300 days of the Santos Government:

Fine words have not put a stop to human rights violations in Colombia

In contrast to the previous administration, the new government began its mandate with a more open discourse with regards to human rights in Colombia, and public stigmatisation of opposition parties and of human rights defenders decreased. This new strategy has been termed by the government as "*disarming its language*".

Nevertheless, up to now these changes in the government´s public discourse have not lead to either a better human rights situation, or a reduction in the high levels of impunity related to past violations. On the contrary, after 300 days of the new government, the human rights situation in Colombia continues to be serious and of extreme concern, as echoed by organisms such as the Office of the United Nations High Commissioner for Human Rights in Colombia, (UNHCHR) or Amnesty International.

To support this affirmation, we summarise below some of the most serious human rights violations committed since 7 August 2010, the day on which President Juan Manuel Santos took up office.

- From July 2010 to April 2011, **206 individual acts of aggression have been registered against human rights defenders**, including 34 killings. In the same period, 127 human rights and social organisations were victims of some kind of aggression which placed at risk the life and integrity of their members, and hampered the legitimate and lawful defence of human rights[1].
- During the same period, **15 leaders working on land restitution have been killed** in regions such as Norte de Santander, Antioquia, Valle, Cauca, Nariño, Arauca and Tolima[2]. These facts beg the question of how the future *victims and land restitution law* will be applied if the lives of those very people returning to their lands cannot be guaranteed.
- The drama of **forced displacement** in Colombia has reached excessive levels, no matter which figure you choose to believe (between a range of **3,486,305** and **4,915,579 people** in a situation of forced displacement)[3]. And the figures continue to rise, with some 36,000 new victims of forced displacement recorded during the first four months of the year by the state agency *Acción Social*[4]. Even more tragic are the Constitutional Court orders describing massive levels of under-registration.
- The situation for victims of forced disappearance is so serious that there is no unified figure showing the true scale of this crime. To date[5], there are more than 57,200 people registered as disappeared on the National Registry of Disappeared Persons, while the Attorney General´s Office has recorded more than **26,500 cases of presumed forced disappearances**. Of these cases, 1,130 occurred in the last 3 years[6], that is to say, one case per day. Moreover, according to UNHCHR, there has been no progress on the part of the Defence Ministry and the Army, in identifying disappeared persons and collaborating with the justice system, in application of the United Nations recommendations.
- **Extrajudicial executions** committed by the state security forces have not stopped during the period of the new government and **29 new cases**[7] have been documented. It is of great concern that the investigation of these cases has seen significant setbacks in 2010, namely in the collaboration between the Military Justice System and the civil justice system for the transferral of cases of individuals who supposedly "died in combat", yet whose bodies display signs of human rights violations[8].

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1 Campaign for the Right to Defend Human Rights in Colombia. 2010 Report and report on the first 90 days of the Santos Government (in Spanish).

2 http://m.elespectador.com/impreso/politica/articulo-260651-victimas-de-restitucion

3 Figures from Social Action (*Acción Social*) and the Consultancy for Human Rights and Displacement (*CODHES*) 2010.

4 charged with prevention of and attention to forced displacement

5 Speech made by UNHCHR representative, Christian Salazar Volkmann, during the seminar "Tools for the protection and defence of the right to truth for victims of forced displacement in national and international jurisprudence" (in Spanish)

6 "Breaking the silence" from the *U.S.Office on Colombia* and *Latin America Working Group*.

