

OIDH-ACO

COLOMBIA

Report of the member organisations of the ODHACO network and other international organisations on the occasion of the Universal Periodic Review

The undersigned organisations wish to present this report to the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the occasion of the first Periodic Review of Colombia. The signatories have substantial experience of work both in and for Colombia, and would therefore like to contribute to an analysis which demonstrates the areas of concern regarding the country's human rights situation.

Evolution of the armed conflict in recent years

1. The internal armed conflict in Colombia has lasted over 4 decades. During the present decade, following the breakdown of negotiations between the government and FARC-EP (2002), the armed conflict has increased in intensity, reflected in indicators such as the number of combats between the guerrilla groups and the armed forces, and their casualty rates¹. Between 2004 and 2008, these figures dropped relatively but nonetheless continued at a higher level than the previous decade. The official demobilisation of 31,671 paramilitaries has not resulted in the dismantling of these structures, which continue to operate under other names. On the other hand, these same paramilitary leaders have confirmed reports that many unemployed young people have passed themselves off as paramilitaries in order to obtain the financial benefits provided by the state. According to the NGO Indepaz, based on police information, almost 9,000 combatants in 99 paramilitary groups continued to be active in the country in August 2007². The Colombian government states that these 'new groups' are groups of common criminals. In many of the country's regions (for example, in the departments of Chocó and Antioquia), these groups continue to operate in the same way as they did before the demobilisation process, in many cases with the same people. They continue exerting social and political control and military pressure in many regions, as well as threatening social activists and human rights defenders. These facts demonstrate that the paramilitary phenomenon persists.
2. The government's continued denial of the existence of an internal armed conflict in Colombia has been a major obstacle to a negotiated solution to the conflict. This refusal has also placed in doubt its willingness to comprehensively apply International Humanitarian Law (IHL). This is reflected in programmes such as *campesino* soldiers and the informant networks, which increasingly draw the civil population into the armed conflict, in contravention of IHL. The programmes of *campesino* soldiers and informant networks are being implemented despite the fact that, since 2002, the United Nations High Commissioner for Human Rights

¹ See *Fundación Seguridad y Democracia* (The Security and Democracy Foundation), <http://www.seguridadydemocracia.org/allConflicto.asp>

² According to Indepaz information at http://www.indepaz.org.co/index.php?option=com_content&task=view&id=537&Itemid=58

(UNHCHR) has recommended their abolition because they involve the civil population in the armed conflict.

Since 2004, a variety of different initiatives and proposals have been formulated between the government and FARC-EP for a humanitarian exchange of prisoners and hostages, often facilitated by friendly governments. There are no channels for dialogue between the parties, despite some advances, such as the unilateral release of 6 hostages by FARC-EP, or the release of 150 alleged FARC-EP members from prison in June 2007. There have been peace talks between the government and the ELN since 2005, but at the time of writing this report, no agreement had been reached on an agenda for negotiation.

3. The guerrilla groups have continued to commit serious infractions of International Humanitarian Law, violating in particular the rights of the civil population through the taking of hostages, use of antipersonnel mines, recruitment of children, the murder of protected persons, among other serious contraventions of IHL. Both the armed forces and paramilitary groups are also responsible for serious infractions of IHL.

Areas of particular concern regarding the human rights situation

4. According to statistics from human rights organisations, between July 2002 and June 2007, 12,547 victims of extrajudicial executions, political murders and forced disappearances were recorded³, committed by members of the Army and police, paramilitary groups and guerrillas, in non-combat situations, for socio-political reasons. Of the cases where the perpetrators are known, 25% are attributed to guerrilla groups (1,819 victims out of 7,183), 58.1% to paramilitary groups (4,174 victims out of 7,183), and 16.5% directly to the armed forces (1,190 victims out of 7,183). Between July 2006 and December 2007, statistics show 1,474 additional victims of the violation of the right to life, out of combat, for socio-political reasons⁴.
5. Extrajudicial Executions: the increase in the number of extrajudicial executions committed by the security forces is striking. In Colombia they are also referred to as ‘false positives’: civilians are killed who are then presented as guerrillas killed in combat and therefore positive results of military operations. The impunity which accompanies these cases gives cause for concern. Although according to Colombian norms these cases should be subject to the ‘ordinary’, civilian judicial system, many are dealt with by the military system, with no effective opposition by the civilian system. The UNHCHR has repeatedly recommended to the Colombian government that it guarantees that cases which could involve human rights violations are not dealt with by the military justice system. There is a common pattern to the extrajudicial executions and there are cases in the large majority of the country’s departments. As a result of the efforts of the OHCHR, in 2007 the government took various measures to

³ Colombian Commission of Jurists, *Violaciones de derechos humanos y violencia sociopolítica en Colombia, Derecho a la Vida*. (Human rights violations and sociopolitical violence in Colombia. Right to Life). At <http://www.coljuristas.org/inicio.htm>. The suggested modifications relate to the updating of the information to June 2007, according to information from CCJ.

