

COLOMBIA

REPUBLIC OF COLOMBIA

Head of state and government: **Juan Manuel Santos Calderón**

Formal peace talks between the government and the Revolutionary Armed Forces of Colombia (FARC) began in Norway in October, the first such talks in a decade. Concerns remained that a stable peace would not be possible without a verifiable commitment from the two sides to put an end to human rights abuses and a commitment by the authorities to bring abusers to justice.

Congress approved a law in December that gave the military justice system greater control over investigations into human rights violations, thereby threatening to undermine the rights of victims to truth, justice and reparation.

All the parties to the long-running conflict – the security forces, either acting alone or in collusion with paramilitaries, and guerrilla groups – continued to be responsible for serious human rights abuses and violations of international humanitarian law, including unlawful killings, forced displacement, torture, abductions or forced disappearances, and sexual violence. The main victims were Indigenous Peoples, Afro-descendent and peasant farmer communities, human rights defenders and trade unionists.

The Victims and Land Restitution Law, designed to return to the rightful owners some of the millions of hectares of land misappropriated, often through violence, during the course of the conflict, came into force on 1 January. However, a backlash from those who benefited from misappropriated lands led to threats against and killings of those campaigning for land restitution as well as of those seeking to return to their lands.

Internal armed conflict

Civilians continued to bear the brunt of conflict-related human rights abuses and violations of international humanitarian law. Although precise figures were not available, tens of thousands of people were known to have been forced from their homes in 2012 as a direct result of the conflict. Most were members of Indigenous Peoples and Afro-descendent and peasant farmer communities in rural areas.

■ In June, over 130 people from El Tarra, Norte de Santander Department, and around 400 from Leiva, Nariño Department, were forced to flee their homes.

Civilian communities, such as the Peace Community of San José de Apartadó in Antioquia Department, campaigning to ensure the warring parties did not drag them into the conflict, continued to be subjected to serious human rights abuses.

■ On 28 June, two members of the Peace Community were followed by 50 armed paramilitaries of the “Gaitanista Forces of Colombia” who threatened to kill peasant farmer Fabio Graciano.

■ On 4 February, two paramilitaries on a motorbike shot at Jesús Emilio Tuberquia, the legal representative of the Peace Community. The attack, in the town of Apartadó, took place only about 100m from a police control post.

Bomb attacks in urban areas led to the loss of civilian lives.

■ On 15 May, a car bomb injured more than 50 people, including former Interior Minister Fernando Londoño, in the capital Bogotá. His driver and bodyguard were killed. No group claimed responsibility, although the authorities blamed the FARC.

In July, Colombia ratified the International Convention for the Protection of All Persons from Enforced Disappearance. However, it did not recognize the competence of the UN Committee on Enforced Disappearances, thereby denying victims and their families an important recourse to justice. Although accurate numbers were hard to establish, at least 30,000 people were thought to have been forcibly disappeared during the conflict.

■ Hernán Henry Díaz, spokesperson for the Departmental Roundtable of Social Organizations in Putumayo Department and member of the National United Trade Union of Agricultural Workers, was last seen on 18 April. At the time of his enforced disappearance, he was co-ordinating the participation of delegates from Putumayo in a national political demonstration due to take place later that month in Bogotá.

Indigenous Peoples' rights

The impact of the conflict on Indigenous Peoples intensified as hostilities raged in their territories, especially in Cauca and Valle del Cauca departments. According to the National Indigenous Organization of Colombia, at least 84 Indigenous people were killed in 2012, including 21 leaders.

■ On 12 August, Lisandro Tenorio, a spiritual leader for the Nasa Indigenous People, was shot dead, reportedly by FARC guerrillas, outside his home in Caloto, Cauca Department.

Thousands of Indigenous people were forced from their homes as a result of the hostilities. In July, more than 1,500 Indigenous people were forcibly displaced from their lands in Bagadó, Chocó Department.

High-ranking officials made statements linking Indigenous leaders and communities with guerrilla groups. For example, in August, the Defence Minister accused the FARC of infiltrating the Indigenous movement. Such statements encouraged a climate in which abuses against Indigenous Peoples were tolerated, encouraged or facilitated.

Land restitution

The Victims and Land Restitution Law provoked a backlash from some of those who benefited from misappropriated lands. Those campaigning for land restitution were killed or threatened and concerns remained about the authorities' ability to protect them. Paramilitaries calling themselves "anti restitution armies" were reported in several parts of Colombia. Several death threats were issued by these groups to human rights organizations and land activists during the year.

