

JOINT DECLARATION OF COLOMBIAN SOCIAL AND NON-GOVERNMENTAL ORGANIZATIONS- 2006

FOR THE 62nd SESSION OF THE U.N. COMMISSION ON HUMAN RIGHTS



During the year 2005, the situation of human rights remained critical because the “democratic security” policy continued to be applied, against human rights standards and obligations.

In 2005 impunity ran rampant; in particular, thousands of grave violations committed by paramilitary groups went unpunished. Based on Prosecutor General’s Office information, at least 11,200 paramilitary (99% of the “demobilized persons”) have been left in liberty without being investigated or tried, using the argument that there are no open criminal proceedings against them, even if they have committed grave violations - only 55 paramilitary (1%) had proceedings against them - . The law of “justice and peace”, applied residually to this 1%, does not meet the necessary requirements to guarantee truth, justice, and reparation nor does it demand that “demobilized persons” confess or make any reparation, as a condition for receiving benefits under that law.

Paramilitary control (political, social, economic, and territorial) has been reinforced by the “demobilization”. Paramilitary control has negatively affected the freedom of expression and opinion of diverse political groups. The paramilitary have even infiltrated Congress, the General Prosecutor’s Office, and the Security Administration Department. Forty-nine paramilitary fronts exert their influence in 382 municipalities throughout the country.

Along with the high number of massacres, forced disappearances, arbitrary detentions, and tortures, the cases of direct participation of the Public Forces in such violations has increased, in addition to their being responsible for supporting, acquiescing to or tolerating violations committed by the paramilitary. From August 2002 to June 2005, around 6,648 persons were arbitrarily detained, in many cases based on false accusations made by demobilized persons and informers. During the same period 43 human rights defenders were assassinated or disappeared; this represents the highest index in the past eight (8) years. High level government officials, including the Vice-President, continue encouraging the stigmatization of defenders.

All of the combatant groups continued committing systematic violations to IHL that gravely affected the civilian population. From January to June 2005, at least 350 persons were kidnapped (109, allegedly by the guerrilla). During the first semester of 2005, at least 153,463 persons were forcibly displaced (15% more than in 2004), without any effective State protection or assistance. Communities that have refused to become involved in the

armed conflict have been attacked. Women and girls continued being victims of violations to their sexual integrity.

The Government did not initiate a serious process for peace talks, and neither the Government nor the guerrilla was able to reach concrete agreements to materialize a humanitarian agreement.

Social policy was not aimed at redistributing wealth; it actually led to an increase in iniquity indexes (31% of the population was homeless and 64.2% under the poverty line). If the Free Trade Agreement is approved, the crisis will increase due to the negative repercussions that it will have on peasant producers and other sectors.

After three and a half years, the Government continued its non-compliance with most of the recommendations made by the UN OHCHR and acted against many others, such as the recommendation to confront impunity and connivance with paramilitary groups. In addition, it kept insisting on constitutional and legal reforms that go against judicial independence and fundamental rights protection mechanisms and on others that allow legalizing the violent usurpation of lands from displaced persons, ignoring the rights of the native Indian and Afro-Colombian communities.

The labors of observation and technical assistance that the UN OHCHR performs in Colombia continue being fundamental to confront the grave situation of human rights, to monitor the grave crisis, and to indicate the obstacles that the Government must overcome if it wishes to comply with international standards.

PETITIONS

The Human Rights Commission must:

- I. Urge the Colombian Government to:
 1. Renew the agreement with the High Commissioner for Human Rights in order for its Office in Colombia to continue fully performing its mandate.
 2. Comply promptly with the recommendations of the HCHR, of the Special Procedures and of the treaty-bodies as well as the commitments acquired before all bodies of the United Nations that have been making recommendations for several years, including the Human Rights Commission.
 3. Cooperate with the special mechanisms of the Human Rights Commission and in particular, accept the petition made by the Work Group on Arbitrary Detentions to make a visit to Colombia; ask the Government to honor its obligations under all ratified human rights treaties, including the obligation to present periodic reports on

a timely basis before the Committee on Discrimination against Women and to the Committee for the Elimination of Racial Discrimination.