⁴ According to figures from CINEP, *Banco de Datos* (Data Bank), at <http://www.nocheyniebla.org/files/u1/34y35/08listadodevictimas34y35.pdf> http://www.nocheyniebla.org/files/u1/36/listado_victimas2007.pdf

curb this type of crime. However, the directives issued ignore the principle of distinction in humanitarian law and insist that the denunciations of extrajudicial executions are part of a strategy of ‘judicial and political war’ promoted by the guerrilla groups. At the same time, these measures contrast with the high levels of impunity surrounding extrajudicial executions.

In the period January to December 2007 alone, human rights organisations collected information on 131 cases of ‘false positives’, where 211 people were killed, 20 tortured, 15 injured and 22 detained arbitrarily⁵. According to the same source ‘Its occurrence in the most diverse regions of the country and the participation of a wide range of military brigades in this practice, is revealing a phenomenon which can by no means be considered a series of isolated cases’⁶.

In a report in 2007, the International Observation Mission on Extrajudicial Executions and Impunity in Colombia, composed of 13 independent professionals, revealed that according to NGO sources, between July 2002 and June 2006, at least 955 cases of extrajudicial executions were attributed to the security forces, as well as 235 cases of forced disappearances. Many of these people were executed during military anti-insurgent operations and then presented as guerrillas killed in combat. The Mission noted some common patterns of action, over a long period of time and covering a large number of departments in Colombia. According to the Mission, various mechanisms were used to guarantee impunity for the crime. Regarding motives, the Mission recommended the abolition of ‘bonuses’ provided under law for those agents of the state who participate in operations resulting in ‘guerrilla casualties’, as they believe these bonuses act as an incentive for extrajudicial executions.

6. Forced disappearances: Colombia has a quite advanced set of legislation classifying forced disappearance as a criminal offence but its application continues to be inadequate. Very few perpetrators of forced disappearances have been prosecuted and very few victims found⁷. Furthermore, the International Convention for protection against forced disappearance has not been ratified by Colombia. As at May 2008, the *Fiscalía* (Public Prosecutor’s Office) had found 1,087 graves and 1,293 bodies in regions where the paramilitary strategy had been conducted. The *Movimiento Nacional de Víctimas de Crímenes de Estado* (National Movement for Victims of Crimes of the State) talks of over 15,000 people disappeared by paramilitary groups. According to non-governmental sources, between July 2002 and June 2007, at least 1,279 people were recorded as having been disappeared. The process of identifying victims has yielded very poor results, with only 169 bodies identified and 154 handed over to relatives. It is of concern that in many cases the exhumations have not been conducted in accordance with international standards. Many of the exhumations carried out by the *Fiscalía* have not respected the relevant principles adopted by the *Comisión Nacional de Búsqueda de Personas Desaparecidas* (the National Commission for the Search for the

⁵ CINEP, *Banco de datos, Derechos Humanos y violencia política*, (Human Rights and Political Violence), at <http://www.nocheyniebla.org/?q=node/52>

⁶ CINEP, *Banco de datos, Derechos Humanos y violencia política*, (Human Rights and Political Violence), at <http://www.nocheyniebla.org/?q=node/52>

⁷ UN Working Group on Forced or Involuntary Disappearances, Press statement, Mission to Colombia, Bogotá, 12 July 2005. At <http://www.hchr.org.co/documentoseinformes/documentos/relatoresespeciales/2005/desaparicionesforzadas.doc>

Disappeared), of which the *Fiscalía* forms part. This has been to the great detriment of the victims' relatives as, when carrying out these activities, there has been a lack of care to ensure that the right to the truth has been preserved and generally to guarantee that the relatives can adequately identify their loved ones.

