联合国  $A_{/HRC/13/72}$ 



Distr.: General 4 March 2010 Chinese

Original: English and Spanish

#### 人权理事会

第十三届会议

议程项目 2

联合国人权事务高级专员的年度报告以及

高级专员办事处和秘书长的报告

# 联合国人权事务高级专员关于哥伦比亚人权状况的报告\* \*\*

# 摘要

按照哥伦比亚政府与联合国人权事务高级专员办事处(人权高专办)之间的1996年协定规定的任务,本报告分析了涉及2009年哥伦比亚人权状况和国际人道主义法的最重要发展。除其他问题外,报告还记录了在法外处决控诉数量急剧减少方面以及在持续起诉被指控与准军事组织有联系的国会议员和政府官员方面取得的显著进展。

报告认可了哥伦比亚政府对国际监督的开放态度,该政府接受四位特别报告 员并自我监测普遍定期审议的建议就是证明。高级专员注意到哥伦比亚政府与人 权高专办哥伦比亚办事处之间的合作精神以及该国政府关于解决人权挑战的承诺。

报告阐述了内部武装冲突如何给该国带来诸多挑战,包括游击队组织完全无视国际人权法的情况。准军事组织解散后出现的非法武装团体针对平民实施暴力、非法武装团体参与贩毒、内部武装冲突严重影响土著人民和非洲裔哥伦比亚社会,致使这一局面进一步恶化。

报告进一步分析了第 975(2005)号法(《正义与和平法》)的执行困难、增加的威胁以及非法利用情报机构打击人权维护者和其他人的情况。报告论述了政府与人权组织以及最高法院之间的对立。报告还论述了性暴力案件上升的情况。报告还讨论了在全面实现经济、社会和文化权利方面的差距、事实上的歧视以及非洲裔哥伦比亚人和土著人在多个省份的边缘化情况。

本报告还概述了人权高专办哥伦比亚办事处开展的主要活动并提出了一些建议。



<sup>\*</sup> 本报告以所有正式语文散发。附件仅以英文和西班牙文散发。

<sup>\*\*</sup> 本文件延期提交的原因是要反映最新信息。

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# 一. 导言

- 1. 1996 年 11 月 29 日, 哥伦比亚政府和联合国人权事务高级专员办事处(人权高专办)商定在哥伦比亚建立一个人权高专办的办事处("人权高专办哥伦比亚办事处")。这项协定的有效期被延长到 2010 年 10 月 30 日,协定内容没有变化。
- 2. 在其任务框架的范围内,人权高专办哥伦比亚办事处观察人权状况和国际人 权法,以便协助当局制定和实施关于促进和保护人权的各项政策、方案和措施, 并向高级专员提交分析报告。本报告涵盖了 2009 年,并以哥伦比亚政府定期讨 论的多个重点事项为侧重点。
- 3. 2009 年,哥伦比亚对国际人权保护机制表现出高度开放态度。应其政府的邀请,四位特别报告员访问了该国: (a) 法外处决、即决处决或任意处决问题特别报告员(6 月 8 日至 18 日); (b) 土著人人权和基本自由状况特别报告员(7 月 22 日至 27 日); (c) 人权维护者状况特别报告员(9 月 7 日至 18 日); (d)法官和律师独立性问题特别报告员(12 月 7 日至 16 日)。<sup>1</sup>
- 4. 副高级专员在 2009 年 11 月 28 日至 12 月 4 日举行的《关于禁止使用、储存、生产和转让杀伤人员地雷及销毁此种地雷的公约》(《渥太华公约》)第二次审议大会期间访问了哥伦比亚。她与副总统、各部部长、高级别政府官员、民间社会组织的代表以及国际社会举行了会议。她前往普图马约亲自观察当地存在的对人权和国际人道主义法的挑战。
- 5. 三个条约机构对该国的状况进行了分析,它们是:保护所有移徙工人及其家庭成员权利委员会(2009 年 4 月 21 日至 22 日),消除种族歧视委员会(8 月 12 日至 13 日)以及禁止酷刑委员会(11 月 10 日至 11 日)。<sup>2</sup> 哥伦比亚政府也参与了人权理事会在 3 月进行的普遍定期审议,8 月 19 日秘书长依据第 1612(2005)号决议向安全理事会提交了关于武装冲突中儿童状况的首次报告。<sup>3</sup>
- 6. 2010 年的主要挑战是推进切实执行这些审查提出的建议以及所有过去未落 实的高级专员的建议,这是人权高专办哥伦比亚办事处参与合作并提供意见的一 项进程。

<sup>1</sup> 哥伦比亚是 2009 年特别程序任务执行人访问最多的国家。

<sup>&</sup>lt;sup>2</sup> 经济、社会、文化权利委员会以及人权事务委员会制定了各自将在哥伦比亚定期报告审查期间解决的问题清单。对这些报告的实际审查将分别于 2010 年 5 月和 7 月进行。

<sup>3</sup> S/2009/434 号文件。

# 二. 背景

- 7. 在哥伦比亚全面实现人权仍然受到复杂的内部武装冲突的影响,并因有组织暴力,特别是与贩毒有关的有组织暴力而恶化。这种状况给该国民主机构的运行以及社会经济的发展造成了负面影响。一些城市例如麦德林的杀人率急剧上升、针对特别是青年和人权维护者的恐吓及死亡威胁增加、准军事组织解散后出现的非法武装团体扩大针对平民的暴力,这些都对过去几年得到改善的安全局势以及2009年该国整体下降的凶杀情况造成了影响。
- 8. 其他影响人权的新情况包括国家安全部的严重违法行为;目前政府和最高法院之间的紧张态势,包括在选择总检察长方面的僵局;继哥伦比亚革命武装力量人民军在本年度上半年释放多名被绑架警察和政治家等之后难以再释放更多人员;游击队组织继续无视国际人道主义法并袭击平民;以及因不确定是否举行公投允许总统乌里韦竞选第三个任期而加剧的政治分歧。
- 9. 一些规范方面的进展以及政府实行的政策帮助改善了人权状况,包括对军队 提出的法外处决控诉的数量急剧减少。

# 三. 人权和国际人道主义法

#### A. 司法状况

- 10. 2009 年期间,行政机构与司法机构之间的紧张状态和公开纠纷损害了司法独立。人权高专办哥伦比亚办事处记录了高级别政府官员、社会活动家和政治活动家羞辱最高法院及法官的公开言论,以及通过游说、施加压力和威胁等方式直接或间接地不正当干涉司法职能的情况。这些行为违反了联合国关于司法独立的原则<sup>4</sup>并引起了对某些法官人身安全的关注。
- 11. 司法行政中长期存在的问题<sup>5</sup>以及司法机构内部存在的分歧促使提出了司法 改革的要求。任何改革都应当是参与式的、透明的,以确保充分实现所有人对合 格、独立、公正和迅速司法的权利。
- 12. 最重要的是加强司法机构尤其是最高法院的工作,保障其有能力独立、安全、自由和专业地履行责任,不受限制或压力。
- 13. 在其 12 月份访问期间,法官和律师独立性问题特别报告员倡导更好地保护 所有司法工作者以确保其独立性。

<sup>&</sup>lt;sup>4</sup> 大会第 40/32 号决议,1985 年 11 月 29 日以及第 40/146 号决议,1985 年 12 月 13 日。

<sup>&</sup>lt;sup>5</sup> 人权高专办哥伦比亚办事处不断报告各种问题,例如"向当局漏报犯罪行为、难以诉诸司法系统、资金和技术资源不足(尽管已增加预算)、缺少适用法律的统一标准、法官和检察官工作量大、诉讼进程进展缓慢以及腐败"(A/HRC/7/39,第12段)。

#### B. 情报部门

- 14. 2009 年公开的资料显示国家安全部(直接向总统报告的国家民间情报机构)进行了广泛、系统的非法情报活动,时间至少追溯到 2003 年。除其他目标以外,这些活动特别针对人权维护者、反对派政治领袖、记者和高级别政府官员例如副总统。此外,在公共领域也出现了令人不安的消息,甚至最高法院的法官也受到监视。美洲人权委员会、一名联合国特别报告员以及人权高专办哥伦比亚办事处自身也成为监视目标。在许多情况下,这些行动的目标就是迫使受害者的工作无效,这些受害者因被视为是政府政策的潜在反对者而成为了"合法目标"。
- 15. 国家安全部实施的非法活动包括窃听电话和因特网线路,监视、恐吓和威胁、窃取情报以及闯入办公室和住所。这些行为造成了恐怖和不安全的气氛,在有些情况下破坏并污蔑了人权维护者的工作。针对妇女的行动包括直接威胁其子女,有时还施加性暴力。
- 16. 这些活动似乎是国家安全部内部高级官员建立的非正式组织实施的,国家安全部为其获得、管理和交换信息提供必要的合法外衣和组织,并提供获得该机构的人力、技术和信息资源的途径。在有些情况下,甚至是国家安全部关于人权维护者和其他人的保护计划也被用于获取情报。
- 17. 总检察长和司法部长对包括 4 名前主任在内的大约 40 名国家安全部官员开展了调查。政府采取了措施重组国家安全部,包括接受辞职、开展内部调查以及把司法警察职能从情报活动中剥离。2009 年 9 月,总统命令关闭国家安全部并创建新的情报机构。
- 18. 此外,安全部队的一些成员继续利用国家情报部门针对批评政府的社会和政治活动家实施非法的秘密行动,并采取了与前文所述同样的手段。此类行动还直接针对致力于捍卫人权的公职人员。司法部长办公室的不同部门有时也利用非法获得的信息指控人权维护者和社会活动家。
- 19. 一起涉及身份不明的犯罪分子从联合国工作人员处窃取儿童权利相关信息的案件特别值得关注。
- 20. 目前的挑战是明确责任,确定助长国家安全部非法活动的环境,并查明是谁允许开展这些非法活动和(或)从中受益。必须克服检察官们在最初阶段面临的困难,帮助他们安全、独立地开展调查,不受压力或威胁。有罪不罚以及情报部门缺乏民主管理和监督使实施此类犯罪成为可能。
- 21. 因此,在宣布关闭国家安全部之后,应当建立必要的法律、政治和行政条件并强有力地管理和监督情报部门。新的《情报法》及相应的法令应当在这方面起到促进作用。敦促哥伦比亚政府采取具体、有时限和透明的措施执行这些法律。在这方面,相关政府机构应当按照人权高专办哥伦比亚办事处先前提出的建议,在咨询所有相关利益方和受害人之后,加速制定一项行动计划创建国家文件清理机制,推动总检察长发挥积极作用。