4. Review and redefine the democratic security policy in accordance to international human rights and IHL obligations, and take the necessary measures to stop applying programs, policies, and strategies that go against such obligations, as well as measures to redress and guarantee the rights of persons who have been affected by its application.
5. In accordance with the last paragraph, design and implement a human rights policy pursuant to international law, based on an ample agreement with civil society of a National Action Plan on Human Rights and IHL that responds to international requirements.
6. Abstain from practicing and promoting summary executions, forced disappearances, tortures, forcible displacements, and arbitrary detentions and reformulate the security policy to guarantee the population its rights to security, liberty, personal integrity, intimacy, a good name, and due process.
7. Take necessary measures to put an end to the social, political, economic, and territorial control structures of paramilitary groups.
8. Take concrete actions to investigate, try, and punish under a legal framework that meets international human rights standards (especially those regarding the rights of victims), those persons allegedly responsible for grave violations who were not investigated but freed after applying Decree 128/2003. This should be done in accordance to Resolution 2005/35 of the CHR on the “Basic principles and guidelines on the right to a remedy and preparation for victims of gross violations of international human rights law and serious violations of international humanitarian law”, among other principles and guidelines.
9. Under a legal framework in accordance with international human rights standards, take concrete actions to investigate, try, and punish those persons who, while being allegedly responsible for grave violations, received the benefits established under Law 975/2005 called the law of “justice and peace”, that does not meet international requirements, and guarantee the rights of the victims
10. Guarantee the legitimacy of the of the work of human rights defenders, including trade union, social, indigenous, peasant and Afro-descendent leaders, as well as women’s organizations, and punish those who endanger them.
11. Properly apply the guiding principles on internal displacement, in particular Principles 28 and 29, as well as the Principles on Housing and Property Restitution

for Refugees and Displaced Persons (E/CN.4/Sub.2/2005/17 June 28, 2005) and abstain from promoting norms that violate the rights of the displaced population, such as House of Representatives Bill of Law 319/2005 that seeks to legalize their being ousted from their lands.

II. Regarding the internal armed conflict:

1. Urge all combatant groups to respect the legal obligations imposed by humanitarian law by applying, among others, the principle of distinction, and by respecting civilians and civilian goods.
2. Urge the Government and guerrillas to promote special agreements to free all persons deprived of their liberty in the conflict, without prejudice to the rights of victims to truth, justice, and reparation; promote as well, special agreements to demobilize girls and boys from the armed conflict, pursuant to Security Council Resolution No.1612.
3. Urge the Government to push forward processes of political (negotiated) solution to the armed conflict, based on a comprehensive peace policy with the participation of the civil society and taking into account its social, political, and economic root-causes.

III. Strengthen the United Nations action regarding human rights:

1. Supporting and strengthening the action of the OHCHR in Colombia, backing its mandate, promoting broadened resources for it to properly perform its observation and assistance labors, and promote widening its regional coverage.
2. Requesting to the High Commissioner that, in addition to the report that the latter presents to the Commission on Human Rights, it present an interim report on the situation of human rights in Colombia to the General Assembly.
3. Requesting to the High Commissioner that, through its Office, it maintain special supervision of the electorate process and the threats to political freedoms, taking into account the control exerted by paramilitary groups and by guerrilla groups in several zones of the country and the possibility of governmental abuses to support its candidate-President.
4. Requesting to the High Commissioner that, pursuant to its mandate, pay special attention to monitoring the implications that the demobilization process has had on human rights, particularly in order for international law crimes perpetrated by paramilitary groups and guerrilla groups not to remain unpunished and for the rights of the victims to be adequately guaranteed.