7. Forced displacement: In 2006, Dr Walter Kälin, representative of the United Nations Secretary-General for the human rights of displaced people, estimated the number of internally displaced at over 3,000,000⁸. Although 2001 and 2002 were the years with the highest number of displaced people, the situation has not improved. According to official data from *Acción Social* (Presidential Programme for Internally Displaced People), in 2003-2007, 1,140,360 new displaced people were registered⁹. Many displaced people do not register, because of legal restrictions or out of fear. For its part, the Colombian NGO CODHES, which specialises in this subject, calculated that there were 1,125,572 new internally displaced people between January 2004 and December 2007¹⁰. This upward trend appears to be continuing, with over 300,000 new displaced people in 2007¹¹.

The State budget for the assistance of displaced people has increased appreciably in recent years. However, according to the Constitutional Court, it is still deeply inadequate and remains in an 'unconstitutional state', as defined by the Court in 2004. Although emergency aid has improved in its coverage, there has been very little progress made in proposing long-term solutions for displaced families, through return or relocation. The returns implemented by the government have not respected the international principles of security, dignity, and of being voluntary. Many returned families have once more been displaced.

Forced displacement, including displacement by the aerial spraying of illicit crops, seriously affects the food security of the civil population, especially the black and indigenous population, and children, putting entire groups of these populations in a situation of hunger.

8. Violence against women: In the dynamics of the internal armed conflict, women suffer especially from physical, psychological and sexual violence, within the logic of 'hurting the enemy'. They are particular victims of forced displacement and sexual violation, they are forcibly recruited by the armed actors to be subjected to sex under duress, and are subjected to rules of social control in these groups' zones of influence.

The official figures on sexual violence against women are undermined by deficiencies in the systematisation of the information available, the failure of the authorities to enter the areas where the crimes have been committed, and by fear of reporting them on the part of the victims and their families, as on many occasions doing so puts them in danger or at higher risk and does not have any effect in terms of guarantees of justice. Many families displace themselves in order to avoid the forced recruitment of children by guerrilla groups and

⁸ Report presented by the representative of the UN Secretary-General on the human rights of displaced persons, Mr. Walter Kälin, Mission to Colombia, A/HRC/4/38/Add.3. <http://daccessdds.un.org/doc/UNDOC/GEN/G07/104/50/PDF/G0710450.pdf?OpenElement>

⁹ <http://www.accionsocial.gov.co/Estadisticas/publicacion%20marzo31%20de%202008.htm>

¹⁰ CODHES http://www.codhes.org/index.php?option=com_docman&task=cat_view&gid=55&Itemid=51

¹¹ CODHES Idem.

paramilitaries. Sexual violence against women has been committed both by illegal armed actors and by members of the security forces¹².

Rights of Victims and the Rule of Law

9. Right to Truth: the first *versiones libres* (testimonies given under the Justice and Peace Law) by paramilitary leaders opened up the possibility of knowing part of the network which allowed these groups' crimes to be committed. However, the victims and their representatives have not been able to intervene in the trials and in many cases the *versiones libres*, far from being expressions of repentance, have again harmed the dignity of the victims, as the perpetrators have justified their crimes as a defence of the institutions of the state, and branded the victims as members of insurgent organisations. The victims have not had the opportunity to present to the public their own version challenging the version of the perpetrators. This deficient and unbalanced truth-building process was suddenly cut short with the extradition of the main paramilitary leaders to the United States in May 2008. Despite the Colombian government's declarations that it was going to ensure that the trials were monitored from Colombia, it is expected that the participation of the victims in the process will be even more difficult than it has been up to now, and that their rights will be seriously affected.

It is of extreme concern that 17 victims who participated in the Justice and Peace process were murdered between 2006 and 2007¹³.

10. Right to justice: 542 paramilitaries were in prison, as at December 2007. The impunity which accompanies the demobilisation process is extensive because the vast majority of those demobilised were not subject to the Justice and Peace Law and were released under Decree 128 of 2003. There is no information available on the whereabouts and activities of many of them. When they were demobilised, there were insufficient efforts made to ensure that they provided information on the political, military and economic structure of the paramilitary groups; this information is now lacking for legal proceedings, ensuring the return of stolen assets and guaranteeing victims' rights to truth, justice and reparation. It is very likely that a significant number of the low-ranking paramilitaries demobilised under Decree 128 are again now part of paramilitary groups. The number of children and adolescents handed over by the paramilitaries is very low compared to the true proportion they represented of these groups, which indicates that they were hidden or possibly returned to society without receiving any form of treatment for the trauma suffered during their military activity. Furthermore, the demobilisations under Decree 128 are currently at a judicial *impasse* following the ruling by the Supreme Court's Criminal Chamber (*Sala Penal*) that crimes committed by paramilitaries are not political in nature and that it was therefore not appropriate for these people to benefit from Decree 128¹⁴.