#### C. 人权维护者、记者和工会成员

- 22. 人权高专办哥伦比亚办事处记录了多起案件,特别是针对人权维护者的杀害、威胁、任意关押、性侵犯、闯入住所和办公室以及窃取信息的案件。这些违法行为是准军事组织解散后成立的非法武装团体和游击队组织的成员实施的,特别是哥伦比亚革命武装力量-人民军,有些则是由安全部队的成员实施的。
- 23. 2009 年,通过宣传小册子和电子邮件针对人权维护者、社会和社区领袖以及边缘化群体成员发出的恐吓及死亡威胁增加。虽然有些调查取得了进展,但大多数威胁都未得到处理,而且有时未经事先调查就被当局迅速撤销。
- 24. 与此同时,人权维护者和记者因质疑政府政策或谴责腐败和侵犯人权而被指控犯下反叛、恐怖主义、诽谤和(或)造谣中伤罪行,迅速受到调查。无论人权维护者是受害人还是犯罪行为的被告,在每一起案件中,总检察长办公室都必须透明、公正、及时地采取行动。
- 25. 威胁和杀害工会成员、记者<sup>6</sup>、女同性恋、男同性恋、双性恋者、变性者 (LGBT)以及倡导这些人的权利者的情况值得特别注意。同样还应关注倡导非洲 裔哥伦比亚人社区和土著人民的民族领土权利的人。第 975(2005)号法律的受害 者代表和支持者(特别是如果他们要求归还被窃取的土地)受到骚扰,甚至会被杀害,促进和维护人权的和平活动家、社区领袖和公职人员也有同样的遭遇,例如 预警系统<sup>7</sup>的分析员和市政监察员。
- 26. 在过去几年里,政府为保护有危险的不同群体的方案投入了大量人力和财力资源。然而这一重大努力需要更好的协调,必须扩大范围,例如把预警系统的工作人员包括进来,还应当以性别问题为中心,促进通过保护措施并尽快予以执行。正在进行的向私营公司移交保护计划的工作以及其他相关改革应当咨询受益人的意见,因为国家有义务维护、保护和确保在其管辖范围内充分享有权利,不能把这种义务推卸给其他人。
- 27. 2009 年 4 月至 5 月期间,政府与国家人权、社会权利及和平活动家网络商定了讨论人权维护者开展工作所需保障的程序。4 月,在国际社会的积极支持下,为此举行了一次国家级圆桌会议,并在大约一半省份开展了一系列讨论。人权高专办哥伦比亚办事处欢迎这一做法和达成的具体承诺,并呼吁哥伦比亚政府及时予以落实。参与其中的人权维护者多次收到死亡威胁。这些威胁还没有得到适当调查。

<sup>&</sup>lt;sup>6</sup> 1 月至 10 月,总统人权方案登记了 27 起杀害工会会员的事件,其中 14 人是教师。同一期间,统一工会(中央统一工会)报告有 37 人被杀害,其中包括 4 名妇女。

<sup>&</sup>lt;sup>7</sup> "预警系统",西班牙文缩略语为 SAT,是设在监察员办公室的一个系统,其任务是发出关于大规模侵犯人权和国际人道主义法的风险警告。

- 28. 人权高专办哥伦比亚办事处关切地注意到公职人员和军人继续发表针对人权维护者的言论,指控或暗示人权维护者的工作违反国家利益或者同情游击队组织。此类言论增加了人权维护者的安全风险,将会限制他们的活动,造成自我审查,并加深国家与民间社会之间的不信任。
- 29. 在这方面,人权高专办哥伦比亚办事处欢迎总统、副总统和内务部长就人权维护者工作的合法性问题发布的法规和声明。<sup>8</sup> 鼓励高级官员保持一致和积极的公共言论支持人权维护者,低级别公职人员也应这样做。政府和总检察长应惩罚继续污蔑人权维护者的公职人员。
- 30. 在9月份的访问期间,人权维护者状况特别报告员承认哥伦比亚政府已经为支持人权维护者做出重要努力,但也证实人权维护者仍然在不友好和恐怖的困难环境中工作。
- 31. 在制定国家人权计划方面取得了一些进展。国家保障问题圆桌会议是朝着实现商定的国家人权行动计划和国际人道主义法迈出的重要一步。2009 年 11 月启动的国家人权教育计划应当由教育部在所有省和大城市立即执行。

#### D. 调查被控与前军事组织有联系的国会议员和公职人员

- 32. 自从 2006 年 11 月对三名议员实施拘留以来,因被指控与准军事组织有联系而接受调查的政治家和公职人员的人数或"parapolitica"案件的数量继续增加。截至 2009 年 11 月,有 93 起公开案件针对 2006 至 2010 年期间由 268 名当选议员组成的议会成员,他们分别来自 15 个不同政党。截至 2009 年 12 月,共有 13 人被定罪、5 人宣告无罪、9 人因证据不足被释放。9 截至 2009 年 11 月,对 12 名总督、166 名市长、13 名省代表以及 58 名委员立案 249 起。
- 33. 四十三名议员辞职,以接受总检察长而不是最高法院的调查。但在 2009 年 9 月,最高法院裁定,在所控犯罪涉及国会议员的职务和职能时,最高法院将继续行使管辖权。<sup>10</sup> 新的判例应推动对这些案件更标准化的调查。
- 34. 人权高专办哥伦比亚办事处欢迎最高法院采取措施改善正当程序,例如明确 区分法院内部的调查、起诉和判决职能。<sup>11</sup> 不过,还必须采取进一步措施,例 如上诉权,最高法院似乎正在考虑这项权利。

<sup>8</sup> 在 2009 年 9 月 17 日发布的公开宣言中,总统承认"捍卫人权是必要且合法的促进民主的行动"。

<sup>9</sup> 另有5人在服完部分刑期之后被释放。

<sup>10</sup> 第 27032 号神的旨意, Álvaro Araujo Castro, 最高上诉法院刑事法庭, 第 291 号法令, 2009 年 9 月 15 日。

<sup>11</sup> 最高法院第001号协定,2009年2月19日。

35. "Parapolitica"案件强调国家和民间社会必须密切监督预定于 2010 年和 2011 年开展的选举进程,包括市级和部级选举在内,以防止再次出现此类案件。有关当局应采取一切必要措施确保公平、透明和民主的选举进程。

#### E. 法外处决

- 36. 自 2008 年 11 月以来,由于总统和国防部执行了 2008 年 10 月和 11 月通过的各项措施并进行监测,<sup>12</sup> 对安全部队特别是军队实施法外处决的控诉急剧减少。<sup>13</sup> 2009 年,国防部颁布新的交战规则和《作战法手册》,其中载有关于尊重和保护人权的重要规则。彻底并持续消除法外处决需要国防部和军队不断做出努力。人权高专办哥伦比亚办事处欢迎国防部接受其提议,监测执行某些旨在加强军队遵守人权和国际人道主义法的政策措施。
- 37. 被指控的大量法外处决案件是今后几年最关切的问题。到 2009 年 9 月,总检察长办公室的国家人权和国际人道主义法股已被指派调查 1 273 起案件,共涉及 29 个省的 2 077 名受害人(其中 122 人为妇女,59 人为未成年人)。这些数字显示所有被指控的行为都不是孤立的,必须为该股有效行使职能划拨足够的人力、技术和财政资源,确保案件得到处理。
- 38. 在 6 月份的访问期间, 法外处决、即决处决或任意处决问题特别报告员认可了哥伦比亚政府做出的努力, 但关切地注意到在政策与执行工作之间存在差距。
- 39. 必须做出进一步努力促使所有军事人员深入认同和遵守国防部就法外处决问题通过的各项政策。的确,一些安全部队的成员继续发表声明污蔑那些谴责处决案件、要求通过矫正措施、调查案件并惩处责任人的人士。其中一些声明暗示军事人员之所以频繁受到关于法外处决的无聊的司法指控,其目的是质疑军事行动。但是,109 人被控告、38 人被定罪,只有 3 人宣告无罪,这让人质疑此类声明的真实性,至少在某些案件中是这样。
- 40. 辩护律师在法律诉讼中的一系列程序做法一直被认为是拖拉和不公正的,而且多名军事人员的私人律师非法自称为国防部和(或)所谓军事防卫部(DEMIL)的官员,向证人施压以改变证词。这些行为公然违反了最高司令部和国防部的政策,应当予以驳回并适当惩处。
- 41. 军事法庭继续将侵犯人权案件移交普通司法系统处理。<sup>14</sup> 不过,在指控的 法外处决方面有 249 次司法纠纷有待解决,事实表明还需加强这些努力,以确保

