



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/NGO/255
8 March 2005

ENGLISH AND SPANISH
ONLY

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Item 3 of the provisional agenda

ORGANIZATION OF THE WORK OF THE SESSION

**Written statement* submitted by the Colombian Commission of Jurists (CCJ),
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

DECLARATION BY COLOMBIAN NGOS AND SOCIAL ORGANIZATIONS

During 2004, the human rights situation in Colombia worsened: there is still a great number of violations of the rights to life and to personal integrity and of cases allegedly committed by the Armed Forces; all of the combatants persist in IHL violations; arbitrary detentions increased; kidnapping is practiced on a large scale; and forced displacement is still one of the most serious violations. Poverty and inequality levels have significantly increased. The rights to education, health, social security, work, and a healthy environment are not guaranteed to all of the population. The prevalence of military spending and external debt payment has negative repercussions on economic, social, and cultural rights.

International human rights protection bodies have reiterated that an improvement can only be seen if impunity is overcome, international recommendations are respected, and the Social State under the rule of law is consolidated. Government policies are not aimed at such purposes; they restrict fundamental guarantees and liberties, weaken the exercise of legitimate political opposition, and disregard international obligations.

The Government still has not complied with most of the recommendations and has acted counter to others, in spite of the commitments assumed before the Commission on Human Rights and the international community. The work of the Office of the HCHR is vital for the Government to immediately apply the recommendations.

1. Sociopolitical Violence

From January to June 2004, 2,513 persons lost their lives due to sociopolitical violence; 1,354 died due to causes not directly related to the armed conflict. Violations of the right to life directly attributed to State agents have tended to increase: 139 extrajudicial executions or forced disappearances in the first semester of 2004, as compared to 184 cases during all 2003.

From January to June 2004, more than 183 persons were forcibly disappeared. The investigations of these violations have not had any significant progress. A visit of the Working Group is important.

During 2004, 1,402 persons were kidnapped as follows, allegedly by: guerrilla groups, 441; paramilitary groups, 128; common delinquents, 397; relatives, 59; unidentified perpetrators, 377.

From August 2002 through August 2004, more than 6,411 persons were arbitrarily detained. There were systematic violations of the right to personal liberty and the right to due process. Many combatants who had re-entered society and informants were used to falsely accuse persons of being terrorists and rebels.

Torture is systematic. During the first semester of 2004, 96 persons were tortured. There are no guarantees of protection when denouncing cases of torture and often judicial and disciplinary authorities omit investigating them. The Government has disregarded the recommendations made by the Committee against Torture (CAT/C/CR/31/1).

The humanitarian crisis persists. In 2004, 287,581 persons suffered forced displacement. In more than 131 of the 1,100 municipalities, combatant groups kept thousands of persons confined, restricting their freedom of movement and arbitrarily controlling the transportation of essential goods. The Government has disavowed Constitutional Court orders to face this crisis.

From August 2002 through August 2004, 33 human rights defenders were murdered or forcibly disappeared, the highest rate in eight years. The President persists in presenting NGOs as a threat. Not only did he not rectify the accusations made against them in 2003, but also ratified and complemented them: he threatened to deport International Peace Brigade members and accused Amnesty International of legitimizing terrorism.

2. Violations against Specific Populations

The Government has not taken measures to guarantee the safety and rights of: trade unionists - who continue to be murdered, threatened, and arbitrarily detained; women, young women, and girls - who are victims of sexual violence and violations against their social and political participation; indigenous peoples - who have been the victims of genocide and ethnocide; lesbians, gays, bisexuals, and transgenderists - who are systematically discriminated; and afro-descendent communities - who continue being attacked and persecuted.

3. Militarization of the Society

The civilian population is still being utilized for the war. The Government intends to turn everyone into a combatant.

The implementation of the security policy has led to increase military personnel and to the use of counter-guerrilla strategies that affect the civilian population, disregarding the basic principles of IHL and the duty of the State to protect its citizens. In military operations, such as the second phase of the "Patriot Plan", the population's rights have been disregarded. Programs, such as the informants network, recruitment of peasant soldiers, and extension of military service to vulnerable sectors, are still being implemented. The Government uses private security companies in intelligence activities.

4. Dismantling the Social State under the Rule of Law

Since July 2002, several legislative initiatives have been promoted to restrict the population's fundamental rights. Although some were not approved by Congress and others declared unconstitutional, the Government keeps insisting on them.

The Government promoted the approval of the law that regulated the constitutional reform that granted judicial powers to the military forces, thus failing to honor its commitment before the CHR. The Constitutional Court declared that reform unconstitutional. Nevertheless, the Government announced that it would insist in limiting this Court's attributions as well as those of the Ombudsman's Office and the mechanism of *tutela* (a constitutional action for immediate legal protection of human rights).

5. Impunity and Weakened Justice

The Prosecutor General's Office has not guaranteed justice in cases of violations of human rights and IHL. Nor has it met its commitments to the HCHR's Office to comply with its recommendations.