7 Working Group on Extrajudicial Executions of the *Colombia-Europe-United States Coordination Group*

8 Annual Report of the UN High Commissioner for Human Rights, 2010

- Despite international pressure for the eradication of **violence against trade unionists**, in the midst of the ratification of a number of FTAs, and the constant recommendations of international institutions such as the ILO and UNDP, the panorama in Colombia continues to be critical. Between August 7 and May 2011, there have been **24 killings of trade unionists** and **233 acts of aggression** against them, 32 of which were against women. During 2010, 30% murders committed against human rights defenders were against trade unionists, and a third of those were committed by presumed paramilitaries. In the same year there were at least 177 violations to the life, liberty and integrity of women trade unionists, that is to say, one third of the total violence committed against this sector was committed against women. The Central Workers´ Trade Union (CUT) interprets this rise in acts of aggression against trade unionists as a worrying symptom of the reorganisation of paramilitary groups, and their resurgence as so-called *criminal gangs*[9]. We must not forget that Colombia has the highest record in the entire world for violence against trade unionists; since 1986, 2,861 trade unionists have been assassinated, more than 11,000 violent acts have been committed against them. Meanwhile, the level of impunity stands at 90% for these crimes, which contributes to the extremely serious situation for trade union and labour rights in the country.
- **Violence against women** continues to be a secondary issue in public policy, with unacceptable levels of impunity. According to the First Survey on the Prevalence of Sexual Violence against Women in the Context of the Armed Conflict in Colombia[10], between 2001-2009, **489,687 women were the direct victims of sexual violence**. One of the most dramatic cases of sexual violence occurred in Arauca in October 2010, when two girls were raped and one of them was subsequently murdered along with her brothers, a crime which has been attributed to a member of the Colombian Army. Neither the Army nor the Attorney General´s Office reacted immediately when the crime was reported, which shows not only negligence but also structural errors in both institutions[11]. The judge who took on the case was also murdered in March.
- The government has yet to fulfill its constitutional mandate in relation to Prior Consultation with indigenous peoples and afro Colombian communities before the implementation of projects in their collective lands[12]. For the National Indigenous Organisation of Colombia (ONIC), the lack of respect for this right is a contributing factor in the risk of extinction of more than half of the indigenous peoples in the country. In 2010 alone, **122 indigenous people** were assassinated[13].
- Throughout this period it has become ever clearer that the so-called *Bacrim* (criminal gangs) are composed of many of the same paramilitaries who supposedly demobilised during the application of Law 975 or who did not take part in the process at all. According to the latest reports[14], there are now approximately **7,000 armed men distributed throughout 360 municipalities in 32 departments** in Colombia which has led to an exponential increase in armed actions carried out by these groups. It is important to highlight that these groups, which the government attempts to present as common delinquents and drug-trafficking networks, are at least 50% composed of medium level commanders and paramilitary bosses who never demobilised, and who continue to maintain links with political powers and the state security forces. Proof of these links are the 350 soldiers dismissed by the Army for presumed collusion with paramilitary groups, the 888 police officers being investigated for presumed links, and the more than 1,300 denouncements against judges and attorneys for presumed decisions in favour of these groups[15]. The Commission for Electoral Monitoring has alerted that they have already identified some regions where irregularities could occur in the upcoming October elections[16].
- **Impunity** for human rights violations is unacceptable and real efforts are required on the part of the Colombian state to combat this phenomenon. By way of example, of the more than 50,000 supposedly demobilised combatants taking part in the "justice and peace" process under Law 975,

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9 Central Worker´s Union (*Central Unitaria de Trabajadores de Colombia* - CUT) "Acuerdo Obama Santos 5 de mayo de 2010" and the National Trade Union School (*Escuela Nacional Sindical*-ENS) "Informe nacional de coyuntura laboral y sindical 2010-2011"

10 Campaign: Rape and other Violence: Leave my body out of the war. Oxfam International.

11 Annual Report of the UN High Commissioner for Human Rights, 2010

12 http://www.elespectador.com/impreso/politica/articulo-266920-consulta-de-minorias

13 2010 Annual Report of the National Indigenous Organisation of Colombia (*Organización Nacional Indígena de Colombia* - ONIC)

14 V Informe sobre narcoparamilitares en 2010. Institute for Development and Peace Studies (*Instituto de Estudios para el Desarrollo y la Paz*).

15 http://www.eltiempo.com/archivo/documento/CMS-8936501

16 http://m.elespectador.com/impreso/politica/articulo-272171-fraude-latente-elecciones

there has only been one definitive conviction made by the Supreme Court of Justice. The status of judicial investigations in cases of extrajudicial executions is of great concern, with regards to the poor results achieved in relation to the total number of cases reported to date. To this are added the significant setbacks in 2010 related to collaboration between the Military Justice System and the Civil Justice System, time limits being exceeded in legal cases, cases of soldiers convicted of serious infractions of IHL who continue in service, and the absence of measures to protect the families of victims, witnesses, attorneys and judges[17]. Paramilitaries taking part in the *justice and peace* process under Law 975 of 2005, have confessed to a total of 70,780 crimes, of which only 69 refer to sexual violence. Not one single conviction has been made related to these crimes of sexual violence.