<sup>12</sup> 除其他措施之外,还有3名将军和其他24名军官及次级军官被总统解职。

<sup>13 2009</sup> 年,总检察长办公室的国家人权和国际人道主义法股记录了7起案件,相比之下2008 年有144 起,2007 年有464 起。

<sup>14</sup> 截至 2009 年 11 月,251 起案件被移交给普通司法系统。

此类争端不会成为不必要地拖延司法程序的系统化做法。正如修订的《军事刑法典》明确规定的那样,军事法庭应仅限于处理违反军法的案件。

42. 2009 年,同样有证据显示在保护受害人家属、证人、检察官和法官方面严重不足。人权高专办哥伦比亚办事处登记了多次针对受害人亲属的死亡威胁、一次杀人事件以及一次暗杀企图。在司法程序中合作的在职安全部队人员甚至也受到威胁。连同企图污蔑或拖延司法程序一起,这种行为构成了一种阻止司法程序推进的骚扰模式。政府应采取措施增加对证人、受害人家属和司法官员的保护,公开认可其工作的合法性并打击所有宣扬有罪不罚的行为。

#### F. 性暴力

- 43. 关于性暴力案件包括国内武装冲突时期实施的性暴力案件的统计数字仍然不完整。依据国家法医研究所提供的信息,已登记的性暴力案件的数量从 2000 年的 12,732 起上升到 2008 年的 21,202 起,发案背景不同,包括国内武装冲突时期在内。值得特别关注的是,约 86%的案件受害人是女童,其中大多数年龄在 10岁至 14 岁之间(占 31.5%)。正在开展多项工作解决性暴力问题,必须妥善协助受害人、鼓励提起指控并确保有效地报告和调查案件。
- 44. 2009 年,人权高专办哥伦比亚办事处收到数量惊人的信息,涉及哥伦比亚革命武装力量一人民军以及准军事组织解散后成立的非法武装团体的成员针对妇女和女童实施的性暴力案件。后者被指控实施性暴力并建立卖淫、贩卖人口和性奴隶网络,有时还得到一些国家警察成员的默许甚至合作,特别是在麦德林市。人权高专办哥伦比亚办事处获悉哥伦比亚革命武装力量-人民军在托利马实施强好并在安蒂奥基亚招募妇女和女童,这些妇女和女童也是强迫节育的受害者。
- 45. 有几起案件值得特别注意,案件的被告是安蒂奥基亚、阿劳卡、波哥大、玻利瓦尔、塞萨尔、瓜维亚雷和乔科省的安全部队人员。其中大多数案件的受害人是女童。在有些案件中,军事和司法当局采取了适当措施,例如公开认错和加速调查,但在其他案件中,安全部队人员污蔑受害人或者采取强迫、威胁或贿赂手段迫使其撤回控诉。
- 46. 这些案件表明安全部队必须对性暴力采取坚决、清晰和明确的"零容忍"措施,包括辞退人员在内。不要等待或排除诉讼和纪律处分程序的结果,必须通过预防性措施,公开承认事实(不公开受害者或者使其再次沦为受害人),确保赔偿,确保至少保证不会重犯。在这方面有一些很好的努力,包括国防部和联合国主办的关于性暴力的圆桌会议以及采取措施援助和保护受害人并防止性暴力。
- 47. 尽管总检察长花大力气培训其人员并设立了专门的调查股,但对性暴力有罪不罚的情况仍然普遍存在。在其 2009 年的第 036 号命令中,宪法法院裁定总检察长办公室对 183 起性暴力案件开展的调查均不适当。必须进一步推进执行法院裁定的反性暴力预防措施,截至 2009 年 11 月,这些措施仍然停留在设计阶段,这些措施必须有妇女的积极参与。

48. 应当及时颁布关于提高认识以及预防和处罚一切形式暴力侵害和歧视妇女行为的第 1257(2008)号法律的相关法令。同时主管当局应直接、立即适用现有的法律规定,例如关于非强制性调解的法律规定。

#### G. 酷刑和其他残忍,不人道或有辱人格的待遇或处罚

- 49. 哥伦比亚关于酷刑和残忍、不人道或有辱人格待遇的官方数据仍然缺乏可靠来源。现有的数据似乎既不能体现这个问题的范围,也不能反映其真实影响。受害人害怕报复、对国家机构缺乏信任、缺少适当的法律和心理支持、没有充分和有区别的保护、社会丑化受害人,这些都阻碍了对这一问题严重程度的全面了解。
- 50. 截至 2009 年 6 月,总检察长办公室对 10 545 起酷刑案件开展了调查。这些案件涉及身体和精神折磨,在大多数情况下,受害人不仅遭受酷刑还受到其他犯罪行为的侵害,例如强迫失踪、绑架或性暴力。酷刑案件与其他侵犯人权行为之间的联系不能减轻其严重程度。
- 51. 某些社会群体尤其容易受到酷刑的迫害,例如妇女、儿童、青年、被关押人员以及女同性恋、男同性恋、双性恋和变性者,特别是在安蒂奥基亚。
- 52. 作为预防和技术合作的工具,《禁止酷刑和其他残忍、不人道或有辱人格的待遇或处罚公约任择议定书》的批准将有助于更有效地保护人民免受这种苦难。

#### H. 强迫失踪

- 53. 强迫失踪仍然是主要关注的问题。截至 2009 年 12 月,国家失踪人口登记局报告失踪案件 37 300 起,其中约有 10 000 起案件是强迫失踪案件。<sup>15</sup> 大多数案件仍未侦破,实施者和实施动机不明。在打击犯罪团伙时,尤其是在麦德林,警察实施了大量强迫失踪案件。
- 54. 强迫失踪的受害人仍然主要是青年以及来自贫穷家庭、居住在贫民窟或偏远农村地区的无业男子。失踪对其家庭,尤其是那些以妇女为主导的家庭造成了深远影响,包括因所爱的人不知所踪而遭受痛苦。
- 55. 总检察长办公室继续进行挖尸检验工作。<sup>16</sup> 截至 2009 年 12 月,根据第 975(2005)号法律,共有 35 664 起案件的犯罪者供认犯罪,其中有 2 520 起强迫

<sup>15</sup> 国家失踪人员登记局, 2009 年 12 月。

<sup>16</sup> 国家正义与和平股通过虚拟识别中心(CUVI)在国家一级协调检察官裁定进行的挖尸检验工作。

失踪案件。发现了 2 388 座坟墓,其中有 2 901 具尸体。然而,遗骸的识别和返还工作仍然进展缓慢:完全确定的遗骸只有 910 具,其中 796 具已移交给家属。

- 56. 在开始挖掘之前进行的调查工作对确定犯罪环境和识别受害人至关重要。不过,由于被挖掘者的身份通常不明,因此很难确保受害者的家属充分参与挖掘过程。这需要加强总检察长办公室与负责搜索失踪人员的国家机构之间的合作,以便交换和互查所有可用信息。人权高专办哥伦比亚办事处欢迎 2009 年期间做出的努力,并注意到要让亲属充分参与这些进程还有很多工作要做。
- 57. 2009 年 11 月通过的《尊重、查找和识别强迫失踪受害人法》朝着承认受害人权利的方向迈出了一步。人权高专办哥伦比亚办事处进一步欢迎参议院为一体化迅速批准《保护所有人免遭强迫失踪国际公约》初步采取措施,这需要调整国家立法使其符合国际标准。

#### I. 准军事组织解散后成立的非法武装团体

- 58. 人权高专办哥伦比亚办事处十分关切地注意到,在整个哥伦比亚,准军事组织解散后成立的非法武装团体针对平民实施暴力的情况正在扩大和增加。
- 59. 这些非法武装团体 2009 年实施的暴力行为包括屠杀、选择性谋杀、威胁、强迫流离失所以及性暴力。受害者包括社会领袖、土著人士和非洲裔哥伦比亚人以及地方政府官员,特别是如果这些官员参与返还土地进程或者控制公共资源。被袭击的目标有的拒绝了这些非法武装团体要求、有的拥有特定团体的财产权益,被视为与其他团体有合作或归属关系,或者只是正好居住在对立团体之间的纠纷地带。还有许多复员人员因"解决个人恩怨"或拒绝加入这些团体而成为受害人。
- 60. 这些非法武装团体在农村和城市地区实施的有组织暴力行为使其得以实行可见的"社会控制",直接或间接地强迫人民支持其活动。他们继续强迫招募并采取欺骗或经济手段利用妇女和儿童从事贩毒、凶杀或情报等工作。
- 61. 其中一些非法武装团体采用与以往的准军事组织类似的方式参与犯罪活动,例如贩毒、敲诈勒索、窃取土地、卖淫和贩卖人口,同时也从事合法但有时不道德的活动,例如摸彩和保安服务。这些非法武装团体吸纳了已复员和未复员的准军事组织前成员,有些团体自愿征兵,其他团体则强制征兵。多名准军事组织的前中级战斗员和前军事人员目前在这些非法武装团体担任高级职位。
- 62. 为促进贩毒等非法生意,这些非法武装团体偶尔也会在彼此之间或者与哥伦比亚革命武装力量-人民军的地方战斗组织或民族解放军达成协议。这些团体与敌对团体血腥厮杀,甚至自相残杀,导致身处夹缝中的平民遭受进一步暴行。人权高专办哥伦比亚办事处已查明一些相互勾结的案件,主要是由腐败造成的,但也有因安全部队人员宽容和默许这些非法武装团体造成的案件。