6. Paramilitary Demobilization and Consolidation

A demobilization process aimed at dismantling the paramilitary groups is the best opportunity to overcome impunity and achieve lasting peace. The Government did not demand that the paramilitary with whom it entered into conversations fulfill their promise to cease hostilities (paramilitaries are alleged perpetrators of 1,899 murders and forcible disappearances from September 2002 through September 2004). Nor did it adopt measures by which the demobilization process would not violate the rights to truth, justice, and reparation. The norms and procedures applied by the Government perpetuate impunity and enable these groups to illegally reproduce themselves or embed themselves in legality.

Paramilitary groups have broadened their social, economic, and military control, especially over local governments and State resources. The ties between members of the Armed Forces and these groups persist, without any measures being adopted to eliminate them, thus facilitating the consolidation of paramilitarism in many regions.

7. Absence of a Political Solution to the Conflict

The President denies the existence of an armed conflict and affirms that there is only a terrorist challenge, disregarding the principle of distinction. He sustains that to fight the terrorists, all citizens must be combatants. As in Iraq and other countries, he uses the war against terrorism to ignore fundamental rights.

Although the Government has undertaken conversations with paramilitaries, it has not advanced in creating political scenarios for dialog and negotiation with guerrilla groups. Colombian society is crying out for a humanitarian agreement, but the guerrilla groups and the Government have shown no political willingness to enter into one.

8. IHL Violations

In Colombia the internal armed conflict persists. All of the combatant groups continue committing grave violations of humanitarian law, especially hostage taking, as manifested in kidnapping and retaining of civilians.

During 2004, in Tierralta (Córdoba), members of the National Army unduly restricted the transportation of food to the members of the Embera Katío indigenous tribe.

In June 2004, in Tibú (Norte de Santander), 34 peasants were murdered allegedly by FARC guerrilla fighters.

In May 2004, in Quibdó (Chocó), 12 persons were kidnapped allegedly by ELN

guerrilla fighters during an illegal blockade. Four persons were later released.

The persisting non-compliance with its international obligations constitutes an open defiance of the Government against the CHR; therefore, the Commission must not select Colombia to be one of its members until the Government cooperates and complies with the President's Declaration.

PETITIONS

The Human Rights Commission must:

- I. Urge the Colombian Government to:
 1. Immediately implement all of the recommendations made by the HCHR, the special procedures, and the conventional bodies of the UN.
 2. Immediately design and implement a human rights policy in accordance to international legislation, based on a broad consensus with civil society of a National Human Rights Action Plan that meets international requirements.
 3. Adopt a legal framework to advance peace processes with all combatant groups (including present conversations with paramilitary groups) which hinders impunity, ensures the dismantling of the control structures of these groups and the restitution of illegally obtained property, and guarantees victims' rights to truth, justice, and reparation.
 4. Publicly acknowledge the legitimate nature of the work of persons who promote and defend human rights, and abstain from judicially promoting false accusations against them.
 5. Abstain from making and promoting arbitrary detentions, both individual and massive, and reconsider the security policy to ensure the entire population's rights to security, freedom, personal integrity, intimacy, good reputation, and due process.
 6. Adequately apply guiding principles for forced displacement.
 7. Promote a negotiated political solution to the armed conflict.
- II. As long as the armed conflict persists, urge all of the combatant groups to respect humanitarian law and promote special agreements for the release of all persons deprived of their liberty due to the conflict, without detriment to the rights of the victims to truth, justice, and reparation.
- III. Strengthen United Nations action regarding human rights:

1. Request that the High Commissioner present an interim report to the General Assembly on the human rights situation in Colombia.
2. Support and strengthen the action of the Office in Colombia of the United Nations High Commissioner for Human Rights, backing its mandate and promoting broadening its regional coverage.
3. Appoint a Special Rapporteur for Colombia as a complementary mechanism to the High Commissioner's Office.
4. Set up a group of experts to analyze the causes of the Colombian State's reiterated non-compliance with the recommendations, and request that it present a report during the next sessions.
5. In accordance with the recommendation for Colombia of the Special Rapporteur on the situation of human rights and the fundamental liberties indigenous peoples¹, request that the Representative to the Secretary General for the Prevention of Genocide create an emergency program for the attention of endangered communities and present a report on the Government's compliance with international recommendations.
6. Exhort all United Nations agencies in Colombia to demand that the Colombian State comply with international recommendations and with the guiding principles on forced displacement.

