
Colombia

Colombia presents the most serious human rights and humanitarian situation in the region. Battered by an internal armed conflict involving government forces, guerrilla groups, and paramilitaries, the country has one of the largest populations of internally displaced persons in the world.

Colombia's irregular armed groups, both guerrillas and paramilitaries, are responsible for the bulk of the human rights violations, which in 2005 included massacres, killings, forced disappearances, kidnappings, torture, and extortion. Despite ongoing negotiations with the government, paramilitary groups repeatedly committed abuses in breach of their cease-fire declaration.

Members of the armed forces have at times been implicated in abuses, independently or in collaboration with paramilitaries. Impunity for such crimes, particularly when they involve high-ranking military officers, remains a serious problem. Ties between military units and paramilitary groups persist, and the government has yet to take credible action to break them.

Demobilization of Paramilitary Groups

2005 was marked by the passage of Law 975, a controversial package for the demobilization of armed groups that the government called the "Justice and Peace Law." The law offers reduced sentences to members of these groups responsible for serious crimes, if they participate in a demobilization process. Drafted in the context of extended negotiations with paramilitaries, the law fails to include effective mechanisms to dismantle the country's mafia-like armed groups, which are largely financed through drug trafficking. It also utterly fails to satisfy international standards on truth, justice, and reparation for victims.

Although Colombian President Alvaro Uribe signed the demobilization law in July 2005, the government has not begun applying it. The law faced several constitutional challenges, which were still pending at this writing in late November 2005.

Even before the demobilization law was passed, the government sponsored large-scale demobilization ceremonies in which thousands of paramilitaries handed over weapons. The government portrayed these demobilizations as important steps towards peace, but there were widespread reports of continuing abuses and illegal activity by paramilitaries around the country, including the recruitment of new troops.

Little effort has been made to investigate the past crimes of demobilized paramilitaries or to collect intelligence that could be used to dismantle the groups' structures or identify their supporters and assets.

Cross-checking of individuals' names against prosecutors' records resulted in only a few dozen paramilitaries being linked to ongoing investigations, given that in most investigations, the perpetrator is not identified by name but rather by alias or other factors.

Many top paramilitary commanders remain in the specially designated area of Santa Fe de Ralito, safe from arrest or prosecution. In June 2005, prosecutors ordered the arrest of top paramilitary commander, Diego Murillo Bejarano (also known as "Don Berna" or "Adolfo Paz"), for allegedly ordering the assassination of a local congressman and two other people two months before. Nonetheless, the government announced that Murillo would be allowed to demobilize and eventually receive the benefits of Law 975. The government also suspended extradition orders for Murillo and commander Salvatore Mancuso, both of whom are wanted in the United States for drug trafficking.

Impunity and Military-Paramilitary Ties

The overwhelming majority of investigations involving human rights abuses are never resolved. The problem of impunity affects crimes committed by all armed groups, as well as the military.

Units of the Colombian military continue to tolerate, support, and commit abuses in collaboration with members of paramilitary groups. In 2005, there continued to be reports of abuses by members of the Army's 17th Brigade as well as by members of the armed forces operating in the region of Chocó.

In February 2005, eight residents of the Peace Community of San Jose de Apartadó, including four minors, were brutally killed. The government's immediate reaction to the massacre, prior to any investigation, was to blame it on guerrillas and deny any military presence in the area. Yet members of the community have alleged that military and possibly paramilitary groups were involved, and there is evidence pointing to military movements near the location of the massacre. The investigation has proceeded slowly, in part due to the unwillingness of witnesses to come forward, apparently out of fear and distrust of authorities.

During the tenure of Attorney General Luis Camilo Osorio, starting in 2001, major investigations into abuses by high-ranking officers were seriously undermined. This troubling trend continued in 2005, as the Attorney General's office closed its criminal investigation into Rear Admiral Rodrigo Quiñonez's alleged involvement in the Chengue massacre, in which paramilitaries killed over 20 people.

In May 2005, the Attorney General's office also closed the investigation of General Eduardo Avila Beltran for his alleged complicity in the 1997 paramilitary massacre of 49 civilians in the town of Mapiripán. Two separate courts—military and civilian—had previously ordered the Attorney General's office to investigate Avila's role in the massacre.

Osorio's term ended in mid-2005. The new Attorney General, Mario Iguarán, has expressed an interest in working more closely with human rights groups.

Human Rights Monitors and Other Vulnerable Groups

Human rights monitors, as well as labor leaders, journalists, and other vulnerable groups are frequently threatened and attacked for their work in Colombia. Investigations into such threats and attacks generally move slowly and are rarely resolved. The problem has at times been exacerbated by high-level government officials, who in 2005 once again made public statements suggesting that legitimate human rights advocacy was aimed at promoting the interests of armed groups.