- 63. 这些非法武装团体迅速、持续发展。哥伦比亚人民阵线反共军(哥反共军)在罗斯利亚罗斯地区活动,其组织结构类似前哥伦比亚联合自卫军(哥自卫军),但其他非法武装团体则采取多个小团体相勾结的组织形式,再联合和联络犯罪组织进行犯罪活动。人权高专办哥伦比亚办事处在该国某些地区收到越来越多关于哥反共军或"Rastrojos"组织等团体的信息,将会证实武装分子典型的行为和组织能力,正如国际人道主义法所定义的那样。
- 64. 这些非法武装团体实施有组织犯罪的范围、其实际经济实力、腐蚀主管当局和国家机构的能力、与地方当局和地方势力网络的联系、对社会活动家的影响以及令人震惊的对平民实施暴力的程度,使其对法治构成了艰巨的挑战。
- 65. 政府针对这些非法武装团体的努力取得了积极成果,但这些团体构成的挑战仍然远远超出普通犯罪。事实上,这些非法武装团体在前准军事组织一度活跃的地区活动,而且还效仿其经济和政治结构,因此不仅必须加强对风险人群(特别是城市和农村地区的青年)的预防机制,还应当保护和关注受影响人群。

#### J. 国际人道主义法

#### 1. 游击队组织

- 66. 近年来,国内武装冲突已经转向哥伦比亚的边缘和边境地区,迫使游击队组织撤退并以小团队形式活动,有时他们做平民打扮,普遍使用小武器和杀伤人员地雷。在这些撤退区,哥伦比亚革命武装力量-人民军和民族解放军长期驻扎,并通过非法作物、走私和大规模勒索获取资源。
- 67. 2009 年,哥伦比亚革命武装力量一人民军和民族解放军大量屠杀平民。<sup>17</sup> 除其他违反国际人道主义法的罪行之外,游击队组织至少还实施了 27 起屠杀<sup>18</sup> 、肆意袭击、恐怖主义行为、强迫流离失所、性暴力侵害妇女和女童、绑架人质以及袭击医疗队和基础设施。受害人包括选举产生的地方公职人员、社区领袖、教师、妇女、儿童和青少年。特别是,哥伦比亚革命武装力量一人民军系统化地实施集体威胁,阻碍人员和货物的自由流动,并且通常在受其影响的地区实行强有力的社会控制,限制整体的自由。
- 68. 与 2008 年相比,2009 年被杀害的土著人民的人数增加了 63%。土著领袖和代表经常成为指控和威胁对象。其中一些受影响最大的社区位于安蒂奥基亚、卡尔达斯、考卡、纳里尼奥和普图马约。阿瓦人的族人在 2 月和 8 月遭到两次屠杀,23 人死亡,其中包括 8 名儿童,这是土著人民易受伤害的悲惨实例。

<sup>17</sup> 总统人权方案记录了 2009 年第一季度在阿劳卡省的 142 起谋杀; 大多数是民族解放军和哥伦比亚革命武装力量一人民军之间的冲突造成的。

<sup>18</sup> 总统人权方案, 2009年11月。

- 69. 贫困、缺乏机会,在这样困难的社会背景下,哥伦比亚革命武装力量一人民军和民族解放军继续征募儿童。<sup>19</sup> 人权高专办哥伦比亚办事处继续呼吁游击队组织立即停止征募儿童兵和释放已入伍的儿童。为防止这种做法,防止招募儿童兵政府间委员会向 100 个城市的主管当局和社区提供了技术支持,在市长和市监察员付出巨大努力之后,至少有 61 个城市现在实施了防止招募儿童兵的政策。
- 70. 杀伤人员地雷的埋设产生了无数受害者,致使大量非洲裔哥伦比亚人社区和土著社区被隔离。根据"禁止杀伤人员地雷全面行动总统方案"提供的信息,2009年有67名军人和44名平民死亡,373名军人和148名平民受伤;死伤的平民中有11名妇女和49名未成年人。2009年12月,哥伦比亚政府主办了在卡塔赫纳举行的渥太华公约第二次审议大会。
- 71. 游击队组织还继续实施绑架。2009 年 12 月,卡克塔省总督被劫持为人质,后被哥伦比亚革命武装力量一人民军杀害,该组织继续劫持平民和安全部队成员作为人质,并施加残忍和不人道的待遇,有些人质被劫持超过 10 年。人权高专办哥伦比亚办事处重申无区别、立即和无条件释放所有人质的呼吁,并要求所涉各方优先考虑被关押者的利益。

#### 2. 安全部队

- 72. 虽然程度较轻,但安全部队,特别是军队也要对违反国际人道主义法负责。 有报告称安全部队实施杀人、任意攻击、强迫流离失所、酷刑和其他残忍,不人 道和有辱人格的待遇以及威胁和任意限制人员和货物的自由流通。有时限制食品 的流通可能会影响到特别是儿童的营养水平。
- 73. 安全部队成员继续不时地占据学校、家庭住宅或其他平民房产,并在附近设立军事哨所。这在某种程度上是蓄意的行动,有必要彻底检讨为什么国际人道主义法培训受到忽略,为什么地面部队不遵守国防部和军队将领发布的命令。
- 74. 在一些地区,平民生活逐步军事化,包括儿童在内的平民卷入情报工作或军事行动,都将平民置于受游击队威胁和袭击的风险之中。因此 2009 年 3 月关于巩固领土的第 01 号总统令中提到的政府协调成为当务之急,其中包括平民和军事行动者应充分尊重预防办法和"不伤害"的原则,为协助平民确保必要的人道主义空间。
- 75. 人权高专办哥伦比亚办事处欢迎宪法法院 2009 年 10 月做出的 C-728 号判决,其中敦促国会通过关于拒服兵役的法律。

<sup>19 5</sup>月6日, 哥伦比亚革命武装力量一人民军通知考卡省的坚巴罗人可招募其儿童入伍。

#### K. 强迫流离失所

76. 尽管比率低于上一年,但强迫流离失所现象 2009 年继续增加,且案件登记持续不足。整个国家都出现了强迫流离失所情况,在敌对地区更为频繁。2009 年,非法武装团体在安蒂奥基亚、科尔多瓦、乔科省和纳里尼奥等省造成的强迫流离失所影响尤其令人担忧。

77. 2009 年初,继 2004 年的第 T-025 号判决之后,宪法法院又发布 2009 年第 008 号法令,评估政府如何解决强迫流离失所问题和协助境内流离失所者。该法令强调"违宪状态"评估的持久性,并注意到缺乏有效的公共政策防止流离失所。人权高专办哥伦比亚办事处鼓励已经发起的响应第 T-025 号判决的各项进程,这些进程中应包括总检察长、监察员和民间社会组织。

78. 对预警系统的利用仍然不足。尽管 2009 年发布风险报告的次数接近 2008 年,但 2009 年采取的行动较少。在预警政府间委员会忽略或不适当落实预警和(或)风险报告的地区,仍然有大规模流离失所现象。欢迎政府 2009 年做出的关于利用国家资源支付该系统预算的财政承诺。

79. 非法武装团体抢夺土地是造成许多人流离失所的决定性因素。流离失所造成的直接后果是流离失所人口失去的土地可能达到 120 万到 1 000 万公顷。<sup>20</sup> 其中大多数土地掌握在犯罪分子及其代理人手中。在归还已登记土地的进程中针对领导人物或参与者的众多威胁和谋杀是一个重大关切的问题。

# L. 受害人的权利和第 975 (2005)号法

80. 正如秘书长和高级专员关于人权和过渡时期司法的报告所反映的那样,哥伦比亚过渡时期司法进程的重要性得到了国际社会的认可。<sup>21</sup> 依据对上一年的分析,人权高专办哥伦比亚办事处建议司法和非司法机制并行,以便及时、全面地维护受害人的权利。

81. 尽管总检察长办公室做出种种努力,但在实现第 975(2005)号法规定的受害人权利方面仍未取得多少进展。截至 2009 年 12 月,还没有依据该法定罪的情况;<sup>22</sup> 受害人只能从自愿供词<sup>23</sup>中了解真相,知道自己和亲人的遭遇,而且在这

<sup>&</sup>lt;sup>20</sup> 强迫流离失所问题公共政策后续行动委员会。提交给宪法法院的第六次报告,国家核查进程,2008年6月。

<sup>21 2009</sup> 年 8 月的 A/HRC/12/18 号文件。

<sup>22 2002</sup> 年 8 月至 2009 年 10 月,51 992 人单独或集体复员;依据第 975 号法律有 3 957 人面临指控。截至 2009 年 12 月,有 737 人正在自愿供述。

<sup>&</sup>lt;sup>23</sup> 由于缺乏与该国的法定合作机制,导致最重要的准军事指挥官于 2008 年被引渡到美国,而且即使是这种引渡也受到进一步限制。

些诉讼中也没有做出赔偿。这种情况在参与诉讼程序的受害人当中造成了越来越强烈的不信任心理,致使受害人在努力组织起来时再次受害。

82. 不过,制定此类法律文书以帮助个人提起刑事起诉的必要性仍未减少。正如人权高专办哥伦比亚办事处之前所提到的那样,目前第 975(2005)号法规定的伸张正义的权利仍然在过度宽松的个性化处罚过程中受到限制。此外,应当考虑改变该法的程序性内容,例如必须区分"不可饶恕"的罪行<sup>24</sup>和不太严重但应受惩处的罪行;集体起诉的可能性;或者总检察长办公室无需按照该法目前的规定证明自愿供词中提到的所有罪行的真实性,而是仅需证实那些"不可饶恕"罪行。<sup>25</sup>