¹² OHCHR Report E/CN.4/2006/009, Para. 19.

¹³ Statistic attributed to the *Comisión Nacional de Reparación y Reconciliación*, (National Reparation and Reconciliation Commission) in an Oral Statement by the Colombian Commission of Jurists before the Human Rights Council, 3 to 28 March 2008.

¹⁴ Supreme Court of Justice, *Sala Penal*, judgment of 11 July 2007, presiding judges Yesid Ramírez Bastidas and Jorge Socha Salamanca.

As an illustration of the impunity permitted under the current legislation, a recognised paramilitary leader, Raúl Emilio Hazbún Mendoza, in command of the Bananero Bloc in Antioquian Urabá, was not proposed by the government as a beneficiary of Law 975 of 2005. He was released without any judicial investigation, in accordance with Decree 128 of 2003, because there were no previous legal proceedings against him. This was despite the fact that several paramilitary leaders acknowledged in *versión libre* hearings that Raúl Hazbún belonged to the ‘paramilitary high command’.¹⁵

11. **Right to reparation:** The amount of assets surrendered by the paramilitaries has been minimal compared to the sheer quantity of land, cattle, and properties stolen by these groups and to the large sums of money accumulated through violence and robbery and as a result of drug-trafficking. According to the reparation fund, up to December 2007, 4,754.2 hectares of land were handed over by the paramilitaries, representing between 0.007% and 0.18% of the land stolen by them¹⁶. Despite the difficulties in providing an estimate, it calculated that around 7 million hectares of land have been stolen and that 76% of the displaced population have rights to land as an owner, occupier or tenant¹⁷. The CNRR (*Comisión Nacional de Reparación y Reconciliación* – National Reparation and Reconciliation Commission) admits that demobilised paramilitaries have not confessed to nor handed over the amount of properties that the law demands, and none of the assets offered by them in the course of investigations have been received by the Fund for the Reparation of Victims¹⁸. Furthermore, initiatives such as the rural development statute and Law 1182 legalising land titles undermine the prospects of the displaced population and the victims of the paramilitaries reclaiming their land. Under this law, the terms of the time limits for acquiring property operates in favour of the current owners of land abandoned or stolen from displaced families. Despite the apparently favourable provisions¹⁹, in practice displaced families’ capacity for defence in legal proceedings is deeply compromised, as the onus is on them to prove that the current occupant took over the land in bad faith. They are forced to survive in an environment of systematic contravention of their rights, in many cases without having received emergency humanitarian aid after months or even years of displacement.

This situation is accompanied by a high level of impunity regarding the crime of forced displacement, classified as such in national legislation since 2002. While 619,000 displaced people were officially registered between 2002 and 2006, investigations were only initiated

¹⁵ Colombian Commission of Jurists, *Impunidad cobija a jefe paramilitar Raúl Azbún en Urabá*, (‘Impunity protects paramilitary chief Raúl Azbún in Urabá’) 04.03.2008

¹⁶ According to data from the Colombian Commission of Jurists, Bulletin No. 26: *Serie sobre los derechos de las víctimas y aplicación de la ley 975*, (Series on the rights of victims and the application of Law 975). Bogotá, 13 Marzo 2008. P. 4.

¹⁷ *La Conferencia Episcopal* (Episcopal Conference), CODHES and the *Contraloría General de la República* (Treasury Inspector’s Office) believe that this percentage is between 76% and 79%. In: *Procuraduría General de la Nación*. “Control Preventivo y Seguimiento a las Políticas Públicas en Materia de Reinserción y Desmovilización”. (Attorney General’s Office. “Preventive Control and Monitoring of Public Policies relating to Reintegration and Demobilisation”) Vol. I, Bogotá, 2006. Pages 185 and 179.

