



JANUARY 2007

COUNTRY SUMMARY

Colombia

Colombia remains mired in a decades-long internal armed conflict, which continues to result in widespread abuses by irregular armed groups, including both guerrillas and paramilitaries, as well as by the Colombian armed forces.

Civilians suffer the brunt of the conflict, as every year thousands become displaced by the violence, losing their homes and livelihoods. Forced disappearances, extrajudicial executions, targeted assassinations, threats, and kidnappings remain commonplace. The vast majority of abuses remain unaddressed.

Both paramilitary groups and guerrillas continue to be well-financed through resources from the drug business. Paramilitaries have also become increasingly involved in large-scale corruption schemes, infiltrating national governmental institutions, controlling local politicians, and diverting funds from state agencies.

Demobilization of Paramilitary Groups

The Colombian government claimed in 2006 that it had successfully completed the demobilization of more than 30,000 supposed paramilitaries, but serious questions remain as to the effectiveness of the demobilization process in dismantling paramilitaries' complex criminal and financial structures, and ensuring truth, justice, and reparation.

Paramilitary commanders have not taken significant steps to give up their massive illegally acquired wealth, return stolen land, or show that they have ceased their lucrative criminal activities. Disturbing indicators of their persistent influence in 2006 included: reports of paramilitary infiltration of the Intelligence Service; increasing threats against academics, union leaders, human rights defenders, and journalists; and the formation of new paramilitary groups, as reported by the Organization of American States' (OAS) Mission to Support the Peace Process.

In May 2006, the Colombian Constitutional Court ruled on the constitutionality of the government's controversial "Justice and Peace Law," which offers dramatically reduced sentences to paramilitaries responsible for atrocities and other serious crimes. The court approved the reduced sentences, but through interpretation, made several important improvements to the law, ruling that paramilitaries would have to confess and pay reparations out of their legal and illegal assets, and that if they lied or committed new crimes, they could risk losing their reduced sentences. It also held that prosecutors would have to fully investigate all confessed crimes.

In September, the government issued a decree that partially implemented the court ruling, but that also conferred upon the paramilitary leadership even greater benefits by allowing them to avoid prison altogether by serving their reduced sentences on farms or at home instead.

A number of commanders turned themselves in for voluntary confinement in a retreat house in the state of Antioquia, but many others remain at large.

New paramilitary abuses, including killings and forced disappearances, continued to be reported throughout the year. In October, the Attorney General's office revealed that a confiscated computer owned by an associate of the paramilitary leader known as "Jorge 40" had turned up evidence of over 500 assassinations committed in just one Colombian state between 2003 and 2005. The computer also pointed to continuing plans by the paramilitaries' Northern Block to expand their political power and territorial control.

Talks with Guerrillas

Throughout 2006, the Colombian government engaged in preliminary talks with the National Liberation Army (ELN) guerrillas, to set the terms for eventual peace negotiations. President Uribe announced that he would seek to obtain resources to support the ELN during peace talks and replace the revenue this group would otherwise obtain from kidnappings and extortion.

Meanwhile, the largest guerrilla group in Colombia, the Revolutionary Armed Forces of Colombia (FARC), expressed interest in discussing an exchange of its hostages for

imprisoned guerrilla members. Talks on this issue were cancelled after a bombing in October 2006 for which the government charged the FARC was responsible.

The government persisted in its decision to offer demobilization benefits to FARC members who had already been convicted and were in prison for gross violations of international humanitarian law, such as kidnappings and killings.

Both the FARC and ELN continued to engage in abuses against civilians, which in 2006 included kidnappings, killings, and indiscriminate bombings. Guerrilla groups are responsible for most reported cases of the use of anti-personnel landmines, which result in hundreds of civilian injuries and deaths every year. Guerrillas are also responsible for most recruitment of child soldiers in Colombia. At least 80 percent of the children under arms in Colombia belong to the FARC or ELN. At least one of every four irregular combatants in Colombia is under 18 years of age. Of these, several thousand are under the age of 15, the minimum recruitment age permitted under the Geneva Conventions.

Impunity and Military-Paramilitary Links

Colombia's long-running failure to effectively investigate, prosecute, and punish human rights abuses has created an environment in which abusers correctly assume that they will never be held accountable for their crimes.

The problem is particularly acute in cases of military abuses, including cases involving credible allegations of military-paramilitary links. Low-ranking officers are sometimes held accountable in these cases, but rarely is a commanding officer prosecuted.

Early in 2006, scores of allegations were made public that units of the army had executed civilians and dressed the corpses as guerrillas so that they could record them as killed in combat. In another case, 21 military recruits were allegedly tortured by their supervisors during training, subjected to beatings, burning, and sexual abuse.