This statement is supported by the following organizations:

1. Asociación Campesina de Antioquia
2. Asociación Campesina del Valle del Río Cimitarra (ACVC)
3. Asociación Comunitaria para el Desarrollo Social (ASOCODES)
4. Asociación Cultural Casa del Niño (ACCN)
5. Asociación de Cabildos y Autoridades Tradicionales del Consejo Regional Indígena del Tolima (CRIT)
6. Asociación de Desplazados de Soledad y Colombia (ADUSOC)
7. Asociación de Familiares de Detenidos Desaparecidos (ASFADDES)
8. Asociación de Trabajo Interdisciplinario (ATI)
9. Asociación Minga
10. Asociación Nacional de Ayuda Solidaria (ANDAS)
11. Asociación Nacional de Desplazados Colombianos (ANDESCOL)
12. Asociación Nacional de Usuarios Campesinos – Unidad y reconstrucción (ANUC – UR)
13. Asociación Nacional de Usuarios Campesinos (ANUC – PUTUMAYO)
14. Asociación para el Desarrollo Social e Integral (ECATE)
15. Asociación por el Desarrollo y la Integridad de la Mujer, la Juventud y la Infancia (ASOMUJER)

¹ Special Rapporteur on the Situation of Human Rights and the Fundamental Liberties of Native Indians, *Report on the Visit to Colombia from March 8 to March 17, 2004*, E/CN.4/2005/88/Add.2, November 10, 2004, par.115.

16. Asociación Pro-Desarrollo de Familias Desplazadas y no Desplazadas del Suroccidente de Barranquilla (APRODEFA)
17. Asociación Solidarios por la Vida (SOLIVIDA)
18. Benposta Nación de Muchachos
19. Central Unitaria de Trabajadores
20. Centro Cristiano para la Justicia, la Paz y la Acción no Violenta (JUSTAPAZ)
21. Centro de Investigación y Educación Popular (CINEP)
22. Centro de Promoción Ecuménica y Social (CEPECS)
23. Colectivo de Abogados “José Alvear Restrepo” (CAJAR)
24. Comisión Colombiana de Juristas (CCJ)
25. Comisión Intereclesial de Justicia y Paz
26. Comisión Nacional de Derechos Humanos y Paz de la USO
27. Comité Permanente por la Defensa de los Derechos Humanos (CPDH)
28. Comité Permanente por la Defensa de los Derechos Humanos “Héctor Abad Gómez”
29. Comité Regional de Derechos Humanos “Joel Sierra”
30. Comunidades Eclesiales de Base (CEBS)
31. Confederación de Trabajadores de Colombia (CTC)
32. Cooperativa Multiactiva Interétnica Nuevo Horizonte (COMIN)
33. Corporación AVRE - Apoyo a Víctimas Pro Recuperación Emocional
34. Corporación Casa de la Mujer
35. Corporación Centro de Estudios y Desarrollo de los Derechos Humanos (CEDERHNOS)
36. Corporación Colectivo de Abogados Luis Carlos Pérez
37. Corporación Colombiana de Teatro
38. Corporación Fondo de Solidaridad con los Jueces Colombianos (FASOL)
39. Corporación Jurídica Libertad
40. Corporación Jurídica Yira Castro
41. Corporación Nación
42. Corporación Nuevo Arco Iris
43. Corporación para el Desarrollo del Oriente Compromiso
44. Corporación para el Desarrollo Regional, Mesa de Organizaciones Sociales Surcolombianidad
45. Corporación para la Defensa de los Derechos Humanos REINICIAR
46. Corporación Regional para la Defensa de los Derechos Humanos (CREDHOS)
47. Corporación Servicios Profesionales Comunitarios SEMBRAR
48. Corporación Tutopías
49. Corporación Viva la Ciudadanía
50. Defensa de Niñas y Niños Internacional (DNI)
51. Franciscans International
52. Fundación Centro de Vida Integral
53. Fundación Comité de Solidaridad con los Presos Políticos (FCSP)
54. Fundación Cultura Democrática
55. Fundación Dos Mundos
56. Fundación Foro Nacional por Colombia
57. Fundación Franciscana Santo Tomás Moro
58. Fundación Horizontes de Libertad
59. Fundación Manuel Cepeda
60. Fundación Menonita Colombiana para el Desarrollo (MENCOLDES)
61. Fundación para la Educación Popular (FUNCOP- CAUCA)

62. Fundación para la Educación y el Desarrollo (FEDES)
63. Fundación para la Promoción de la Cultura y la Educación Popular (FUNPROCEP)
64. Fundación Sol y Tierra
65. Fundación Sumapaz
66. Fundación Tierra Patria
67. Humanidad Vigente
68. Iglesia Presbiteriana de la Costa
69. Instituto Latinoamericano de Servicios Alternativos (ILSA)
70. Instituto María Cano (ISMAC)
71. Instituto Popular de Capacitación (IPC)
72. Movimiento Campesino de Cajibío
73. Organización de Mujeres del Suroccidente de Montería
74. Organización Femenina Popular (OFP)
75. Organización Indígena Colombiana (OIA)
76. Organización Nacional Indígena de Colombia (ONIC)
77. Proceso de Comunidades Negras (PCN)
78. PROMOPAZ
79. Proyecto Agenda Comunidad LGBT
80. Proyecto Colombia Diversa
81. Proyecto Justicia y Vida
82. Red de Usuarios de Montería
83. Taller de Vida