The law excluded many victims of abuses by paramilitary groups, which the government no longer acknowledged as a party to the conflict. It also included provisions that undermined efforts to return land and the right of victims to truth, justice and reparation. On 12 September, the Constitutional Court ruled that parts of the law were unconstitutional. These included measures that exempted from prosecution "strawmen" who surrendered misappropriated lands. The Court also declared unconstitutional wording that would have denied land restitution to victims deemed to have taken "illegal" action to campaign for the return of occupied lands that had been misappropriated from them.

Security forces

The security forces were responsible for serious human rights abuses and violations of international humanitarian law, sometimes in collusion with paramilitary groups. Extrajudicial executions carried out directly by the security forces continued to be reported, although not on the scale of previous years.

■ On 2 October, the body of 15-year-old Norbey Martínez Bonilla was handed over to the civilian authorities in the city of Cali by the security forces who claimed he was a guerrilla killed in combat. He had disappeared from his home in Caloto, Cauca Department, on 28 September during fighting between the security forces and guerrilla groups. Norbey Martínez Bonilla lived in El Pedregal, a hamlet which in 2010 was granted protection measures by the Inter-American Commission on Human Rights.

Scant progress was made in bringing perpetrators to justice. The military justice system regularly closed investigations into human rights violations in which members of the security forces were implicated. A report by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions published in May noted that: "the continuous attempts by the military justice system to claim jurisdiction over cases are of great concern."

Paramilitaries

Despite their supposed demobilization, paramilitary groups, labelled "criminal gangs" (*Bacrim*) by the government, were responsible for serious human rights violations, including killings, enforced disappearances and "social cleansing" operations in poor urban neighbourhoods. Some were committed with the collusion or acquiescence of the security forces. The victims were mainly trade unionists and human rights defenders, as well as representatives of Indigenous Peoples and Afro-descendant and peasant farmer communities.

■ On 23 March, paramilitaries forcibly disappeared Manuel Ruíz and his 15-year-old son Samir de Jesús Ruíz, members of the Afro-descendant and Afro-mestizo community of Apartadó in the Curvaradó River Basin, Chocó Department. On 24 March a paramilitary informed their family that they had been killed. Manuel Ruíz' body was found on 27 March and that of his son, who had been tortured, the following day. The killings occurred just before a government inspection to determine ownership of land in Los Piscingos, from where Manuel Ruíz' family and others had been displaced by paramilitaries and the security forces in 1996.

The Justice and Peace process, which began in 2005, continued to deny victims of paramilitary abuses their right to truth, justice and reparation. According to the Office of the Attorney General, by

1 December only 14 paramilitaries had been convicted of human rights violations under the Justice and Peace process.

In December, Congress approved a reform of the Justice and Peace Law that allowed illegal combatants who had not demobilized when the law came into force to benefit from its provisions.

The guerrilla

The FARC and the National Liberation Army (Ejército de Liberación Nacional, ELN) committed serious human rights abuses and violations of international humanitarian law, including killings, hostage-taking, forced displacement, recruitment of children, and the use of indiscriminate weapons. In the first seven months of 2012, landmines, laid mostly by guerrilla groups, killed 25 civilians and 22 members of the security forces.

In February, the FARC announced it would end the kidnapping of civilians for ransom, but failed to make a commitment to end all abuses. More than 305 people were kidnapped in 2012, mainly by criminal groups but also by guerrilla groups.

■ On 24 July, journalist Élica Parra Alfonso and engineer Gina Paola Uribe Villamizar were kidnapped by the ELN in Saravena, Arauca Department. Both women were released a few weeks later.

■ In April, the FARC released six police officers and four soldiers the group had held captive since the 1990s.

The FARC were responsible for indiscriminate attacks that placed civilians at risk.

■ In July, the FARC attacked an oil field in Putumayo Department, killing five civilians.

Impunity

There were some successes in holding to account perpetrators of human rights abuses.

■ In August, a civilian court convicted retired General Rito Alejo del Río to 26 years in prison for the murder of a peasant farmer by paramilitaries. The court found that Rito Alejo del Río did not participate directly in this and the many other killings committed in the area under his command, but maintained close links with paramilitaries, allowing them to commit abuses with impunity.

The vast majority of those responsible for human rights abuses continued to evade justice. Those involved in human rights-related criminal cases, such as lawyers and witnesses, were threatened and killed.

■ On 10 October, a man aimed a gun at Alfamir Castillo, the mother of a man killed by soldiers in 2009 in Valle del Cauca Department, and threatened to kill her and her lawyers, Jorge Molano and Germán Romero. The attack took place days before a court hearing into the involvement of four army officers in the case; seven soldiers were already serving long prison terms for the killing.