5. Requesting the Working Group on Arbitrary Detentions to carry out a visit to Colombia, taking into account the large number of detentions made under the democratic security policy without due respect to the rights to personal liberty and due process, among others.
6. Requesting the Representative of the Secretary General for the Prevention of Genocide, pursuant to the recommendation made by the Special Rapporteur on Indigenous Peoples¹, to create an emergency program for the attention of endangered communities and produce a report on the Government's compliance with international recommendations, in coordination with the United Nations agencies in Colombia.
7. Exhorting all United Nations agencies in Colombia to demand the Colombian State the compliance of international recommendations regarding human rights and the application of the guiding principles for forced displacement.
8. Calling upon the Member States of the United Nations to support actions aimed at overcoming impunity regarding the persons responsible for crimes against humanity and war crimes committed in Colombia, even through the application of universal jurisdiction and the support for the International Criminal Court Prosecutor to initiate relevant investigations.
9. Urging all the Member States of the United Nations to promote the points indicated above and to guarantee that the specific space for the discussion of the human rights situation in Colombia as well as the agreed Chairperson's Statement be maintained within the framework of the Human Rights Council.

Colombia-Europe-US NGO Coordination
Bogotá, January 2006

¹ Special Rapporteur on the Situation of Human Rights and Fundamental Liberties of Indigenous Peoples, *Report on the Visit to Colombia Made from March 8 to 17, 2004*, E/CN.4/2005/88/Add.2, November 10, 2004, paragraph 115.

This statement is supported by the following organizations:

1. Asamblea por la Paz de la Unión Sindical Obrera – USO –,
2. Asociación Campesina del Valle del Río Cimitarra (ACVC),
3. Asociación de Desplazados Asentados en el Municipio de Barrancabermeja (ASODESAMUBA),
4. Asociación de Familiares de Detenidos Desaparecidos (ASFADDES) y sus seccionales en *Bucaramanga (Santander), Medellín (Antioquia), Neiva (Huila) y Popayán (Cauca)*,
5. Asociación de Trabajo Interdisciplinario (ATI),
6. Asociación Fraternal de Afrocomunidades de Cajibío (AFRANEC),
7. Asociación Nacional de Ayuda Solidaria (ANDAS) y sus seccionales en *Valle de Aburrá (Antioquia), Cartagena (Bolívar), Cúcuta (Norte Santander), Bucaramanga (Santander)*,
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9. Asociación Nacional para el Bienestar – SEMILLAS –
10. Asociación para el Desarrollo Social e Integral – ECATE –,
11. Asociación para la Promoción Alternativa – MINGA,
12. Asociación Prodesarrollo de Familias Desplazadas y no Desplazadas del Suroccidente de Barranquilla (APRODEFA);
13. Benposta Colombia
14. Central Cooperativa de Servicios (CENCOOSER),
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16. Centro Cristiano para la Justicia, la Paz y Acción No Violenta Justapaz,
17. Centro de Cultura y Educación Popular – CINEP
18. Centro de Promoción Ecuménica y Social (CEPECS),
19. Coalición Contra la Vinculación de Niños, Niñas y Jóvenes al Conflicto Armado en Colombia
20. Colectivo de Abogados José Alvear Restrepo (CAJAR),

