

Colombia

Colombia's internal armed conflict continued to result in serious abuses by irregular armed groups in 2011, including guerrillas and successor groups to paramilitaries. Violence has displaced millions of Colombians internally, and continues to displace tens of thousands every year. Armed actors frequently threaten or attack human rights defenders, journalists, community leaders, teachers, trade unionists, indigenous and Afro-Colombian leaders, displaced persons' leaders, and paramilitaries' victims seeking land restitution or justice.

During its first year in office, President Juan Manuel Santos' administration showed a greater concern for human rights than the government of former President Álvaro Uribe, which was racked by scandals over extrajudicial killings by the army, a highly questioned paramilitary demobilization process, and abuses by the national intelligence service. In 2011 President Santos won the passage of the Victims and Land Restitution Law, which aims to return millions of acres of land to displaced persons and provide financial compensation to victims of human rights abuses and of violations of international humanitarian law.

However, paramilitary successor groups continue to grow, maintain extensive ties with public security force members and local officials, and commit widespread atrocities. There has also been ongoing violence against rights defenders, community leaders, and trade unionists. Candidates campaigning for the nationwide and local elections in October 2011 were also frequently killed amid reports of alleged links between candidates and armed groups. According to the Colombian NGO Mision de Observacion Electoral, 40 candidates were killed in 2011, representing a 48 percent increase in such crimes reported during the 2007 local elections. Moreover, new constitutional reform proposals promoted by the Santos administration could facilitate impunity for human rights abuses by giving a greater role to military courts in prosecuting military abuses, and by opening the possibility for amnesties for serious violations by all actors.

Guerrilla Abuses

The Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) continue to commit serious abuses against civilians. The FARC especially is often involved in killings, threats, forced displacement, and recruiting and using child soldiers. On May

22, 2011, presumed FARC members attacked a boat traveling down the Atrato River in Choco department, killing three civilians and injuring another two.

The FARC and ELN frequently use antipersonnel landmines and other indiscriminate weapons. The government reported 16 civilians killed and 104 injured by landmines and unexploded munitions between January and August 2011. On July 9, 2011, the FARC set off a car bomb and fired homemade explosives in the town of Toribio in Cauca department, killing three civilians, injuring 122, and destroying dozens of homes.

Guerrilla groups are believed to be responsible for some of the threats and attacks against candidates in the local October 2011 elections. On May 30, 2011, the FARC reportedly killed two mayoral candidates in the municipality of Campamento in Antioquia department.

In November 2011 the Colombian military killed top FARC leader Guillermo León Sáenz, alias “Alfonso Cano,” during a military operation in Cauca department.

On November 26, 2011, the FARC reportedly executed four members of the Colombian security forces whom the rebel group had held in captivity for more than 10 years.

Paramilitaries and Their Successors

Since 2003 more than 30,000 individuals have participated in a paramilitary demobilization process, although there is substantial evidence that many of the participants were not paramilitaries, and that a portion of the groups remain active.

Implementation of the Justice and Peace Law, which offers dramatically reduced sentences to demobilized paramilitaries who confess their atrocities, has been slow and uneven. At this writing, more than six years after the law was approved, special prosecutors had only obtained three convictions and recovered a small fraction of paramilitaries' illegally acquired assets. Paramilitary leaders' confessions in the Justice and Peace process suffered a setback when former President Uribe extradited most paramilitary leaders to the United States between May 2008 and August 2009 to face drug trafficking crimes.

Successor groups to the paramilitaries, led largely by members of demobilized paramilitary organizations, have grown to have approximately 5,700 members, according to official numbers as of October 2011. Toleration of the groups by public security force

members is a main factor for their continued power. At least 180 police officers were jailed in 2011 because of alleged ties to successor groups.

Like the paramilitary organizations that demobilized, the groups engage in drug trafficking; actively recruit members, including children; and commit widespread abuses against civilians, including massacres, killings, rapes and other forms of sexual violence, threats, and forced displacement. They have repeatedly targeted human rights defenders, Afro-Colombian and indigenous leaders, trade unionists, and victims' groups seeking justice and recovery of land. Successor groups appear to be responsible for the 34 percent increase in cases of massacres registered in 2010 and the continued rise in cases reported during the first half of 2011. (The government defines a massacre as the killing of four or more people at the same time.) In January 2011 Colombia's national police chief publicly stated that such groups are the largest source of violence in Colombia.

