

Colombia

Colombia's internal armed conflict continues to result in widespread abuses by irregular armed groups and government forces. The Colombian government dealt serious blows to the Revolutionary Armed Forces of Colombia (FARC) guerrillas in 2008. But guerrillas continued to engage in kidnappings, use of antipersonnel landmines, recruitment of child combatants, and other abuses. Successor groups to paramilitaries, which never fully demobilized, appeared increasingly active, threatening and killing civilians, including trade unionists and human rights defenders. Reports of extrajudicial executions of civilians by the military remain frequent. Internal displacement of civilians has been steadily rising in recent years—in 2008 the number of people affected may have reached its highest level in decades.

Colombia's justice institutions have in recent years begun to make some progress in uncovering the truth about paramilitary abuses and accomplices. But in 2008 the administration of President Álvaro Uribe repeatedly took steps that could hamper the investigations.

Progress and Threats to Accountability for Paramilitaries' Accomplices

Colombia's paramilitaries are responsible for crimes against humanity and thousands of other atrocities. They have also amassed enormous wealth and influence, in part through mafia-style alliances with members of the military, politicians, and businesspeople.

Colombia's institutions of justice have recently started to uncover some of the truth about paramilitaries' abuses and accomplices. The Supreme Court has made unprecedented progress in investigating accusations against members of the Colombian Congress for collaborating with the paramilitaries. More than 60 members—nearly all from President Uribe's coalition—have come under

investigation. And, in confessions to prosecutors from the Attorney General's Office pursuant to the "Justice and Peace Law," which offers them reduced sentences subject to full and truthful confessions and other conditions, paramilitary commanders have started to disclose details of some of their atrocities and to name accomplices.

However, the Uribe administration has repeatedly taken actions that could sabotage the investigations. Administration officials have issued public personal attacks on the Supreme Court and its members, in some cases making accusations that have turned out to be baseless, in what increasingly looks like a campaign to discredit the court. In mid-2008 the administration proposed a series of constitutional amendments that would have removed what are known as the "parapolitics" investigations from the Supreme Court's jurisdiction, but it withdrew the proposal in November. The administration also blocked what is known as the "empty chair" bill, which would have reformed the Congress to sanction parties that had backed politicians linked to paramilitaries.

Extraditions of Paramilitary Leaders

In May 2008 Colombia extradited most of the paramilitary leadership to the United States. The extraditions are positive in that they may help to break the groups' chains of command, and increase the likelihood that these commanders will serve lengthy prison terms for their drug crimes.

Yet the extraditions may prove fatal to obtaining justice for paramilitaries' human rights crimes. The extraditions happened at a time when several of the commanders were coming under pressure from Colombian prosecutors and courts to answer difficult questions about their abuses and accomplices. The sudden extraditions have interrupted the process of confessions and interrogation in Colombia and eliminated commanders' incentives to cooperate with the Colombian investigations.

In October two of the extradited individuals, known as "Cuco Vanoy" and "Gordolindo," received prison sentences of over 20 years each for their drug trafficking crimes, pursuant to plea bargains. They have ceased providing

information to Colombian authorities about their human rights crimes, and it is unclear whether their plea bargains require that they cooperate in that regard.

New Armed Groups

The Uribe administration claims that paramilitaries no longer exist. While more than 30,000 individuals supposedly demobilized, Colombian prosecutors have turned up evidence that many of them were not paramilitaries at all, but rather, civilians recruited to pose as paramilitaries. Law enforcement authorities never investigated most of them.

Meanwhile, new armed groups often led by mid-level paramilitary commanders have cropped up all over the country. The Organization of American States (OAS) Mission verifying the demobilizations has identified 22 such groups, totaling thousands of members. The groups are actively recruiting new troops, and are committing widespread abuses, including extortion, threats, killings, and forced displacement. In Medellín, for example, after a steady decline in official indicators of violence, there has been a surge in homicides, apparently committed by these groups.

Guerrilla Abuses

Both the FARC and the National Liberation Army (ELN) continue to engage in abuses against civilians.

Government forces dealt serious blows to the FARC, including through the arrest or killing of several commanders. In June security forces rescued 15 hostages held by the FARC, including three US citizens and former Colombian presidential candidate Ingrid Betancourt. No lives were lost in the operation, but it was later revealed that members of the military who participated in the operation displayed the emblem of the International Committee of the Red Cross, in violation of the Geneva Conventions, jeopardizing the ability of humanitarian workers to fulfill their role of protecting civilians. The FARC continue to regularly engage in kidnappings, and still hold hundreds of hostages.

In August government authorities accused the FARC of planting a bomb on a crowded street in the town of Ituango that resulted in the deaths of seven people and injured more than 50 others.

The FARC and ELN continue to frequently use antipersonnel landmines. The Vice-President's Observatory for Human Rights reported 153 civilian victims of antipersonnel mines from January through September 2008.

