

AI would also like to express its concern about suggestions that your administration will reform the 1991 Constitution, in particular some of its important human rights safeguards. The international community, and human rights organizations in particular, at the time welcomed the introduction of strong human rights safeguards in Colombia's *Magna Carta*, which the Inter-American Commission on Human Rights called one of the most advanced in Latin America. These provisions, and the autonomy of state institutions which have played a critical role in safeguarding human rights, must be protected and strengthened, if the human rights crisis is to be resolved.

We are therefore alarmed by recent comments made by your Minister-designate of the Interior and Justice, Fernando Londoño Hoyo, in which he criticized the work of the Constitutional Court by, among other things, accusing it of proselytism. The Court has played a crucial role in ensuring that the human rights provisions enshrined in the 1991 Constitution are upheld, in principle if not in practice. Attempts to

*undermine the Court raise fears that your government might seek to severely weaken the role of the Court. The idea, also being mooted by members of your administration, to merge the Office of the Human Rights Ombudsman with that of the Procurator General could seriously undermine the Ombudsman's ability to pursue its role of vigilance and monitoring of human rights and severely threatens the autonomy of the Office of the Procurator General. On the contrary, the Office of the Ombudsman needs to be extended and strengthened, together with the capacity of the Office of the Procurator General to carry out disciplinary investigations into the responsibility of public officials in human rights violations. Similarly, the merging of the interior and justice ministries threatens to seriously compromise the independence of the judiciary.*

*AI is also calling on the new government to reconsider its announced intention to re-establish the President's faculty to call a state of siege, dropped in the 1991 Constitution, since it would give extraordinary powers to the armed forces and the Presidency for an unlimited period, principally by removing judicial and legislative oversight over states of exception. There are fundamental rights that cannot be suspended under international law and must be respected regardless of whether or not a state of siege is called. These include Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 of the International Covenant on Civil and Political Rights, and Articles 3, 4, 5, 6, 9, 12, 17, 18, 19, 20 and 23 of the American Convention on Human Rights, as well as the judicial guarantees for the protection of the rights and freedoms enshrined in those articles (Inter-American Court of Human Rights Advisory Opinions OC-8/87 and OC-9/87). Under international law, the right to life, to be free from torture, ill-treatment and enslavement, freedom from arbitrary arrest, the right to a fair trial, and freedom of thought cannot be subject to derogations even in times of emergency. In this context, remarks by your Minister-designate of the Interior and Justice, in which he publically stated that all public rights and freedoms, including that of expression, could be curtailed in the name of security is a worrying development.*

*Government measures to strengthen the country's security must be based on the full respect of international treaties to which Colombia is a party. This is why AI also has strong concerns about your proposals to grant*

judicial police powers to the armed forces and to allow the military to carry out house searches and arrests without judicial authority. This not only runs against the spirit of the recent ruling by the Constitutional Court, which declared unconstitutional similar measures contained in the National Security and Defence Law, but also threatens to strengthen the mechanisms of impunity by covering up responsibility for human rights violations committed by the armed forces and the paramilitaries.

AI would also like to raise its serious concern, shared by many Colombian and international human rights organizations, that some of your other security policies are likely to seriously exacerbate the human rights crisis in Colombia. We are particularly alarmed by your proposal to create a million-strong civilian militia of informers, similar to the now disbanded *Convivir* program created by the government of President Ernesto Samper Pizano. Like the *Convivir*, the proposed million militia of informers will be designed to assist the security forces in counter-intelligence tasks that would inevitably further fuel the spiral of political violence. Such a strategy will only serve to drag the civilian population further into the conflict and expose those involved to revenge attacks from one of the sides in the armed conflict.

Although you have reiterated on a number of occasions that the one million-strong civilian militia will not be armed, we are nevertheless concerned that during Amnesty International's Round Table with the Presidential Candidates on 6 May 2002 you said that your government would not disarm those already in possession of guns. Given that Colombia is already awash with weapons, we fear that the new militia will *de facto* emerge as an armed force. We are also concerned that, as with the *Convivir*, the new militia will only serve to strengthen the paramilitaries and blur the distinction between legal and illegal vigilante groups. *Convivir* groups were responsible for the massacre of civilians and other human rights violations, often in coordination with paramilitary groups and the Colombian armed forces, while in 1999 almost 40 *Convivir* groups declared their intention to join the paramilitaries after the government announced plans to restrict

*their use of weapons. Mr President, there can be no guarantees that the same might not happen again.*

On the question of possible future peace talks, AI would like to express its concern that, when proposing that negotiations should take place with the guerrillas and the paramilitary groups, you did not acknowledge the links that exist between the armed forces and the paramilitary, and consequently did not stress the need to combat and dismantle such groups and break their links with the security forces. A true peace process requires all those responsible for violations and abuses of human rights, whether they be guerrillas, paramilitaries or members of the security forces, to be brought to justice. AI must also insist that respect for human rights and international humanitarian law must be at the heart of any future peace negotiations.

Despite the severity of the human rights crisis, there is a clear blueprint for action that your government can and must adopt. This is based on the full and immediate implementation of the recommendations of UN human rights bodies, some of which have been outlined in this letter, and on the UN Vienna Declaration and Programme of Action signed by the Colombian government and another 170 States at the World Conference on Human Rights on 25 June 1993. The Vienna Declaration and Programme of Action states that “each State [should] consider the desirability of drawing up an action plan identifying steps whereby that State would improve the promotion and protection of human rights” (Article 71). The Declaration also acknowledges “the important role of non-governmental organizations in the promotion of all human rights” (Article 38). AI therefore calls on your government to give priority to developing a human rights action plan, and to ensure that human rights organizations play a central role in this process.

I hope that you and your government will be willing to accept our offer to engage in an open dialogue with AI and other human rights organizations to discuss these issues of utmost importance and urgency. The international community also has an important role in this process, and AI will, of course, be pressing foreign governments and international organizations to support Colombia in its efforts to finally put a definitive end to the human rights crisis.

*Yours sincerely,*

*Irene Khan  
Secretary General  
Amnesty International*



