



Colombia

Events of 2009

Colombia's internal armed conflict continues to result in widespread and serious abuses by irregular armed groups, including guerrillas and successor groups to paramilitaries. More than three million persons are internally displaced in Colombia, and many more become newly displaced every year due to ongoing violence. Human rights defenders, journalists, community leaders, trade unionists, indigenous and Afro-Colombian leaders, displaced persons' leaders, and paramilitaries' victims seeking land restitution or justice are frequently the targets of threats and violence by armed actors. In 2009 there were several reports of killings of leaders of displaced persons groups, and the Awá indigenous community, in the southern border state of Nariño, was particularly targeted by various armed actors, suffering multiple massacres and killings during the year.

As President Álvaro Uribe's advisors promote a second constitutional amendment to allow him to run for a third term, his administration has been wracked by scandals over the national intelligence service's widespread illegal surveillance of human rights defenders, journalists, opposition politicians, and Supreme Court justices.

Guerrilla Abuses

Both the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) continue to engage in serious abuses against civilians. The FARC, in particular, is frequently involved in massacres, killings, threats, and recruitment of child combatants. In February the FARC massacred 17 Awá in Nariño. They were also allegedly responsible for the shooting in October of human rights defender Islena Rey in the state of Meta.

The FARC and ELN frequently use antipersonnel landmines. The President's Observatory for Human Rights reported that 109 civilians were injured and 32 were killed due to antipersonnel mines, improvised explosive devices, and unexploded ordnance from January through September 2009.

Paramilitaries and Their Successors

The Uribe administration claims that paramilitaries no longer exist. But while more than 30,000 individuals participated in a paramilitary demobilization process, there is substantial evidence that many were not paramilitaries. Others never demobilized, and some returned to crime after demobilizing. Law enforcement authorities never investigated most of them.

Successor groups to the paramilitaries, often led by mid-level paramilitary commanders, are rapidly growing. The Colombian

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National Police reported that as of July 2009 the groups had more than 4,000 members and were rapidly expanding their areas of operation. Like the paramilitaries, the groups are engaging in drug trafficking, actively recruiting, and committing widespread abuses, including massacres, killings, rape, threats, and forced displacement. In Medellín, after a steady decline in official indicators of violence, there has been a dramatic surge in homicides since 2008, apparently committed by these groups.

In recent years the Colombian Supreme Court has made unprecedented progress in investigating accusations against members of the Colombian Congress of collaborating with the paramilitaries. In what is known as the "parapolitics" scandal, more than 80 members-nearly all from President Uribe's coalition-have come under investigation. But the Uribe administration has repeatedly taken actions that could sabotage the investigations, including by issuing public and personal attacks against Supreme Court justices. Meanwhile, investigations by the Attorney General's Office into senior military officers and businesspersons who allegedly collaborated with paramilitaries have moved forward slowly.

The implementation of the Justice and Peace Law, which offers dramatically reduced sentences to demobilized paramilitaries who confess their atrocities, has been slow and uneven. Four years after the law was approved, there are still no convictions. Most paramilitaries are not even participating in the process. Prosecutors have made little progress in recovering illegal assets and land that paramilitaries took by force.

President Uribe's extradition, in May 2008, of most of the paramilitary leadership to the United States interrupted the leaders' confessions in the Justice and Peace process. It remains unclear to what extent US prosecutors are questioning the paramilitary leaders about their accomplices in Colombia, or their human rights crimes.

Military Abuses and Impunity

In recent years there has been a substantial rise in the number of extrajudicial killings of civilians attributed to the Colombian Army. Army members, under pressure to show results, kill civilians and then report them as combatants killed in action. The alleged executions have occurred throughout the country and involve multiple army brigades. Initial information indicates that the rate of killings may have dropped in 2009, possibly as a result of international attention and the opening of criminal investigations.

The Attorney General's Office is investigating cases involving more than 2,000 victims, though prosecutions are moving forward slowly. In preliminary findings after a June 2009 visit to Colombia, United Nations Special Rapporteur on Extrajudicial Executions Philip Alston noted, "The sheer number of cases, their geographic spread, and the diversity of military units implicated, indicate that these killings were carried out in a more or less systematic fashion by significant elements within the military." He said that the Colombian military justice system contributes to the problem by obstructing the transfer of human rights cases to the ordinary justice system.

President Uribe for years publicly denied the problem existed, and accused human rights groups reporting these killings of helping the guerrillas in a campaign to discredit the military. After a major media scandal in 2008 over the executions of several young men from Soacha, a low-income Bogotá neighborhood, Uribe dismissed 27 members of the military. There were several more dismissals in 2009. But President Uribe has continued to claim that the executions are only isolated cases.