83. 由于总检察长办公室做出努力,该法规定的"了解真相的权利"取得了积极成果。在寻求真相方面取得了重大进展,例如在"parapolitica"案件中,由于收集了6 000 多份证据,使未完成的刑事调查得以重启,上述搜索失踪人员的工作也重新开展起来。不过,"了解真相的权利"同样也成为实行非司法机制的保证。在这方面,人权高专办哥伦比亚办事处注意到最高法院提议开始探索设立真相委员会的可能性。<sup>26</sup>

84. 在赔偿权方面,似乎还没有向关于行政赔偿方案的第 1290(2008)号法令拨付必要的财政资源。截至 2009 年 12 月,已收到超过 275 000 份赔偿申请,并核可向 10 593 人做出赔偿。但是其他工作,例如国家赔偿与和解委员会所属各个财产归还问题区域委员会的工作仍然孤立无援且资源有限。第 975(2005)号法律规定的受害人信托基金(其目的是从肇事者那里收取法律规定的诉讼程序中允许的现金和资产)也没有获得预期的资源。<sup>27</sup> 在这方面,应当加速关于没收财产权利(extinción de dominio)的诉讼,并将准军事组织代理人手中掌握的财产返还合法所有权人。

85. 国会未能在 2009 年 6 月通过保护受害人法,从而失去了一个重要机会。这样的法律符合国际标准,是对哥伦比亚过渡时期司法框架的有益补充。它可以弥补司法和行政赔偿程序的不足,可以与关于归还物品和财产包括转给第三方或代理人的土地的机制结合起来,还可以规定按照年龄、种族和性别有区别地赔偿受到侵害的社会、经济和文化权利。

<sup>&</sup>lt;sup>24</sup> 可能必须考虑修改不可饶恕罪行清单,以便结合国际刑事法院《罗马规约》第 6 至第 8 条的规定。

<sup>25</sup> 包括部分起诉在内的其他方面受到最高法院的质疑,尽管最高法院最初似乎接受这些做法作为一种备选方案(第 32022 号判决,2009 年 9 月 21 日)。不过,2009 年 12 月,法院重申部分起诉有效(第 32575 号判决,2009 年 12 月 14 日)。

<sup>&</sup>lt;sup>26</sup> 第 32022 号法院判决。

<sup>&</sup>lt;sup>27</sup> 截至 2009 年 12 月,资金共计约 270 亿哥伦比亚比索(1 400 万美元),而第 1290 号法令规定的 2009 年预算约为 2 000 亿哥伦比亚比索(10 000 万美元)。

# M. 贫困和经济、社会以及文化权利

86. 贫困、赤贫、不平等和国内武装冲突继续限制人民享有经济、社会和文化权利。政府首要的任务仍然是战胜贫困、减少贫富差距。减贫战略和政策必须致力于向所有人公平分配社会发展带来的收益。

87. 调查就业、贫困和不平等之间关系特派团(MESEP)指出贫困率已达到总人口的 46%,农村地区的贫困率甚至更高(65.2%)。全国平均赤贫率达到 17.8%,农村地区则几乎翻了一翻(32.6%)。<sup>28</sup> 在其他社会指标方面也存在差异,例如识字率。<sup>29</sup> 由于在获得服务方面存在现实障碍,缺乏基础设施和信息,而且受到国内武装冲突的影响,农村地区在享有健康权方面也受到限制。不同省份之间存在显著的社会经济差异。<sup>30</sup> 按地区分列的千年发展目标数据显示,虽然一些省实现了预定目标,但其他省仍然远远落在后面。

88. 在千年发展目标的框架内,决策者必须特别关注某些领域。省级发展计划分配给性别平等、环境可持续性以及住房问题的资源较少。<sup>31</sup>

89. 据估计哥伦比亚有约 430 万人营养不良,相当于其总人口的 10%。<sup>32</sup> 国内武装冲突打断或中止了获取食物的传统来源,例如捕鱼和狩猎。在一些地区,熏蒸破坏了粮食作物(pancoger)。境内流离失所者的食品安全问题尤为突出。<sup>33</sup>

# N. 歧视

90. 2009 年,宪法法院在多个判决中确认残疾人的人权受到各种侵害,特别是在国内武装冲突的情况下,尤其是在教育、健康和工作方面。<sup>34</sup> 2009 年 7 月批准的《哥伦比亚残疾人权利公约》是一个好机会,有助于确保有差别地关注和保护残疾人权利。还敦促哥伦比亚政府批准该公约的《任择议定书》。

<sup>&</sup>lt;sup>28</sup> 第一阶段, MESEP 劳动力市场、贫困和不平等(2002-2008 年), 执行摘要, 2009 年 11 月。

<sup>&</sup>lt;sup>29</sup> 在农村地区,这一比例达到 14.8%,而全国平均比例为 6.9%(2008 年生活质量调查,国家统计局)。

<sup>30</sup> 波哥大的人类发展指数为 84.3; 乔科的人类发展指数为 67.4, 卡克塔为 72.2(哥伦比亚国立大学)。

<sup>31 &</sup>quot;省级发展计划促进实现千年发展目标", 哥伦比亚负责人, 2009年10月。

<sup>32</sup> 联合国粮食及农业组织/世界粮食计划署,《世界粮食不安全现状》(罗马,2009年)。

<sup>33 2009</sup>年7月驻哥伦比亚国家监察员向国会提交的第十六次报告。

<sup>&</sup>lt;sup>34</sup> 例如, 第 T-022 号判决(教育)、第 T-096 号判决和第 T-105 号判决(卫生)、第 T-125 号判决(工作)。

- 91. 波哥大、卡利、麦德林和库库塔等城市袭击女同性恋、男同性恋、双性恋和变性者团体的情况增加。宪法法院在 2009 年的第 C-029 号判决强调同性恋夫妇缺乏保护。
- 92. 政府决定支持《联合国土著人民权利宣言》,其精神和指导原则值得欢迎。 不过,在少数民族问题上仍然存在巨大挑战,包括通过法律惩处民族歧视行为、 重申在 2009 年 4 月的德班审查大会上做出的承诺,以及创建数据系统并在其中 分别列出关于土著人民和非洲裔哥伦比亚人的数据。
- 93. 现有数据似乎表明土著人民和非洲裔哥伦比亚人社区被边缘化并且受到事实上的种族歧视。贫困线以下人口或赤贫人口比例最高的五个省(玻利瓦尔、考卡、乔科、科尔多瓦和纳里尼奥)恰好也是非洲裔哥伦比亚人和土著人最集中的省份。35
- 94. 多个土著社区面临营养不良问题。考卡、乔科、纳里尼奥和里萨拉尔达都报告了与儿童营养不良有关的死亡情况。
- 95. 政府努力克服民族不平等,因而为这些社区制定了具体的政策。<sup>36</sup> 不过,在做出其中一些努力时并没有充分开展咨询,而且也缺乏有区别的民族措施。这些政策必须尽可能地明显改善这些群体生活条件。
- 96. 多个土著和非洲裔哥伦比亚人社区报告称缺少自由、在开发利用其在安蒂奥基亚、卡尔达斯、考卡和乔科的领土上的自然资源时没有就"巨大工程"事宜进行有关事先知情同意方面的咨询。一些参与咨询并同意建设的土著领袖遇害。2009年,宪法法院宣布《农村发展条例》因未进行咨询而无效。<sup>37</sup>欢迎政府关于制定法律草案对咨询活动进行规范的举措。土著和非洲裔哥伦比亚人社区必须参与咨询,必须保证他们积极参与。
- 97. 在 2009 年的第 004 号法令中,宪法法院裁定国内武装冲突可能导致许多土著民族在文化和肉体上消亡,并命令对 34 个民族制定和执行少数民族保护计划。迄今为止,尽管政府和土著组织付出种种努力,但这些计划仍然停留在初级阶段,需要有巨大的推动力才能确保快速的保护。此外,宪法法院还在 2009 年的第 005 号法令中认定非洲裔哥伦比亚人社区的基本权利被系统化地、不断地忽略。

<sup>35</sup> 在乔科省,其人口的 82.12%是非洲裔哥伦比亚人,12.67%为土著人;在考卡省,21.55%的人口是土著人,22.2%是非洲裔哥伦比亚人(国家统计局 2005 年人口普查)。在这些省份,儿童死亡率为 54%,但在麦德林,死亡率为 8%(国家健康普查(Enquesta Nacional de Salud, ENDS) 2005 年)。全国产妇平均死亡率为十万分之七十三,而乔科省则为十万分之二百五十,考卡省委为十万分之一百二十五(哥伦比亚,《哥伦比亚健康状况:2007年基本指标》(社会保障部,2007年)。

<sup>36</sup> 例如,2005-2007 年关于黑人、非洲裔哥伦比亚人、*Palanquera* 人和 *Raizal* 人的全面长期计划;以及"哥伦比亚太平洋海岸国家政策" (哥伦比亚,国家经济和社会政策(Conpes) 文件号:3491,2007年)。

<sup>37 2009</sup> 年的第 C-175 号判决。

- 98. 与 2008 年不同的是,土著组织(Minga)2009 年的游行示威活动整体上是以和平方式进行的。由于土著组织、政府当局和安全部队之间开展了建设性合作。不过,Minga 在 2008 年期间对暴力行为开展的调查活动应当继续推进,以便确认和惩罚那些实施暴力和滥用武力的责任人。
- 99. 在 7 月份的访问期间,人权和土著人民基本自由状况特别报告员认可了哥伦比亚政府为促进土著人民的健康权、教育权和领土权利而开展的各项举措,并强调应当在与受影响的土著人民协商之后加强和有效落实所有措施。