¹⁸ CNRR. Report to Colombian Congress. *Proceso de Reparación a las Víctimas: balance actual y perspectivas futuras*. (Process of Reparation to the Victims: Current Situation and Future Perspectives) 2007. Page 105. at: www.cnrr.org.co/new/interior_otros/informe_congreso2007.pdf

¹⁹ Law 1152 of 2007. “ARTICLE 127, PARAGRAPH 3. In all cases, ordinary time limits, extraordinary time limits, the processes of legalisation of land titles and coercive jurisdiction, are suspended for the benefit of those displaced by violence and while the forced displacement lasts.” “ARTICLE 132. Displaced proprietors and owners of rural property, who have abandoned or transferred their rights under conditions so unfavourable that it may be presumed that there was no legal freedom in the act, may launch legal actions of nullity, grievous damages, rescission or of possession; the time-limit for such actions will begin to run when the situation of displacement ceases.”

for 6,501 cases; of these, 32 went to trial in criminal courts, and there were sentences in 13 of these cases²⁰.

The government has passed a decree which provides for administrative reparation, which consists of financial compensation which is deficient and represents only one part of full reparation.

12. Continued existence of paramilitarism: The large majority of paramilitary groups continue to persecute civil society leaders and generally any source of criticism and opposition to the government²¹, through threats, forced disappearances, murders and forced displacement. Both Amnesty International and sectors of the Catholic Church have indicated that the links between paramilitary groups and the armed forces continue. There has been a failure to comply with Article 10 of the Justice and Peace Law. This makes the benefits of this Law conditional on the non-repetition of illegal acts, and the surrendering of minors and assets. The Colombian government extradited 15 paramilitary leaders to the United States with the justification that they continued to commit crimes, instead of allowing the Colombian justice system to continue investigating the grave human rights violations for which the paramilitaries are responsible. In the United States, they will not be investigated for these crimes.
13. The relationship between politicians and paramilitary groups: It is a significant achievement that many of the links between politicians and paramilitary groups, both within Congress and the executive, are being investigated. It is hoped that these efforts will continue and will not be undermined by the President's pronouncements regarding the judiciary's alleged lack of independence, nor by the legal initiatives designed to avoid establishing the judicial responsibility of members of Congress. It is of concern that the extradition of 15 paramilitary commanders to the United States, 14 of them on 13 May 2008, could also negatively affect the search for truth in the case of 'parapolitics'. The fact that, at the time of writing this report, over 60 members of Congress have been investigated and 30 of them are under arrest because of their relationship with the paramilitaries, calls into question the functioning of democracy in Colombia. It is important to bear in mind that those accused of paramilitarism have taken part in the adoption of the legislation for the demobilisation of paramilitary groups.

Human rights defenders

14. The Colombian government's relationship with human rights defenders, members of the political opposition, journalists, representatives of the judiciary: The government runs a protection programme which provides practical measures for the protection of people and organisations under threat (bullet-proofing of offices, transport, means of communication, escorts, according to the case in question). This programme, despite its sizable budget, is not

²⁰ UNHCR. *Balance de la política Pública para la atención integral del desplazamiento forzado en Colombia. Enero 2004 – abril 2007*. (Assessment of public policy for comprehensive attention to forced displacement in Colombia). UNHCR. Office for Colombia. August 2007. Page 180.

²¹ The threats have been received by human rights defenders, university lecturers, opposition parties, members of the Catholic Church and embassies. In many of these threats the paramilitary groups assert that their criminal actions represent unconditional support for President Uribe's government.

very effective, partly due to the behaviour of high-ranking members of the military, of the government and even of the President himself, which undermines it. In particular, it is extremely dangerous that these officials publicly discredit the work of human rights defenders, insinuating that they are collaborators with the guerrillas. This has happened repeatedly at many levels in recent years²². Similarly, journalists critical of the government have been the personal targets of smears by the President, (as was the case with the journalist Daniel Coronell, the analyst León Valencia, and the human rights defender Iván Cepeda). Despite the fact that this type of smear is prohibited by presidential directives and by the Ministry of Defence, these pronouncements have not been punished.

Other illegal acts committed against human rights organisations have been the theft of computers and information from their offices, combined with threats. To date, the investigations into these cases have not yielded any results.