In May 2005, three prominent journalists received anonymous funeral wreaths, accompanied by notes of condolence, at their homes or offices. As reported by the OAS special rapporteur for freedom of expression in 2005, such threats and prevailing impunity for killings of journalists have a chilling effect on the media.

Monica Roa, the lead attorney in a constitutional challenge to Colombia's almost complete ban on abortion, received numerous death threats in 2005. Confidential case files and two computers were stolen from her office during a break-in.

Human rights defenders from the *Colectivo de Abogados Jose Alvear Restrepo* and other organizations were also threatened in 2005. Meanwhile, there was no obvious progress in the investigation into *Operación Dragon*, a large scheme allegedly involving retired members of military intelligence, to conduct surveillance of human rights defenders, trade unionists, and politicians in Cali.

Violations by Guerrilla Groups

After a prolonged slowdown in their armed activity, guerrillas from the Revolutionary Armed Forces of Colombia (FARC) once again increased their level of violent activity in 2005. FARC attacks on government forces were accompanied by numerous and serious abuses, including massacres of civilians and targeted killings.

In April, the FARC used gas cylinder bombs in the region of Cauca, launching them in an indiscriminate manner in the direction of residential areas. The attacks primarily affected members of indigenous communities, resulting in numerous deaths and the displacement of much of the population. Other FARC attacks targeted media, including radio stations.

Both the National Liberation Army (ELN) and the FARC continue to kidnap civilians, holding them for ransom or political gain.

Child Recruitment

At least one of every four irregular combatants in Colombia is under eighteen years of age. Of these, several thousand are under the age of fifteen, the minimum recruitment age permitted under the Geneva Conventions. Eighty percent of the children under arms belong to one of two guerrilla groups, the

FARC or the ELN. The remainder fights for paramilitaries.

Internal Displacement

Colombia has the world's largest internal displacement crisis after Sudan. In the last three years alone, more than three million people, as much as 5 percent of Colombia's population, have been forcibly displaced because of the country's armed conflict. More than half of all displaced persons are children under the age of eighteen. While Colombia is among a handful of countries that have enacted legislation to protect the internally displaced, displaced families are often denied access to education, emergency healthcare, and humanitarian aid.

In 2004, Colombia's Constitutional Court held that the government's system for assisting displaced persons was unconstitutional. In September 2005, the Court found that the steps taken by the government to comply with its ruling were insufficient in terms of both resources and institutional will.

Key International Actors

The United States remains the most influential foreign actor in Colombia. In 2005 it provided close to U.S. \$800 million to the Colombian government, mostly in military aid. Twenty-five percent of U.S. security assistance is formally subject to human rights conditions, but the conditions have not been consistently enforced. Certification of 12.5 percent of the assistance was delayed in the first half of 2005 due to serious setbacks and lack of progress in key investigations of military abuses, among other factors. Nonetheless, the certification was ultimately granted, with the U.S. State Department citing late progress in some specific cases.

In February 2005, the member countries of the G-24 group of international donors to Colombia met in Cartagena to discuss continuing cooperation with Colombia. Members of Colombia's human rights community expressed disappointment over the resulting Cartagena Declaration, which, while reaffirming the terms of the preceding London Declaration, was viewed as weaker than the earlier document on various human rights issues.

While some European and U.S. assistance to the demobilization process seems likely, its extent and nature remained an open question as of this writing in late November 2005. The U.S. Congress approved U.S. \$20 million in assistance for the demobilization process, but the aid is conditioned on full Colombian cooperation with U.S. extradition requests and on specific measures to ensure accountability and the dismantlement of paramilitary structures.

The E.U. Council of Ministers stated that Law 975 could, if effectively implemented, contribute to peace. It expressed concern, however, over the law's failure to adequately take into account international standards on truth, justice, and reparation.

The OAS Mission to Support the Peace Process in Colombia, which is charged with verifying the demobilization process, was widely criticized by victims and human rights groups. Not only has it failed to adequately monitor paramilitaries' cease-fire declaration, it has also failed to follow up on complaints of abuses, and it shows little or no independence from the government. As of November 2005, the OAS Secretary General reportedly was considering possible reforms to the Mission's structure and activities.

The Office of the U.N. High Commissioner for Human Rights is active in Colombia, with a presence in Bogotá, Medellín, and Cali. Its relations with the government are difficult due to Colombia's repeated failure to implement the office's human rights recommendations.