# 四. 人权高专办哥伦比亚办事处的活动概况

- 100. 人权高专办哥伦比亚办事处继续履行其观察和促进人权同时提出建议并提供技术合作的职责。截至 2009 年 12 月 30 日,人权高专办哥伦比亚办事处已收到 1 387 份指控,并对其中 1 279 份指控进行了跟踪。共派出 264 次观察访问团,在该领域的工作时间共计 788 天。这些访问团往往是在国家力量薄弱或者国家不能控制的地区开展的,有助于监测区域和市政状况,为地方进程提供了支持,并向主管当局和民间社会组织提供了建议。2009 年,总统请人权高专办哥伦比亚办事处支持并监测对 8 月份的屠杀阿瓦人事件开展的调查。作为回应,人权高专办哥伦比亚办事处前往犯罪现场,为受害人和主管调查的检察官提供了支持,并向国家主管当局提出了观察意见和建议。
- 101. 人权高专办哥伦比亚办事处支持条约机构对哥伦比亚进行审查,也为落实普遍定期审议各项建议的机制提供了支持。办事处与哥伦比亚政府进一步开展合作,建立了追踪国际行动建议和请求的数据库,包括人权高专办哥伦比亚办事处和特别程序任务执行人提出的建议和请求在内。办事处还就土著人民获得正义、残疾人权利、人权和私人企业等问题组织了研讨会,其中特别强调了《全球契约》的作用。办事处为调查性暴力向总检察长办公室提供了专家支持。办事处举办或参与了共计 3 047 次会议: 其中与公共机构举行会议 1 542 次,与民间组织开会 981 次,与联合国各机构开会 263 次,与国际社会开会 261 次。
- 102. 人权高专办哥伦比亚办事处在 11 月与哥伦比亚政府就 2010/2011 两年期的 合作事宜交换了信件,并承诺监测国防部为解决法外处决问题而采取的措施。
- 103. 人权高专办哥伦比亚办事处为四位特别报告员和副高级专员的访问提供了后勤支持,办事处感谢哥伦比亚国家和民间社会组织在这方面给予充分合作。
- 104. 2009 年期间,人权高专办哥伦比亚办事处印制并分发了 103 179 份各种出版物,其中 18 种是新出版的,10 种是重印本;大众媒体对办事处进行了 1 008次新闻报道;发布了 31次新闻消息;并首次组织了网络音乐会庆祝国际人权日。办事处开通了 Facebook 和 Twitter 上的账户,利用这些账户公开讨论和传播新闻、事件和促进人权的工具。

# 五. 建议

- 105. 高级专员重申之前提出的建议并再次敦促哥伦比亚政府、非法武装团体、 广大民间社会重视充分尊重人权和国际人道主义法。此外,为了通过对话和谈判 促进实现持久和平,高级专员:
- (a) 再次呼吁冲突各方完全接受和遵守国际人道主义法,尊重平民包括特别是最弱势者的生命、身体的完整、财产和自主权,并坚持要求非法武装团体立即无条件释放所有被绑架者,立即停止招募儿童兵并释放所有已招募的儿童;
- (b) 敦促哥伦比亚政府有效落实国防部确立的 15 项措施,保护参与起诉法外处决人员的受害者、证人和司法官员,并要求严格遵守军事管辖权的限制;
- (c) 还敦促哥伦比亚政府执行适当的战略以打击准军事组织解散后成立的非法武装团体,保证保护平民免受其实施的有组织暴力侵害;并建议安全部队加强努力,坚定且毫不含糊地预防、调查、起诉和惩处这些非法武装团体,不与这些团体有任何牵连,不能对其采取容忍或默许态度。
- (d) 鼓励总检察长创建可靠的系统来收集关于性暴力和基于性别的犯罪的信息,并呼吁国防部对这些暴力实行"零容忍"政策,包括把责任人开除出国防部;
- (e) 鼓励相关部门加强预警系统的工作以有效回应已发布的警告并为其成员提供适当的保护:
- (f) 请哥伦比亚政府组成机构间工作组,以协调、透明和参与的方式考虑在结构和程序上改革第 975(2005)号法律,同时建立非司法性质的过渡时期司法机制;
- (g) 建议总检察长制裁那些发表言论诋毁人权维护者的工作或给其带来风险的公职人员,并敦促哥伦比亚政府立即执行国家圆桌会议就人权维护者的保护问题达成的协议:
- (h) 呼吁哥伦比亚政府采取具体措施确保所有情报部门尊重人权并遵守严格的民事和法律管制,推动调查犯罪行为实施人造成的物质和情报损失,并在总检察长的积极参与下落实有效的文件清理机制;
- (i) 恳请主管当局推动调查 2009 年通过宣传小册子和电子邮件发出威胁的源头和实施者;
- (j) 呼吁立即执行各项计划保护土著和非洲裔哥伦比亚人社区,同时采取协调一致的措施有效确保对所有影响土著人民和非洲裔哥伦比亚人的生活、文化和领土的问题开展自由、事先知情同意的咨询,并鼓励哥伦比亚政府制定和落实进一步的政策。

# 附件

# 侵犯人权和违反国际人道主义法的说明性案例

As a complement to the High Commissioner's report on the situation of human rights in Colombia, and by way of illustration, a number of cases of human rights violations and breaches of international humanitarian law that have come to the attention of the office in Colombia of the High Commissioner for Human Rights ("OHCHR-Colombia") during the reporting period are described below.

#### Situation of the judiciary

The following cases illustrate the tension and public disputes between the executive and judicial branches during 2009, as well as the security difficulties sustained by certain magistrates of High Courts:

- (a) In a press release issued on 25 November, the Government stated that the President of the Supreme Court had "not told the truth" when he denied that he had informed the President of the Republic that the difficulties identified by the Court to elect the Attorney General had been overcome after the withdrawal of one of the three candidates;
- (b) A Supreme Court magistrate, former President of the Court, was subject to illegal surveillance attributed to the Department of National Security (DAS). In May 2009, the Inter-American Commission on Human Rights granted precautionary measures in favour of the magistrate.

# **Intelligence services**

Information was made public in 2009 that DAS (the national civil intelligence agency reporting directly to the President) had conducted widespread and systematic illegal intelligence operations going back at least as far as 2003. These operations targeted, inter alia, human rights defenders, political opposition leaders, journalists and State officials. The cases below illustrate how the operations affected the human rights situation:

- (a) On 11 and 13 February, in Santa Fe de Antioquia and Marinilla (Antioquia), several people in plain clothes, without requesting authorization, videotaped prosecutors of the Human Rights National Unit while they were performing official activities relating to cases of extrajudicial executions attributed to the army. When these people were asked who they were by the prosecutors, they identified themselves as members of military intelligence units;
- (b) On 27 May, in a rural area of Yopal (Casanare), while prosecutors were performing official activities relating to an alleged extrajudicial execution in which members of the Army Unified Action Groups for Personal Freedom (Spanish acronym, GAULA) were involved, a vehicle with polarized windows, parked in front of the GAULA premises and driven by armed men in plain clothes, was seen on a number of occasions following those prosecutors and staff members of OHCHR-Colombia who were supporting them;

- (c) In 2009, OHCHR-Colombia learned that, in 2004 and 2005, the DAS Intelligence Special Team G-3 ordered operations similar to the following, with the intention to instil fear in victims and force them to cease their activities. In 2005, a female lawyer, who is a human rights defender, received at home a package reading "For my beloved daughter" with a puppet and a note: "You have a beautiful family, take care of it and do not sacrifice it". The puppet had the head and the arms separated from the body, a broken leg and torn clothes. The puppet also had the pelvic area painted in red, like blood, and a cross on the chest, with cigarette burns on one of the arms, the back and the eyes;
- (d) A journalist, who is a human rights defender, has been the subject of threats since she started investigating the murder of prominent journalist Jaime Garzón in 1999. As a result, she and her young daughter had to leave the country in 2004. In 2009, OHCHR-Colombia learned that at least one of the threats was ordered and executed by DAS.

#### Human rights defenders, journalists and trade unionists

The following are illustrative cases of killings, threats, arbitrary detentions, sexual offences, break-ins into homes and offices and information theft directed against human rights defenders, which have been attributed to members of illegal armed groups that emerged after the paramilitary demobilization and guerrilla groups, in particular the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP), as well as, in some cases, members of security forces:

- (a) In May, in Arauca, the Attorney General's Office released a prominent human rights defender, who had been in detention for more than six months on rebellion charges. No evidence was found against him;
- (b) In Antioquia and Santander, five peasant leaders were released as evidence was not enough to proceed against them. They were detained for periods between 5 and 16 months;
- (c) A human rights defender, who was detained in Sucre more than a year ago, is still in detention. He was accused of criminal association with paramilitary groups, although he himself had denounced these groups. The prosecutor who ordered the detention is under investigation for corruption;
- (d) Between February and March, pamphlets proffering threats against sectors of the population appeared in at least 24 of the 32 departments in the country. These pamphlets, designed in a standard format, were distributed in just two weeks in places as distant as Armenia, Barranquilla, Bogotá, Chocó, Cúcuta, Medellín and Valle del Cauca. The document promoted the so-called "social cleansing" of, among others, sex workers, homosexuals, drug addicts and persons with HIV. The pamphlets warned that "[whoever] is found [...] after 10 p.m. [in the streets], we are not responsible", ordered people to "spend more time with their family" and demanded "forgiveness from society if innocents are killed";
- (e) At the beginning of May, threatening pamphlets were distributed in Cesar, La Guajira and Magdalena. The pamphlets referred to "a gang of lawyers, public officials from Social Action, the Ombudsman's Office, municipal ombudsmen and leaders of displaced persons" as criminals, because they defended the rights of internally displaced persons. The pamphlets threatened to "eradicate them":
- (f) On 17 and 24 February, unidentified individuals forced their way into the offices of two organizations undertaking social work in Commune 13 and north-eastern Medellín and stole only the hard drives of the computers containing information on their work;

- (g) On 11 August, two computers were stolen from the premises of the Ombudsman's Office in Córdoba (Montería), located in the offices of the Regional Ombudsman and the Community Ombudsman of Alto Sinú;
- (h) On 24 April, in Patía (Cauca), a journalist from *Radio Super Popayán*, recognized for his work in denouncing abuses, was killed by an unidentified individual who broke into his home and shot him dead;
- (i) On 20 May, in Currillo (Caquetá), the director of a local television station, recognized for his work in denouncing abuses, was shot dead by unidentified individuals who violently broke into his home;
- (j) Between 15 and 18 June, two men and one woman, members of the National Movement of Victims of State Crimes (MOVICE) in Sucre, received death threats via email, text messages and telephone calls. A few days before, on 12 June, these persons had actively participated in the Regional Round Table on Guarantees for human rights defenders in Sincelejo (Sucre).