Paramilitary Accomplices

Colombia's Supreme Court has in recent years made considerable progress investigating Colombian Congress members accused of collaborating with paramilitaries. In the "parapolitics" scandal, more than 120 former Congress members have been investigated, and approximately 40 convicted. In February 2011 former Senator Mario Uribe—former president of the Colombian Congress and second cousin of former President Uribe—was convicted for ties with paramilitaries. While demobilized paramilitaries have also made statements about extensive collaboration with local politicians, senior military officers, and businesspersons, the Attorney General's Office's investigations into such persons have advanced slowly.

There are concerns of ongoing infiltration of the political system by paramilitaries and their successor groups. As of September 2011 the Supreme Court had opened investigations against 10 current members of Congress for allegedly having had ties to paramilitaries. Colombia's Ombudsman's Office reported that 119 municipalities faced a high risk of electoral violence or interference by paramilitary successor groups during the October 2011 local elections.

In 2011 two former paramilitaries publicly claimed that former President Uribe had been directly involved with a paramilitary group while governor of Antioquia department in the 1990s. Uribe has denied the allegations.

Military Abuses and Impunity

Over the past decade the Colombian Army has committed an alarming number of extrajudicial killings of civilians. In many cases—commonly referred to as “false positives”—army personnel murdered civilians and reported them as combatants killed in action, apparently in response to pressure to boost body counts. The executions occurred throughout Colombia and involved multiple army brigades.

The government does not keep statistics for cases of “false positives” as a separate category of crimes, but the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Colombia estimates that more than 3,000 people may have been victims of extrajudicial killings by state agents, and that the majority of cases were committed by the army between 2004 and 2008. There has been a dramatic reduction in cases since 2008; however, some alleged cases of extrajudicial killings attributed to state agents were reported in 2010 and 2011.

Investigations into such cases have advanced slowly: as of September 2011 the Human Rights Unit of the Attorney General's Office was investigating 1,622 cases of alleged extrajudicial killings committed by state agents involving 2,788 victims, and had obtained convictions for 77 cases. In July 2011 a judge convicted former army Col. Luis Fernando Borja Giraldo, the highest-ranking military officer to be sentenced for “false positives” at this writing.

Accountability achieved to date is due to the fact that civilian prosecutors are investigating most cases. However, as of July 2011, more than 400 cases involving alleged extrajudicial killings remained in the military justice system, where there is little chance that justice will be obtained.

At this writing the government had backed two constitutional reform proposals that threaten to facilitate impunity for military abuses: a “justice reform” bill that would increase the likelihood that military abuse cases are handled by military courts, and a “transitional justice” bill that would allow Congress, at the president’s behest, to authorize the Attorney General’s Office to drop prosecutions for human rights violations, including those committed by members of the military.

Abuses by National Intelligence Service

In October 2011 President Santos dissolved the National Intelligence Service (DAS), the Colombian intelligence service that answers directly to the president’s office, and announced the creation of a new intelligence agency. In recent years media and judicial investigations revealed that the DAS, during the Uribe presidency, had illegally spied on

the Supreme Court, as well as trade unionists, human rights defenders, journalists, and opposition politicians. The DAS has also been implicated in other criminal activity, including death threats, smear campaigns against government critics, and collaboration with paramilitaries. In September 2011 Jorge Noguera Cotes, who directed the DAS from 2002 to 2005, was convicted of having put the intelligence agency at the service of paramilitary groups, including in the 2004 killing of a university professor.

Violence against Trade Unionists

While the number of trade unionists killed every year is less today than a decade ago, it remains higher than any other country in the world: 51 trade unionists were murdered in 2008, 47 in 2009, 51 in 2010, and 26 from January to November 15, 2011, according to the National Labor School (ENS), Colombia's leading NGO monitoring labor rights. Threats against trade unionists—primarily attributed to paramilitary successor groups—have increased since 2007.