Internal Displacement

Colombia is estimated to have more than 3 million internally displaced persons, according to the Office of the UN High Commissioner for Refugees. Displacement has steadily increased in Colombia in recent years. According to the Committee on Human Rights and Displacement (CODHES), a nongovernmental organization monitoring displacement, the first half of 2008 marked the highest rate of displacement in Colombia in 23 years, with more than 270,000 people displaced in six months (a 41 percent increase compared to the first six months of 2007). Official numbers for this period are lower, but are increasing as the period the victims have to report their displacement to the government is still open.

A 2004 Constitutional Court decision found that women are particularly vulnerable in situations of internal displacement and ruled that the government's failure to protect women's vulnerability constituted a violation of their rights. In 2008 the government began to comply with the Court's ruling by establishing programs to protect internally displaced women.

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. Under pressure to demonstrate results, army members apparently take civilians from their homes or workplaces, kill them, and then dress them up to claim they were combatants killed in action.

The Attorney General's Office is currently investigating cases involving more than a thousand victims dating back to mid-2003. The Defense Ministry has issued

directives indicating that such killings are impermissible. But such directives have been regularly undermined by statements from high government officials, including President Uribe, who for years publicly denied the problem existed, and accused human rights defenders reporting these killings of colluding with the guerrillas in an orchestrated campaign to discredit the military.

In September 2008 a scandal broke over the disappearance of 11 young men from Soacha, a low-income neighborhood of Bogota. Their bodies were found in the distant northeastern state of Norte de Santander, and the military—initially backed by President Uribe—claimed they were combat deaths. Attorney General Mario Iguaran disputed that claim. In October the Uribe government announced it was dismissing 27 soldiers, including three generals, in connection with the killings.

Army commander Mario Montoya, who had been the subject of allegations linking him to abuses and paramilitaries, resigned in November 2008.

Violence against Trade Unionists

For years, Colombia has led the world in killings of trade unionists, with more than 2,600 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 unionists. Though the number of killings annually has dropped from its peak in the 1990s, when the paramilitaries were in the midst of their violent expansion, more than 400 trade unionists have been killed during the Uribe government. In 2008 the number of killings went up again, to 41 as of October, according to the National Labor School. Unionists working in the education sector comprise a high proportion of the victims.

Impunity in the killing of trade unionists is widespread: in about 97 percent of cases there has been no conviction and the killers remain free. The rate of convictions for unionist killings under the Uribe administration was consistently low until 2007, when the number of convictions jumped to 43. As of October the Attorney General's Office reported there had been 53 convictions in 2008. This sudden increase is primarily due to pressure from the US Congress.

Threats against Human Rights Defenders, Journalists, and Victims of Paramilitaries

Human rights defenders, journalists, local community leaders, and victims of paramilitary groups, as well as trade unionists, are frequently the targets of threats.

A March 6 demonstration against paramilitary violence drew public accusations against the organizers from presidential advisor José Obdulio Gaviria, and shortly before and after the march, scores of human rights defenders and trade unionists reported being threatened and attacked. Some demonstration organizers and participants were killed. In addition to national human rights groups, the threats targeted the international organization, Peace Brigades International's Colombia Project, the news magazine *Semana*, the Workers' Central Union, indigenous organizations, and opposition politicians. In most cases, the threats were issued in the name of a group calling itself the Black Eagles.

The Ministry of Interior has a protection program for journalists and trade unionists, and during 2008 it established a separate program for victims presenting claims in the context of the paramilitary demobilization process. In May the Constitutional Court demanded a thorough review of this program, which many victims' groups consider ineffective.

High-ranking government officials continued to make public statements accusing human rights groups and defenders of collaborating with guerrillas. Such statements create an environment of intimidation that makes it difficult for human rights defenders to carry out their legitimate work.

Key International Actors

The United States remains the most influential foreign actor in Colombia. In 2008 it provided approximately US\$650 million to the Colombian government, somewhat less than in past years. The bulk of the assistance continues to consist of military and police aid, though in 2008 a larger share of aid was directed toward social and economic assistance. Thirty percent of US military assistance is formally subject to human rights conditions, though the US Department of State has not consistently enforced these conditions. The United States also provides financial support for the

paramilitary demobilization process, subject to Colombia's compliance with related conditions in US law.

The Democratic leadership in the US Congress has pledged to delay consideration 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.

The United Kingdom provides military assistance to Colombia, though the full amount is publicly unknown. The European Union provides social and economic assistance, and has provided some aid to the government's paramilitary demobilization programs.

The OAS Mission to Support the Peace Process in Colombia, which is charged with verifying the paramilitary demobilizations, issued reports in 2008 that continued to express concern over the activities of new, rearmed, or never demobilized groups.

The Office of the UN High Commissioner for Human Rights is active in Colombia, with a presence in Bogotá, Medellín, and Cali. Colombia was reviewed under the Universal Periodic Review mechanism of the UN Human Rights Council in December 2008.