21. Comisión Colombiana de Juristas (CCJ),
22. Comisión Intereclesial de Justicia y Paz,
23. Comité Permanente por la Defensa de los Derechos Humanos (CPDH) y sus seccionales en *Manizales (Caldas)* y *Neiva (Huila)*, *Pereira (Risaralda)*, *Armenia (Quindio)*, *Barranquilla (Atlántico)*, *Cartagena (Bolívar)*, *Cali (Valle)*, *Nariño (Pasto)*, *Arauca (Arauca)*, *Cúcuta (Norte de Santander)*, *Bucaramanga (Santander)*,
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25. Comité Regional de Derechos Humanos Joel Sierra,
26. Confederación de Trabajadores de Colombia - CTC
27. Confederación General del Trabajo - CGT
28. Consejo Regional Indígena del Cauca (CRIC),
29. Corporación Casa de la Mujer,
30. Corporación Centro de Estudios y Desarrollo de los Derechos Humanos (CEDERHNOS),
31. Corporación Claretiana “Norman Pérez Bello”
32. Corporación Colectivo de Abogados “Luis Carlos Pérez”,
33. Corporación de Coordinación Metropolitana de Asociaciones de Desplazados,
34. Corporación de Destechados del Cauca (CODESCO),
35. Corporación Fondo de Solidaridad con los Jueces Colombianos - FASOL,
36. Corporación Fundación para la Defensa de los Derechos Humanos - REINICIAR,
37. Corporación Juan Bosco,
38. Corporación Jurídica Libertad,
39. Corporación Jurídica Yira Castro,
40. Corporación Nación,
41. Corporación para el Desarrollo del Oriente - COMPROMISO,
42. Corporación para el Desarrollo Regional (CDR),
43. Corporación Regional para la Defensa de los Derechos Humanos (CREDHOS),
44. Corporación Servicios Profesionales Comunitarios Sembrar,
45. Corporación Viva la Ciudadanía y su seccional en *Medellín (Antioquia)*
46. Corporación AVRE - Apoyo a Víctimas de Violencia sociopolítica pro Recuperación Emocional,
47. Cristianas y Cristianos por la Justicia y la Paz,

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49. Diócesis de Quibdó (Chocó),
50. Escuela Nacional Sindical (ENS),
51. Franciscans International,
52. Fundación Comité de Integración del Macizo Colombiano (FUNDECIMA),
53. Fundación Comité de Solidaridad con los Presos Políticos (FCSPP) y sus seccionales en *Barranquilla (Atlántico)*, *Medellín (Antioquia)*, *Cali (Valle del Cauca)*, *Ibagué (Tolima)*, *Cúcuta (Norte Santander)*, *Bucaramanga (Santander)*,
54. Fundación Cultura Democrática
55. Fundación Franciscana Santo Tomás Moro,
56. Fundación Manuel Cepeda
57. Fundación Menonita Colombiana para el Desarrollo (MENCOLDES),
58. Fundación para la Educación Popular (FUNCOP – CAUCA),
59. Fundación para la Educación y el Desarrollo (FEDES),
60. Fundación para la Promoción de la Cultura y la Educación Popular (FUNPROCEP),
61. Fundación Sol y Tierra,
62. Fundación Sumapaz,
63. Humanidad Vigente Corporación Jurídica,
64. Iglesia Presbiteriana de la Costa Norte,
65. Instituto Latinoamericano de Servicios Legales Alternativos (ILSA),
66. Instituto Nacional Sindical (CED – INS) Capítulo Valle,
67. Instituto Popular de Capacitación (IPC),
68. Movimiento Campesino de Cajibío
69. ,
70. Organización de Mujeres del Suroccidente de Montería,
71. Organización Femenina Popular (OFP) y su seccional en Bogotá,
72. Organización Indígena de Antioquia (OIA),
73. Organización Indígena Kankuama del Cesar (OIK),
74. Organización Nacional Indígena de Colombia (ONIC),
75. Pastoral Social Villavicencio,
76. Proceso de Comunidades Negras (PCN) y su seccional en Bogotá,
77. Promoción para la Paz, Derechos Humanos y Derecho Internacional Humanitario (PROMOPAZ),
78. Proyecto Agenda de Gays, Lesbianas, Bisexuales y Transexuales,
79. Proyecto Colombia Diversa

80. Proyecto Justicia y Vida,
81. Servicio Jesuita a Refugiados (SJR),
82. Sindicato Nacional de Trabajadores de la Industria de Alimentos
(SINALTRAINAL) seccional Bugalagrande