In May 2006, an army unit shot and killed 10 elite anti-narcotics police officers who had been trained by the US Drug Enforcement Administration. Prosecutors labeled the killings intentional, not accidental. Investigation of the case, however, was

initially hampered by the fact that the civilian judge charged with the case refused to review it. As of this writing, prosecutions were ongoing.

In one encouraging development, prosecutors announced that they had obtained new evidence in a case involving the “disappearances” of 10 people in the 1985 retaking by security forces of Colombia’s Palace of Justice (which housed the Supreme Court), after its invasion by the M-19 guerrilla group.

Internal Displacement

With a cumulative total of more than 3.7 million displaced persons, Colombia continues to have the world’s largest internal displacement crisis after Sudan, and incidents of forced displacement rose from 2003 to 2005, according to the nongovernmental Consultancy for Human Rights and the Displaced (Consultoria para los Derechos Humanos y el Desplazamiento, CODHES). While government data for these years are lower, they reflect the same trend. (At this writing, data for 2006 were not available.)

Those who are internally displaced are generally worse off than the poorest members of their host communities, with two-thirds living in inadequate housing with no access to basic sanitation, according to studies by the International Committee of the Red Cross, the Catholic Church, and the University of the Andes. Only one in five displaced persons receives medical care, and some 300,000 displaced children do not have access to education, the Geneva-based Internal Displacement Monitoring Centre reported in June 2006.

The Colombian government quietly has backed away from its earlier policy, roundly criticized by local and international observers, which had promoted return to home communities as its principal response to displacement. But the central government refuses in some instances to extend recognition to groups thought to be taking a “political stance” against the government. As a practical matter, the denial of recognition means that most displaced individuals return to their home communities even though the security situation does not enable a safe and dignified return.

In response to a 2004 Constitutional Court finding that the government’s system for assisting displaced persons was unconstitutional, the Colombian government

substantially increased its budget for protection and humanitarian assistance for displaced persons, committing more than US\$2 billion dollars for the five-year period ending in 2010.

A major assistance program funded by the US Agency for International Development and managed by the International Organization for Migration and the Pan-American Development Foundation had a slow start in 2006.

Access to Legal Abortion

In May 2006 Colombia's constitutional court declared that the country's blanket criminalization of abortion violated women's constitutional rights, a landmark decision for the region. The court declared that neither women nor doctors can be penalized for procuring or providing abortions where one of three conditions is met: 1) the pregnancy constitutes a grave danger to the pregnant woman's life or health; 2) the fetus has serious genetic malformations; and 3) the pregnancy is the result of rape or incest.

Human Rights Monitors and Other Vulnerable Groups

Human rights monitors, as well as labor leaders, journalists, and other vulnerable groups continue to be the subjects of frequent threats, harassment, and attacks for their legitimate work. Investigations of these cases rarely result in prosecutions or convictions.

President Uribe once again made statements attacking the media for its coverage of public issues, singling out individual journalists and papers, and accusing them of being dishonest, malicious, and harmful to democratic institutions.

The Ministry of Interior has a protection program, established with US funding, to offer protection to threatened persons. Nonetheless, a number of individuals have complained about feeling intimidated by the armed escorts—who have often been agents of the intelligence service—assigned to them.

Key International Actors

The United States remains the most influential foreign actor in Colombia. In 2006 it provided close to US\$800 million to the Colombian government, mostly in military aid. Twenty-five percent of US security assistance is formally subject to human rights conditions, but the conditions have not been consistently enforced. In 2006 the United States also started providing financial support for the paramilitary demobilization process, certifying Colombia's compliance with related conditions in US law.

The OAS Mission to Support the Peace Process in Colombia, which is charged with verifying the demobilization process, began offering more critical analyses in 2006 after having endorsed the process uncritically in the past. Nonetheless, the mission's effectiveness continues to be limited by its failure to scrutinize judicial proceedings against the paramilitaries and monitor the progress of Colombian authorities in dismantling their complex financial and criminal networks.

Several European governments, including those of Sweden and the Netherlands, continue to provide substantial funding to the OAS Mission.

The Office of the UN High Commissioner for Human Rights is active in Colombia, with a presence in Bogota, Medellin, and Cali. Despite the office's high quality and professional work, the Colombian government repeatedly criticized it in 2006. After protracted negotiations lasting much of the year, the Colombian government extended the office's mandate by one additional year. However, government officials, including Vice President Francisco Santos, stated that they planned to continue negotiating "adjustments" to the scope of the office's mandate.