Impunity for anti-union violence is widespread: Colombia has obtained convictions for less than 10 percent of the more than 2,900 trade unionist killings reported by the ENS since 1986. As of June 2011 the Attorney General's Office's sub-unit of prosecutors dedicated to anti-union violence had opened investigations into 787 cases of trade unionist killings and reached a conviction for more than 185 such killings.

The sub-unit has made virtually no progress in obtaining convictions for recent killings. Of the more than 195 trade unionist killings that have occurred since the sub-unit started operating in 2007, the special office had obtained convictions in only six cases as of May 2011. It had not obtained a single conviction for the more than 60 homicide attempts, 1,500 threats, and 420 forced displacements reported by the ENS during this period.

Internal Displacement

Tens of thousands of Colombians continue to be forcibly displaced every year. The state agency Social Action has registered 3.7 million displaced persons between 1997 and May 2011, compared to 5.3 million that the respected Colombian NGO CODHES reports between 1985 and June 2011. Social Action registered more than 100,000 newly displaced people in 2010, while CODHES reports nearly 300,000 newly displaced during that year. The Permanent Human Rights Unit of the Personería of Medellín documented an 81 percent increase in reported cases of intra-urban displacement during the first half of 2011 in Medellín, where paramilitary successor groups are active. Massive displacements (affecting

more than 10 households or 50 people) also increased in 2011, with Social Action reporting 80 cases between January and early November 2011, as compared to 59 in all of 2010.

The government's land restitution efforts have coincided with a rise in attacks and threats against leaders of displaced communities campaigning for land recovery. Nine leaders of displaced persons involved in such activity were murdered during the first half of 2011, according to CODHES.

Sexual Violence

Impunity remains a problem in cases of sexual violence, particularly conflict-related violence. In a 2008 decision the Constitutional Court recognized that sexual violence against women is "a habitual, extended, systematic and invisible practice in the context of the Colombian armed conflict ... [perpetrated] by all illegal armed groups, and in some isolated cases, by individual agents of the public security forces." It instructed the Attorney General's Office to further investigate specific cases. Progress in these cases has been slow.

Legal Capacity of People with Disabilities

Colombia ratified the Convention on the Rights of Persons with Disabilities in May 2011. To comply with the standards established in the convention, it will need to adjust domestic legislation and policies to ensure that people with disabilities are not stripped of their legal capacity, resulting in restrictions on the right to vote, property rights, and the right to free and informed consent.

Human Rights Defenders

Human rights defenders are routinely threatened and attacked. In June 2011 a death threat signed by a paramilitary successor group called the "Rastrojos" targeted numerous rights organizations and individual defenders, including several prominent advocates for the rights of women and internally displaced persons.

The Ministry of Interior runs a protection program that covers more than 8,000 members of vulnerable groups, including human rights defenders and trade unionists.

Key International Actors

The US remains the most influential foreign actor in Colombia. In 2011 it provided approximately US\$562 million in aid, about 61 percent of which was military and police aid. Thirty percent of US military aid is subject to human rights conditions, which the US

Department of State has not enforced. In September 2011 the State Department certified that Colombia was meeting human rights conditions.

In October 2011 US President Barack Obama signed into the law the US-Colombia Free Trade Agreement, a treaty the US Congress had delayed ratifying for nearly five years, in part due to violence against trade unionists and impunity for that violence. In April 2011 Colombia and the US signed an “Action Plan” outlining key steps that Colombia had to take to protect workers’ rights as a precondition for ratification; however, the commitments failed to address the paramilitary successor groups believed to be responsible for a large portion of anti-union violence.

The United Kingdom reportedly reduced military assistance to Colombia in 2009, apparently due to scandals over illegal surveillance and extrajudicial executions. The European Union provides social and economic assistance to Colombia.

The Organization of American States' Mission to Support the Peace Process in Colombia, charged with verifying paramilitary demobilizations, issued a report in 2011 expressing alarm over the activities of paramilitary successor groups and noting that, “massacres have continued, wiping out entire families.”

The Office of the Prosecutor of the International Criminal Court continued to monitor local investigations into human rights crimes. OHCHR is active in Colombia, and in November 2010 its mandate in the country was extended for three years. The International Committee of the Red Cross is also active in Colombia, and its work includes providing assistance to internally displaced persons.

In October 2010 Colombia was elected as a non-permanent member of the UN Security Council for 2011-2012.