#### **Extrajudicial executions**

The following cases show that total and sustained elimination of extrajudicial executions, of which complaints have drastically decreased during the reporting period, requires continued efforts, including ensuring that those found responsible are properly punished in an environment of security for all parties involved:

- (a) In Salento (Quindío), two men and one 18-year-old woman were killed on 16 January during a joint operation between the Army High Mountain Battalion No. 5 and DAS. The victims were reported by the army as members of FARC-EP killed in combat;
- (b) In Tumaco (Nariño), on 23 May, the army allegedly killed a person whom they had previously detained. The Military Criminal Judge of Ipiales (Nariño) was in charge of the investigation for several months;
- (c) In Yondó (Antioquia), on 17 October, soldiers from the Army Energy and Highways Battalion No. 7 were allegedly responsible for the death of two teenagers, 15 and 16 years of age. The victims were reported to be travelling on a motorcycle when they were shot several times without any prior warning or order to stop;
- (d) In Zaragoza (Antioquia), on 15 May, a retired army sub-officer who had denounced an extrajudicial execution was killed by unknown individuals;
- (e) In Bogotá, on 4 February, the brother of a victim of extrajudicial execution was murdered after instigating the investigation of his disappeared brother in Soacha. His brother had been reported as killed in combat by the army in Norte de Santander, shortly after his disappearance;
- (f) In Cali (Valle del Cauca), on 10 May, a murder attempt against the brother of a victim of an extrajudicial execution was reported. The attempt was reported five days after the beginning of the judicial hearing against the individuals allegedly responsible for the execution;
- (g) In Pitalito (Huila), on 8 March, a police patrol unit with two agents arrived at "Los Pinos" neighbourhood and stopped a man. One of the agents, who stated that he thought that the victim was a criminal, getting out of his vehicle, shot him in the chest. Several neighbours witnessed the scene and claimed that the police agents did not allow them to immediately assist the victim. He died in a hospital two days later;

(h) On 2 June, the Third Penal Court of Montería (Córdoba) sentenced a major, a captain and four soldiers of Army GAULA of Monteria to 28 years of imprisonment for the extrajudicial execution of two youths. Their defence included false accusations against the female prosecutor in charge of the case of bribing a witness to testify against the members of the army.

#### Sexual violence

The cases below exemplify how girls and women are exposed to the sexual violence generated by all parties to the conflict, as well as by illegal armed groups which emerged after the demobilization of paramilitary organizations:

- (a) In August, OHCHR-Colombia received information that criminal gangs, "combos" (small criminal groups of youth) and unidentified illegal armed groups were recruiting and using children from Communes 5, 6 and 7 of Medellín (Antioquia), for prostitution and sexual slavery activities, drug dealing and collection of extortions payments. It was reported that members of the National Police had a permissive attitude vis-à-vis these activities;
- (b) On 16 August, in Puerto Caicedo (Putumayo), a 15-year-old girl was raped, and received death threats if she denounced the abuse. The abuse was allegedly committed by a demobilized paramilitary member, who is currently a member of the illegal armed group "Los Rastrojos";
- (c) In Puerto Asís (Putumayo), it was reported that in May members of the illegal armed group "Los Rastrojos" offered money to girls at their schools to convince them to engage in prostitution activities;
- (d) In March, in Riosucio (Chocó), it was reported that the commander of the police station was allegedly responsible for the sexual abuse of two girls, aged 8 and 10;
- (e) On 14 June, in the Tercer Milenio park of Bogotá, a junior police officer allegedly raped a displaced girl while other junior officers videotaped the rape;
- (f) On 11 August, a 5-year-old Nukak girl from the El Refugio indigenous territory in San José del Guaviare (Guaviare) was sexually assaulted, allegedly by a soldier from the Joaquín París Army Battalion. Four other girls from the same indigenous communities, aged between 13 and 17, were said to have suffered similar assaults and to have been subjected to sexual exploitation by soldiers from the same army battalion;
- (g) In March, in Yondó (Antioquia), two 15-year-old girls were allegedly raped by a soldier from the Calibío Army Battalion. The solider was also accused of having detained the two girls for several hours and injured them;
- (h) In March, in the rural area of Casabianca (Tolima), a woman was raped and subjected to other acts of sexual violence, reportedly by members of FARC-EP. In addition, the woman and her children received threats warning they would be killed if the case was reported;
- (i) In accordance with the statement of a girl who had been recruited by FARC-EP, it was reported that the 18th Front of FARC-EP forced pregnant young girl members of the group to abort;
- (j) In Cauca, through information reported by the health centre in 2009, it was charged that a girl recruited by FARC-EP was forced to use contraceptive measures.

#### Torture, other inhuman or degrading treatment or punishment

The existing data does not seem to reflect either the magnitude or the real impact of the violation. The cases below are a few examples of the seriousness of the situation:

- (a) On 26 January, more than 260 inmates from the Bellavista prison (Medellín) were ordered out of their cells by members of the National Police and the Penitentiary Guards. Around 150 inmates were separated from the group and sent to two different locations within the prison, where they were allegedly held in overcrowded conditions with no access to water, food, toilets and toilette facilities;
- (b) On 9 February, it was reported that two handcuffed youths were doused with gasoline and burned alive in a police station in Bogotá;
- (c) In Plato (Magdalena), it was reported that, on 21 June, two detained youths were beaten and threatened to death in the police station;
- (d) On 26 August, in Medellín (Antioquia), two youths who had been arrested by members of the National Police suffered physical and verbal assaults, cigarette burns, and injuries produced with a steel can, and were doused with aerosol spray on their faces and bodies;
- (e) In Mesetas (Meta), on 15 November, a youth was illegally detained and allegedly tortured by three National Police officers, who suffocated him by covering his head with a plastic bag.

#### **Enforced disappearance**

Enforced disappearance continues to be a major concern of OHCHR-Colombia. Most of the situations remain unsolved, and their perpetrators and motives unidentified. Below are illustrative cases of this violation:

- (a) On 15 February, a woman, member of the trade union SINTRAGRIM, disappeared in Miravalles, El Castillo (Meta), after having denounced that civilians had been ill-treated by members of the Army Battalion 21 Vargas;
- (b) On 26 March, in Medellín (Antioquia), a man disappeared after having been arrested by National Police officers allegedly for not carrying ownership documents of the motorcycle he was riding. There is no record of him having been transferred to the police station and he was allegedly handed over to a criminal gang;
- (c) On 29 May, in Itaguí (Antioquia), three women were arrested and handed over to a criminal gang, presumably by National Police officers.

# Illegal armed groups that have emerged after the demobilization of paramilitary organizations

OHCHR-Colombia notes with great concern the expansion, increasing activities and violence against civilians perpetrated by illegal armed groups that emerged after demobilization of paramilitary organizations, as illustrated below:

(a) On 1 March, five members of the same family, including a man with a disability, a woman and two children aged 2 and 8, were killed in Patía (Cauca), presumably by members of the illegal armed group "Los Rastrojos";

- (b) The killing of two fishermen and the enforced disappearance of another five in Litoral de San Juan (Chocó), on 19 March, were attributed by the authorities to the same illegal armed group "Los Rastrojos";
- (c) Between 2 and 3 November, eight Afro-Colombians, members of the same family, were killed in Barbacoas (Nariño) by individuals who presented themselves as members of the illegal armed group "Águilas Negras";
- (d) In the Bajo Cauca region (Antioquia), during the first semester of 2009, members of the different illegal armed groups in the region were recruiting and using children for logistics activities, intelligence work and selective killings (*sicariato*);
- (e) In July, officers of the National Police in Córdoba captured two demobilized paramilitary members, who were travelling in a public bus with 16 newly recruited youths. The youths were recruited to join the different illegal armed groups conducting activities in the south of the department;
- (f) In Meta, in mid-2009, the illegal armed group Popular Revolutionary Anti-Communist Army of Colombia (ERPAC) was reported to have been recruiting and using youths from marginalized neighbourhoods from various municipalities, primarily with promises of short-term employment. The families have not heard from these youths since their reported recruitment.