Two laws threatened to exacerbate impunity. In June, Congress approved the “legal framework for peace”, which could allow human rights abusers to evade justice. In December, Congress approved a reform to the Constitution which will give the military greater control over criminal investigations implicating members of the security forces in human rights violations and could see many cases of human rights violations transferred to the military justice system, contrary to international human rights standards. In October, 11 UN Special Rapporteurs and Independent Experts criticized the reform.

Human rights defenders

Despite the government’s public condemnation of attacks against them, human rights defenders continued to suffer attacks, threats, judicial persecution and the theft of sensitive case information. In 2012, at least 40 human rights defenders and community leaders and 20 trade union members were killed.

■ On 28 February, the Black Eagles Capital Bloc paramilitaries sent death threats to several human rights NGOs, including women’s organizations and those working on land restitution issues, accusing them of “brainwashing the displaced, acting as if they were Human Rights Defenders”, and told them to “stop making trouble over the issue of land restitution”.

Women human rights defenders were targeted, principally by paramilitary groups. Some were raped in order to punish and silence them.

■ On 29 January, Cleiner María Almanza Blanco, a community leader working with displaced women, was forced into a taxi by a group of unidentified men. They took her to an undisclosed location where they interrogated her about people she knew and worked with. They kicked her and slammed her against the taxi. One of the men then raped her. In 2010 the Inter-American Commission on Human Rights had ordered the authorities to provide protection measures for Cleiner María Almanza and 13 other women leaders at risk; four of the 14 women had been raped.

Violence against women and girls

All parties to the conflict subjected women to sexual violence, including rape, and other forms of gender-based violence.

■ On 18 May, an Indigenous woman was raped by an army soldier at the side of a road in Putumayo Department. The army unit to which the soldier belonged was reportedly only 100m away at the time.

■ On 16 March, eight heavily-armed masked men wearing civilian clothes and thought to be paramilitaries, entered an Afro-descendent community in Tumaco, Nariño Department. They threatened and beat residents, raped two women and sexually abused a 16-year-old girl.

Very few of the perpetrators of such abuses were brought to justice. However, in a rare success, on 27 August sub-Lieutenant Raúl Muñoz Linares was sentenced to 60 years in prison for the rape and murder of 14-year-old Jenni Torres, as well as the murder of her brothers, aged nine and six, and the rape of another girl, in Tame, Arauca Department, in October 2010.

A bill “to guarantee access to justice for victims of sexual violence, especially sexual violence in the context of the armed conflict” was before Congress at the end of the year. If approved, it will, among other things, amend the Criminal Code to make certain forms of conflict-related sexual violence, such as forced nudity, abortion and pregnancy, specific criminal offences.

The Special Representative of the UN Secretary-General on Sexual Violence in Conflict visited Colombia in May. During the visit she stated that more needed to be done to ensure access to justice for survivors of conflict-related sexual violence.

US assistance

In 2012, the USA allocated some US\$482 million in military and non-military assistance to Colombia, US\$281 million of which was for the security forces. In September, around US\$12 million in security assistance funds from 2011 was released after the US State Department determined that Colombia had made significant progress in improving human rights.

International scrutiny

The report on Colombia of the Office of the UN High Commissioner for Human rights (OHCHR), published in January, acknowledged that “[s]ignificant legislative

and public policy initiatives were undertaken [and] human rights violations were condemned [by state authorities]”, but that “these efforts have yet to achieve the desired results at the local level”. The report also noted that a “significant number of human rights and international humanitarian law violations are still committed, primarily by illegal armed groups, but also allegedly by State agents” and that this was having “serious humanitarian consequences for civilians”. According to the OHCHR, impunity remained “a structural problem”.

Amnesty International visits/reports

✈ Amnesty International delegates visited Colombia in January, March, April, June, October and November.

📄 Colombia: The Victims and Land Restitution Law – an Amnesty International analysis (AMR 23/018/2012)

📄 Colombia: Hidden from justice – impunity for conflict-related sexual violence, a follow-up report (AMR 23/031/2012)

CONGO (REPUBLIC OF)

REPUBLIC OF CONGO

Head of state and government:

Denis Sassou-N'Guesso

Torture and other ill-treatment by members of the security forces were reported, in some cases leading to deaths. Three asylum-seekers from the Democratic Republic of the Congo (DRC) held without charge or trial since 2003 were released. Government critics were denied freedom of expression and detained for several months.

Background

On 4 March, as many as 300 people died, some 2,000 were injured and nearly 20,000 were made homeless by explosions caused by a fire in a munitions depot at the Congolese armoured regiment in the capital, Brazzaville. The government set up a commission of inquiry to investigate the cause and establish responsibility; more than 20 people were arrested at the end of March and were still held