Also of concern are the high number of cases of arbitrary detention of social and human rights activists, often based on false evidence and the testimony of paid informants and demobilised guerrillas who hope to profit from their testimony. The detentions for periods of 6 to 18 months serve to weaken the organisations affected and, in many cases, after their release, the people affected are in grave danger because they are branded as associates of the guerrilla movement through their detention. The legal system should ensure a safe environment for the work of human rights defenders, as recommended by the Special Representative of the UN Secretary General for human rights defenders²³. The massacre of San José de Apartadó (February 2005) is a case in point. An alleged guerrilla stated that the perpetrators were members of FARC-EP, but the Colombian judicial system later accused members of the armed forces of being responsible for the crime, in collusion with paramilitaries. This situation illustrates the use made of informants by state institutions.

15. Despite having fallen in recent years, the number of assassinations of trade unionists continues to be very high and is accompanied by an even higher number of death threats. It is of concern that the number of murders of trade unionists has risen again in the first months of 2008. At the 97th Conference of the International Labour Organisation in June 2008, the Colombian workers' representatives presented the cases of 26 assassinated trade unionists and 4 disappeared in the first 5 months of 2008. Given that the Colombian government denies that the murders are related to the trade union activities of the victims, it is feared that the necessary protection measures are not being taken.
16. In parallel with this, since some judicial bodies began to assume their role fighting against impunity, they have been the subject of numerous criticisms and attempts to discredit them by the government and the President of the Republic. The Supreme Court of Justice was accused

²² In recent cases, Iván Cepeda, Gustavo Petro, *la Corporación Nuevo Arco Iris* (New Rainbow Corporation), the Colombian Commission of Jurists, among others, have been the target of unfounded smears by President Uribe, his adviser José Obdulio Gaviria, and the press offices of the President and the Minister of the Interior.

²³ 'The Special Representative urges more involvement of the judiciary in ensuring a safe environment for the work of human rights defenders, as it has a critical role in alleviating the pressures on human rights defenders resulting from wrongful or malicious prosecution and criminalization of their legitimate activity through national security or public order legislation. Human rights-sensitive interpretations and application of constitutional principles and the law by the judiciary can be a decisive factor in securing their protection from harassment by the use and abuse of judicial procedures.' (Annual Report, January 2006).

of having political interests, of organising a plot against the President, and in January 2008, the President of the Republic filed a formal complaint against the then president of the Supreme Court, accusing him of slander and libel. This accusation is being considered by the Accusations Committee of Congress's House of Representatives (which is the competent body, according to the Constitution), where the Government has an assured parliamentary majority.

17. National Plan of Action on Human Rights and IHL: The United Nations and Colombian human rights organisations have been insisting for many years on the need for the Colombian state to adopt a National Plan of Action on Human Rights. The current agreement for this is based on the Statement of the Chairman of the former Commission on Human Rights, adopted by consensus and with the acquiescence of the Colombian government in 2004, the same as that adopted in 2005. In them, it is recommended that the Colombian government quickly adopts this Plan, in coordination with Colombian non-governmental organisations. A process of agreement which had been suspended in 2005 was restarted in 2007 and there are now guidelines in place for the participation and representation of the various social sectors. However, taking into account the considerations at paragraph 14 of this document, human rights organisations have asked for greater guarantees for their work which would allow them to participate in the development of an agreed Plan of Action. At the time of writing this report, these guarantees have not been provided and the process remains suspended.

Evaluation of the implementation of international recommendations

18. The government's achievements in relation to human rights and indicators of violence: In the last 4 years, and generally since 2002, the statistics on various types of violations of human rights and international humanitarian law have reduced, particularly the number of massacres as well as kidnappings, and certain military actions by the guerrilla groups such as the armed takeover of towns and illegal checkpoints on the country's roads. These reductions can be interpreted as the result of strategies carried out in relation to the principal armed actors – negotiating with paramilitary groups, increasing the presence of the armed forces and stepping up military pressure on FARC-EP – more than through a human rights policy. These same strategies, and in particular the greater militarisation of the regions, has resulted in an increase in human rights violations directly attributed to the armed forces, as illustrated by the increase in extrajudicial executions: these have almost doubled during the term of the current government (2002-2008) in comparison with the previous period (1996-2002) with over 1,200 victims²⁴.
19. The recommendations on human rights issued by the former Commission on Human Rights and by the OHCHR, by the system of rapporteurs and working groups who have been visiting Colombia for year, and by the Committees which oversee treaty obligations, have not in general been fulfilled by the Colombian state. In fact, the government has not only failed to comply with these recommendations, but has acted contrary to them, as demonstrated by the

²⁴ See Colombian Commission of Jurists, "Colombia, derechos humanos y derechos humanitario: 2002-2006" ("Colombia, human rights and humanitarian law: 2002-2006"), Bogotá, 2007, and Banco de datos of CINEP, at <http://www.nocheyniebla.org/files/u1/34y35/08listadodevictimas34y35.pdf>
http://www.nocheyniebla.org/files/u1/36/listado_victimas2007.pdf

negotiation process with the paramilitary groups. We would particularly like to highlight the actions to undermine the independence of the judiciary, and the displaced people's right to restitution of their land, especially AfroColombian and indigenous communities.