#### International humanitarian law

#### Guerrilla groups

Guerrilla groups continued to disregard and reject international humanitarian law, attacking and killing civilians, especially members of indigenous peoples, planting antipersonnel mines, recruiting and using children, causing forced displacements and kidnapping, among other breaches, as exemplified below:

- (a) On 4 January, in La Vega (Cauca), members of the National Liberation Army (ELN) were allegedly responsible for the death of an 11-year-old boy who had witnessed the murder of his father at the hands of the same guerrilla group;
- (b) On 13 January, in Roberto Payán (Nariño), members of FARC-EP attacked a police station with cylinder bombs, instantly killing two girls and one boy in a sports field;
- (c) In Urrao (Antioquia), on 5 February, FARC-EP was reported to have killed two Afro-Colombian youths and to have been responsible for the displacement of 10 families who fled their homes following accusations by FARC-EP of being collaborators of the army;
- (d) On 19 February, in Barbacoas (Nariño), members of FARC-EP killed 11 Awá indigenous people, including several children and two pregnant women;
- (e) In March and October, during the blockades imposed by armed forces by FARC-EP in Arauca and Putumayo, the civilian population suffered severe restrictions to free movement and access to medicine, food and fuel;
- (f) In Villavicencio (Meta), on 6 March, members of FARC-EP were allegedly responsible for attacks against the aqueduct that provides drinking water to the city, leaving its 300,000 inhabitants without water for more than 10 days;
- (g) Between April and June, over 180 people from different rural communities in Ituango (Antioquia) remained isolated for two months, as a result of antipersonnel mines laid by FARC-EP;

- (h) On 13 April, members of ELN allegedly broke into the hospital of Saravena (Arauca) and shot dead two hospitalized National Police officers;
- (i) In May, a 17-year-old boy died as a result of the explosion of several grenades when he was forced by FARC-EP to attack a police station in Putumayo;
- (j) In El Tarra (Norte de Santander), on 17 May, a man who was being transported in an ambulance was killed, allegedly by members of ELN. Medical personnel were threatened and, after this incident, the single functioning medical centre in the area suspended its services;
- (k) On 26 May, in Carmen de Atrato (Chocó), FARC-EP threatened several people in the indigenous Emera and Katio communities and informed them that a number of antipersonnel mines had been laid around schools, private dwellings and communal places;
- On 29 May, members of FARC-EP entered the municipality of Garzón (Huila) and took hostage of an elected municipal official. Two private security guards and one policeman were killed during this action;
- (m) In Quibdó (Chocó), on 7 June, members of FARC-EP launched a grenade against a liquor store, supposedly because the owner did not pay an illegal tax imposed by the group (*vacuna*). The attack caused serious injury to six civilians who happened to be there;
- (n) In Tame (Arauca), on 11 June, a Makaguan indigenous man was killed, allegedly by members of ELN;
- (o) On 21 June, in Teteyé (Putumayo) members of FARC-EP were reported to have killed an Awá indigenous man who belonged to the local Community Action Council;
- (p) Between July and August, two girls of 15 and 17 years of age and a boy of 15 years of age were recruited by FARC-EP in Toribio (Cauca);
- (q) On 19 August, a 17-year-old boy was killed when transporting explosives to the mayor's office in Guapi (Cauca), reportedly upon orders from FARC-EP;
- (r) On 12 October, the chief constable and traditional medicine doctor from the Embera Katío indigenous territory in Puerto Libertador (Córdoba) died after stepping on an antipersonnel mine, allegedly laid by FARC-EP;
- (s) On 17 October, the hospital of the municipal capital of Toribio (Cauca) was severely damaged during an attack by members of FARC-EP;
- (t) Members of FARC-EP allegedly killed two elected municipal officials from the Liberal Party, on 18 October, in Sumapaz (Cundinamarca);
- (u) In Dabeiba (Antioquia), on 5 November, three adults died and two children were injured after stepping on antipersonnel mines allegedly laid by FARC-EP. They were all members of the same family;
- (v) On 20 November, members of FARC-EP burned an inter-municipal bus in Nariño, causing the death of seven people, including two children;
- (w) On 21 December, for the fifth time since 1987, the 68-year-old Governor of Caquetá was taken hostage by members of the FARC-EP, while he was at home. During this action, two policemen were injured and one killed. The next day, members of the army and the National Police found the body of the Governor, with his throat cut by members of FARC-EP, surrounded by explosives;
- (x) During 2009, it was reported that FARC-EP has been recruiting children in Antioquia, Cauca, Cesar, Chocó, Nariño, Putumayo, Tolima and Valle del Cauca.

#### **Security forces**

OHCHR-Colombia continued to register complaints about breaches of international humanitarian law by members of the security forces, especially against children:

- (a) In February, in several regions of Cauca, the army temporarily occupied a number of schools;
- (b) In February and March, in several rural areas of Valle del Cauca, it was reported that the army offered food to children in exchange for information on the whereabouts of illegal armed groups in the region;
- (c) On 11 February, in the rural area of Guaviare, two boys and a girl who were attending school were injured by army gunshots discharged in response to an attack by a FARC-EP sniper who had killed a soldier;
- (d) In May, troops of the Divisionary Reaction Force (FURED) from the Army Third Division established a camp within the school premises of a village in Florida (Valle del Cauca);
- (e) It was reported that in July, the army had restricted free access to food in Frontino (Antioquia);
- (f) In Santa Rosa (Bolívar), on 16 November, a 4-year-old child died as a consequence of an armed confrontation between the army and FARC-EP;
- (g) In La Macarena (Meta), on 24 November, a farmer travelling with his 5-yearold son was shot dead in the head by a soldier of the Army Mobile Brigade No. 1. The case was presented as a "military error".

#### Forced displacement

Forced displacement continued to increase in 2009, although at a lower rate than in past years, with a continuous under-registration of cases, throughout the country, with higher frequency in areas of hostilities. As illustrated below, forced displacement as a result of the internal armed conflict and caused by illegal armed groups was particularly worrying in the departments of Antioquia, Córdoba, Chocó and Nariño:

- (a) Following the February massacre by FARC-EP in Barbacoas (Nariño), 500 persons mostly children, were massively displaced;
- (b) Between June and July, in Ituango (Antioquia), over 1,000 persons were displaced as a result of landmines allegedly laid by FARC-EP and threats from this group;
- (c) On 8 June, a confrontation between the illegal armed groups "Águilas Negras" and "Los Rastrojos" caused the displacement of 513 persons in Tumaco (Nariño);
- (d) On 7 July, confrontations between the army and FARC-EP caused the displacement of 49 families in the Zenú indigenous territory in Córdoba;
- (e) On 23 July, a displaced population leader was murdered in Santa Fe de Ralito, Tierralta (Córdoba) by unknown individuals. The victim had been working since 2007 on a process to claim over 1,400 hectares of land stolen by former paramilitary members;
- (f) In Chocó, on 17 August, 117 people from an Afro-Colombian community were displaced due to confrontations between two illegal armed groups for the control of the Bajo Baudó River area;
- (g) Between 5 and 20 September, military operations carried out by the army against the illegal armed group "Los Rastrojos" caused the displacement of approximately 50 families in Bolívar (Valle del Cauca);

(h) During 2009, in Barrancón (Guaviare), several displaced groups from various indigenous peoples (Jiw/Guayabero, Nukak Makú) still lacked access to drinking water and health care was only provided once a month. In addition, the ability of the school to provide education was insufficient to cover all needs.

#### Poverty and economic, social and cultural rights

As shown below, poverty and extreme poverty, inequality and the internal armed conflict continue to restrict enjoyment of economic, social and cultural rights:

- (a) It has been reported that the inhabitants of the rural area of San José del Guaviare, near the Guayabero River (Guaviare), were denied health care by municipal authorities on the grounds that they were members of guerrilla groups or their collaborators;
- (b) In some rural areas of Guaviare, several education institutions lack infrastructure and proper sanitary conditions, as well as study materials. Several teachers abandoned such institutions because of fear for their lives, as a result of the intensity of the internal armed conflict in the region.

#### **Discrimination**

As shown below, attacks against the lesbian, gay, bisexual and transgender (LGBT) community have been on the rise in cities such as Bogotá and Medellín. Moreover, cases have been registered of attacks and massacres against members of indigenous peoples, as well as lack of and unsuitable free, prior and informed consultation:

- (a) Cases of abuse attributed to members of the National Police against the LGBT community in various communes of Medellín (Antioquia) have been reported;
- (b) In April, in Bogotá, the manager of a bar regularly attended by members of the LGBT community was physically and verbally assaulted. He also received death threats by unidentified individuals. The victim had previously received a threatening pamphlet from the so-called "Chapinero Social Cleansing Group, for a society free of gays";
- (c) Three indigenous communities of Chocó and Antioquia requested the suspension of the exploratory works for the "Careperro" mine in their territories. In some cases, the requests were made on the basis of lack of prior consultation and, in others, on the basis of irregularities in the process. Furthermore, the army entered the indigenous territories to provide protection to the construction of a heliport on a place considered as sacred by the communities;
- (d) On 2 August, an indigenous leader from the Inga Villa Catalina indigenous territory of Puerto Guzmán (Putumayo) was killed by unknown individuals. The victim had been leading a consultation process since 2006 for the exploitation of 18 oil deposits located in the indigenous territory. As a result of the killing, and several threats against other indigenous leaders of the region, the Permanent Working Table of the Inga Indigenous Peoples of Puerto Guzmán withdrew from the consultation process;
- (e) On 26 August, in the indigenous territory of Gran Rosario in Tumaco (Nariño), an unidentified group of armed men broke into a private house and fired their guns at close range and without consideration to women or children, against a group of people. Twelve Awá indigenous people, including two girls, five boys and an 8-month-old baby were killed during the attack. Another three people, including a girl, were wounded.