Violence against Trade Unionists

For years Colombia has led the world in killings of trade unionists, with more than 2,700 reported killings since 1986, according to the National Labor School, Colombia's leading NGO monitoring labor rights. The bulk of the killings are attributed to paramilitary groups, which have deliberately targeted unions. Though the number of yearly killings has dropped from its peak in the 1990s, when the paramilitaries were in the midst of their violent expansion, more than 400 trade unionists—many of whom belonged to teachers' unions—have been killed during the Uribe government.

Impunity in these cases is widespread: in more than 95 percent of the killings there has been no conviction and the killers remain free. In recent years there has been an increase in convictions, primarily due to US pressure (see below), but even at the current rate of convictions it would take decades for Colombia to get through the backlog.

Human Rights Defenders

The Colombian Ministry of Interior has a protection program for human rights defenders, journalists, and trade union leaders. But the program does not cover all vulnerable groups.

In addition, the Early Warning System of the Ombudsman's office, which conducts on-the-ground monitoring of the human rights situation around the country with the goal of preventing abuses, regularly issues "risk reports," warning of threats to communities and individuals. But other Colombian authorities have at times ignored the risk reports, failing to take necessary measures to prevent abuses.

As noted by Margaret Sekaggya, UN special rapporteur on the situation of human rights defenders, in preliminary findings after her September 2009 visit to Colombia, "[a] prime reason for the insecurity of human rights defenders lies in the systematic stigmatization and branding of defenders by Government officials," who brand them as "terrorists" or "guerrillas."

Illegal Surveillance

In February 2009 Colombia's leading news magazine, *Semana*, reported that the Colombian intelligence service, DAS, which answers directly to President Uribe, has for years been engaging in extensive illegal phone tapping, email interception, and surveillance of a wide array of persons viewed as critics of the Uribe administration. These include trade unionists, human rights defenders, independent journalists, opposition politicians, and Supreme Court justices.

The Attorney General's Office opened an investigation into the surveillance, but *Semana* reported that prosecutors inexplicably focused almost exclusively on surveillance carried out in 2002-05 (during the tenure of former DAS chief Jorge Noguera, who is on trial for homicide and links to paramilitaries), despite evidence that the DAS has engaged in systematic surveillance for years afterwards. Two of the prosecutors conducting the investigation resigned, but the investigations have continued moving forward slowly.

Meanwhile, according to *Semana*, the illegal surveillance continued. For example, *Semana* revealed that numerous calls of Supreme Court Assistant Justice Iván Velásquez, the lead investigator of the "parapolitics" scandal, had been illegally intercepted through the end of August 2009.

Sexual Orientation and Gender Identity

In 2007 the UN Human Rights Committee found in *X v. Colombia* that Colombia breached its international obligations when it

denied a gay man's partner pension benefits. The state has not complied with the Committee's recommendation to grant these benefits. Despite a police directive calling on state officials to protect LGBT rights defenders, in 2009 there were several reports of killings and threats against them.

Key International Actors

The United States remains the most influential foreign actor in Colombia. In 2009 it provided approximately \$663 million to the Colombian government, somewhat less than in previous years. The bulk of the assistance continues to consist of military and police aid, though an increasing percentage consists of social and economic assistance. Thirty percent of US military aid is subject to human rights conditions, but the US Department of State has not consistently enforced them. In September 2009 the State Department certified, for the first time under the administration of President Barack Obama, that Colombia was meeting human rights conditions.

The US Congress has delayed ratification of the US-Colombia Free Trade Agreement until there is "concrete evidence of sustained results on the ground" with regard to impunity for violence against trade unionists and the role of paramilitaries. US pressure is probably the main factor leading to the establishment of a specialized group of prosecutors to investigate trade unionist killings.

The United Kingdom was reported to have reduced its military assistance to Colombia, apparently in response to the scandals over illegal surveillance and extrajudicial executions. The European Union provides social and economic assistance to Colombia, and has provided some aid to the government's paramilitary demobilization programs.

The Organization of American States' Mission to Support the Peace Process in Colombia, which is charged with verifying the paramilitary demobilizations, issued reports in 2009 that expressed alarm over the activities of the successor groups to the paramilitaries. It highlighted an increase in massacres, homicides, threats, and "social cleansing" by the groups.

The International Criminal Court remains engaged in analysis of the situation in Colombia. The ICC prosecutor has at times played a positive role in pressing authorities to investigate ICC crimes there.

In addition to the 2009 visits of the UN special rapporteurs on extrajudicial executions, on human rights defenders, and on the human rights and fundamental freedoms of indigenous persons, the Office of the UN High Commissioner for Human Rights is active in Colombia, with a presence in Bogotá, Medellín, and Cali.

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