In the light of all the above, we consider that a visit to the country should be made by various United Nations special rapporteurs as a matter of urgency, including the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, as well as the Special Rapporteur on the Independence of Judges and Lawyers and the Working Group on Arbitrary Detention. The latter has informed the Colombian government for several years of its intention to visit the country and has failed to receive a positive response, despite the fact that the Colombian government announced to the United Nations that it had extended an open authorisation to all the special mechanisms to visit the country when they considered it convenient.

Brussels, 20 June 2008

Signatures by 75 European and International organisations

Austria: Dreikönigsaktion der Katholischen Jungschar DKA, Catholic Women's Movement KFB.

Belgium: Broederlijk Delen, CNCD-11.11.11, Coalition of the Flemish North-South Movement - 11-11-11, Confédération des Syndicats Chrétiens CSC-ACV, Frère des Hommes-Belgique, Oxfam Solidarité, Solidarité Socialiste.

France: Action des Chrétiens pour l'Abolition de la Torture ACAT-France, Comité Catholique contre la Faim et pour le Développement – CCFD, France Amérique Latine, Secours Catholique – Caritas France, Terre des Hommes.

Germany: Brot für die Welt - Pan para el Mundo, Departamento de Derechos Humanos de la Obra Diaconica Alemania, Deutscher Caritasverband - Leiter Caritas international, Diözesanrat der Katholiken im Bistum Aachen, kolko - Menschenrechte für Kolumbien e.v., kolumbienkampagne berlin, Kolumbiengruppe Nürtingen e.v., Misereor e.v., Nicaragua-Verein Düsseldorf e.v., Nürnberger Menschenrechtszentrum, Pax Christi Alemania Fondo de Solidaridad Un Mundo.

Netherlands: Oxfam-Novib.

Spain: Cooperacció, Federació de associacions de defensa y promoción de los derechos humanos, Fundació Mundubat – País Vasco, Intermón Oxfam, Taula Catalana por la Paz y los Derechos Humanos en Colombia (Generalitat de Catalunya, Fons Català de Cooperació al Desenvolupament, Ajuntament de Barcelona, Ajuntament de Lleida, Ajuntament de Sant Cugat del Vallès, Ajuntament de Santa Pau, Associació Catalana per la Pau, Colectiu Maloka – Colòmbia, Comissió Catalana d'Ajuda al Refugiats-CEAR, Consell Nacional de la Joventut de Catalunya, Entrepobles, Federació Catalana d'ONG per al Desenvolupament, Fundació Josep Comaposada - UGT, Fundació Pau i Solidaritat – CCOO, Fundació Pagesos Solidaris, Fundació per la Pau, Justícia i Pau, Lliga dels Drets dels Pobles, Moviment per la Pau, Solidara - Intersindical-CSC), Sindicatos de Catalunya (Comisiones Obreras-CCOO, Unión General de Trabajadores – UGT, Intersindical – CSC).

Sweden: Colombianätverket, Diakonía Suecia, Forum Syd, Fundación Sueca para los Derechos Humanos, Swedish Fellowship of Reconciliation SweFOR.

Switzerland: Arbeitsgruppe Schweiz-Kolumbien ask (Grupo de Trabajo Suiza - Colombia), Asamblea Internacional por la Paz en Colombia y en el Mundo-sección Suiza, Bethlehem Mission Immensee, Caritas Schweiz.

United Kingdom and Ireland: British and Irish Agencies working in Colombia-ABColumbia (Christian Aid, Catholic Agency for Overseas Development CAFOD, Oxfam GB, Scottish International Aid Fund – SCIAF, Trocaire), Justice for Colombia.

International organisations: Center on Housing Rights and Evictions COHRE, FoodFirst Information and Action Network FIAN International, Franciscans International, International Federation for Human Rights FIDH, Peace Brigades International (Observer).

*Oficina Internacional de Derechos Humanos
Acción Colombia*