Given the serious nature of the abuses reported above, it is clear that in addition to words, concrete steps and real political will are needed to progress towards their eradication. The organisations signing this report therefore ask the International Community, in particular the Spanish Government, to put pressure on the Colombian state to guarantee the **comprehensive and effective fulfillment of human rights**, with an emphasis on the rights of victims and the struggle against impunity. In addition, the Colombian state must **promote a real policy for peace** as fundamental step towards a future negotiated solution to the armed conflict in Colombia.

Signed by the following organisations

Spain:
Social Organisations from the "Taula Catalana per la Pau i els Drets Humans a Colòmbia": *Associació Catalana per la Pau, Col·lectiu Maloka, Comissió Catalana d'Ajuda al Refugiat, Consell Nacional de la Joventut de Catalunya, Cooperacció, Entrepobles, Federació Catalana d'ONG per al Desenvolupament, Federació Catalana d'ONG per la Pau, Fundació Pau i Solidaritat -CCOO, Fundació Pagesos Solidaris, Fundació per la Pau, Intermón – Oxfam, Internacional Peace Observatory, Justícia i Pau, Lliga dels Drets dels Pobles, Moviment per la Pau, Sindicalistes Solidaris- UGT, Solidara – Intersindical-CSC*. Justícia por Colombia Coordination Group: *Comisión Española de Ayuda al Refugiado, Comité de Solidaridad Madrid Oscar Romero, Instituto de Estudios Políticos para América Latina y África-IEPALA, Munduba, Organización de Solidaridad con los Pueblos de Asia, Africa y América Latina-OSPAAAL, Paz con Dignidad, Fundación Madrid Paz y Solidaridad de CCOO*. Coordination Group for Peace and Human Rights in Colombia (Spanish State*): Coordinación Valenciana de Solidaridad con Colombia-CEAR-PV, CEDSALA, CEPS, Colectivo Sur-Cacarica, Entreiguales-Valencia, Intersindical Valenciana-, Coordinadora Catalana por la Paz y los Derechos Humanos en Colombia, Justicia por Colombia, Kolektiba Colombia, Mesa de Apoyo a la Defensa de los Derechos Humanos de las Mujeres y la Paz en Colombia, Plataforma Andaluza de Solidaridad con Colombia, Plataforma Asturiana por la Paz y los Derechos Humanos en Colombia, Red Canaria por los Derechos Humanos en Colombia.* Izquierda Unida, Partido Comunista de España, Asociación Española para el Derecho Internacional de los Derechos Humanos, Associació Catalana d'Enginyeria Sense Fronteres, Xarxa de Consum Solidari, Setem Catalunya, Asociación de Técnicos Especialistas en Investigación y Estudios sobre la realidad Latinoamericana(Atelier), Plataforma de Solidaridad con Chiapas y Guatemala de Madrid, Soldepaz Pachakuti, Confederación Sindical de Comisiones Obreras, Unión de Juventudes Comunistas de España, Asociación Malagueña Josefa Camejo de apoyo a la Revolución Bolivariana, Izquierda Anticapitalista de Madrid, Ecologistas en Acción, Colectivo de Solidaridad por la Justicia y Dignidad de los Pueblos, COLICHE, Plataforma Bolivariana de Solidaridad con Venezuela de Madrid, Fundación Hijos del Maíz, Comité Oscar Romero de Vigo, Iniciativas de Cooperación Internacional para el Desarrollo – ICID, Justícia i Pau de Barcelona, Consejo Español por la Paz y la Solidaridad CEDESPAZ, STOP IMPUNIDAD, Coordinadora Estatal de Solidaridad con Cuba-Madrid,

Europe:
International Office for Human Rights, Action on Colombia -OIDHACO, Forum for Women and Development –FOKUS (Norway), kolko e.V Human Rights for Colombia (Germany), Bread for the World (Germany), Switzerland-Colombia Working Group Grupo (Switzerland), Swiss Coordination of NGOs for Colombia (Switzerland), Cordaid (Netherlands), Mensen met een Missie (Netherlands), DKA (Austria), Rete Italiana Colombia Vive! (Italy)

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17 Centre for Grassroots Research and Education – Peace Program (*Centro de Investigación y Educación Popular - Programa por la Paz* - CINEP/PPP)