
Colombia

Colombia's forty-year internal armed conflict continues to be accompanied by widespread violations of human rights and international humanitarian law. All actors in the conflict—guerrillas, paramilitary groups, and the armed forces—commit serious violations, such as massacres, assassinations, and kidnappings.

In 2004, while pursuing an aggressive military offensive against guerrilla groups, the government engaged in peace negotiations with paramilitary groups. The negotiations may result in the demobilization of several thousand individuals who claim to have been members of paramilitary groups. At the same time, however, paramilitaries have been flouting the OAS-monitored ceasefire they agreed to at the start of negotiations, while consolidating their control over vast areas of the country. And the demobilization process continues to lack sufficient safeguards to ensure that paramilitaries responsible for the commission of atrocities are brought to justice.

The government has yet to take credible action to break ties between the military and paramilitary groups. Impunity, particularly with respect to high-level military officials, remains the norm.

Negotiations with Paramilitary Groups

The Colombian government has been negotiating the demobilization of paramilitary groups since early 2003. The negotiations have been mired in controversy: an initial demobilization of several hundred individuals in late 2003 is now widely viewed as a failure because many of those who demobilized were in fact criminals posing as paramilitaries, and because of reports that, of those who were not impostors, many have continued to engage in paramilitary activities. In addition, the paramilitaries have not adhered to the ceasefire agreement that they initially announced in November of 2002. A report by Colombia's Public Advocate released in October 2004 stated that in the first eight months of the year it had received complaints involving 342 apparent paramilitary breaches of the ceasefire, including kidnappings, forced displacement, extortion, targeted homicides, and massacres.

A significant obstacle to a full and effective paramilitary demobilization is the lack of a legal framework to govern the demobilization process and the benefits to be provided to those who demobilize. A draft bill initially proposed by the administration of President Alvaro Uribe in 2003 would have allowed cooperative paramilitary leaders responsible for atrocities to go virtually unpunished. After an international and domestic outcry, the proposed law was modified. However, a new version of the bill circulated in April 2004 still contains serious flaws—a failure to provide for thorough investigations of paramilitary crimes and illegal assets, and a loophole allowing those convicted of atrocities to entirely

avoid incarceration—that make the effective demobilization and dismantling of paramilitary structures unlikely.

In November 2004, the government announced a schedule for the demobilization of three to four thousand paramilitary troops by the end of the year, applying similar procedures to those that were used in the Cacique Nutibara demobilization.

Military-Paramilitary Ties

Paramilitary groups maintain close ties with a number of Colombian military units. The Uribe administration has yet to take effective action to break these ties by investigating and prosecuting high-ranking members of the armed forces credibly alleged to have collaborated with paramilitary groups.

Credible reports indicate that some of the territories from which the military has ejected the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) are now under the control of paramilitary groups, which continue to carry out indiscriminate attacks on the civilian population.

Impunity

The Attorney General's Office continues to make little progress in prosecuting commanding military officers against whom there are credible allegations of human rights violations. Prosecutors appear to lack the political will necessary to take on such high-ranking and well-connected suspects.

In 2004, for example, Attorney General Luis Camilo Osorio announced that he would not file charges against General Rito Alejo del Río. Del Río had been under investigation for allegedly supporting paramilitaries who had attacked villages, executed local civic leaders, and provoked mass displacement and severe hardship for thousands of people in northern Colombia between 1995 and 1997. The evidence against Del Río was compelling enough to prompt then-President Andrés Pastrana to dismiss Del Río in 1998. The U.S. government cancelled his visa to the United States in July 1999, on the ground that there was credible evidence that implicated him in “international terrorism,” among other crimes.

Anti-terrorism Measures

Colombia's Constitutional Court struck down on procedural grounds a constitutional reform, proposed by the Uribe administration and approved by Congress in 2003, that would have allowed the military to perform arrests and searches, and intercept private communications, without a warrant or any prior judicial review. The government is widely expected to reenact the reform in 2005, this time following the requisite legal procedures.

The government continues to carry out mass arrests of individuals suspected of collaborating with guerrilla groups, a tactic that has resulted in abuses by security forces and judicial authorities. Authorities have frequently based both individual and mass arrests on inadequate or unreliable information, in some

cases obtained solely from secret informants or demobilized individuals in contexts in which authorities know or should know that the information is unreliable. Such arrests, even if wrongful, can turn individuals into targets for attack after their release. For example, university professor Alfredo Correa de Andreis was assassinated by unknown assailants shortly after being formally cleared of charges, based on allegations by a secret informant, that he was a FARC ideologue.

Human Rights Monitors and Other Vulnerable Groups

Colombia is an extremely dangerous place for human rights monitors, who have for years been threatened and attacked because of their work. The problem has recently been exacerbated by statements from government officials, who in 2003 and again in 2004 publicly accused human rights organizations as well as individual human rights monitors of being guerrilla collaborators or apologists for terrorism. After sustained international criticism, President Uribe and other government officials have started to conduct meetings with representatives of domestic and international human rights organizations.

Other particularly vulnerable groups include journalists, academics, labor union leaders, and members of indigenous groups. In August 2004, for example, three labor union leaders in Arauca were apparently killed by members of the armed forces.

The Kankuamo, like many other indigenous communities, has been repeatedly targeted by guerrilla and paramilitary groups who are fighting for control of traditional Kankuamo lands in Colombia's Sierra Nevada mountains. Assassinations and massacres have resulted in hundreds of Kankuamo deaths and the decimation of entire towns. In July 2004, the Inter-American Court of Human Rights told Colombia to adopt measures to protect the community. But the continued killing of Kankuamo leaders raises doubts about the government's willingness to comply with this decision.

Violations by Guerrilla Groups

While in retreat in some parts of the country, guerrillas continue to commit frequent and serious violations of international humanitarian law. Abuses include massacres, extrajudicial executions, and kidnappings for financial or political gain.

The Uribe administration expressed willingness in 2004 to negotiate the release of FARC members not convicted of committing atrocities, in exchange for the release of hostages held by the FARC. The FARC has refused this exchange, however, stating that the government should first establish a demilitarized zone where the exchange could occur.

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 National Liberation Army (Ejército de Liberation Nacional, ELN). The remainder fights for paramilitaries.

Many children join up for food or physical protection, to escape domestic violence, or because of promises of money. A few join under coercion or out of fear. Others are street children with nowhere to go. Children as young as thirteen are trained to use assault rifles, grenades, and mortars.

Key International Actors

The United States remains the most influential foreign actor in Colombia. In 2004 it provided more than U.S.\$700 million to the government, mostly in military aid. Although 25 percent of the security assistance included in this package is formally subject to human rights conditions, the conditions have not been enforced: the full amount of aid continues to flow to Colombia even though the government has failed to break ties between the military and abusive paramilitary groups.

The U.S. Congress has approved a doubling of U.S. troops and an increase in U.S. private contractors in Colombia for 2005. The troops and contractors are to provide logistical support and training to the Colombian military in counter-narcotics and counter-insurgency operations.

In February 2004, the Organization of American States (OAS) authorized the establishment of an OAS Mission in Colombia to “provide technical support to the verification of the ceasefire and cessation of hostilities, demobilization, disarmament, and reintegration initiatives.” The Mission has faced numerous obstacles, including lack of funding and refusal by paramilitary leaders to concentrate their forces in the demilitarized zone, which renders it impossible for the mission to perform its verification function. However, the OAS Mission has also been the subject of controversy, with critics charging that the Mission is becoming overly involved in the negotiations, improperly lending the OAS’s legitimacy to a flawed process.

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