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**Promotion and protection of all human rights,
civil, political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The serious situation faced by human rights defenders in Colombia

Amnesty International has submitted to the 13th session of the Human Rights Council a written statement presenting an overview of Amnesty International's concerns with human rights in Colombia. The following statement provides further information on the serious situation faced by human rights defenders in the country.

Amnesty International welcomes the Government's invitation to the UN Special Rapporteur on human rights defenders, Margaret Sekaggya, to visit to Colombia in 2009.

Amnesty International shares the Special Rapporteur's many concerns with respect to the serious situation still faced by human rights defenders and other activists in the country,¹ and looks forward to the presentation of her report on the visit to the Council's 13th session. The Special Rapporteur's recommendations can provide a blue-print for effective measures to be taken at the legislative, administrative and policy levels to improve the situation.

Amnesty International urges the Colombian government to act promptly on the Special Rapporteur's recommendations and to provide information to the Human Rights Council at its 13th session on how it plans to act on them and about when it will report to the Council on their implementation.

The current situation of human rights defenders

In Colombia, human rights defenders have long played a pivotal role in denouncing abuses and supporting victims, but they continue to pay a heavy price for carrying out their legitimate work.

Because of their work, human rights defenders and members of their families continue to be killed, abducted and subjected to enforced disappearance, threatened, stigmatized, harassed, arbitrarily detained, placed under surveillance, or have their offices broken into and sensitive case information stolen. Other people associated with criminal investigations into emblematic human rights cases, such as witnesses, prosecutors, lawyers and judges, also continue to be threatened or killed.

Over the last few years there has been a worrying increase in the use of death threats against human rights defenders. These are attributed mostly to paramilitary groups, but also to state agencies. Reports of the participation of state agencies, such as the civilian intelligence service (Departamento Administrativo de Seguridad, DAS) – which answers directly to the President – in death threats against and harassment of human rights defenders is an issue of serious concern to Amnesty International. The increasing use of death threats has created a growing climate of fear in the human rights community across Colombia. Those receiving threats include a broad spectrum of human rights groups and individual activists. Individuals campaigning for justice – such as the mothers of more than a dozen young men from Soacha extrajudicially executed by the security forces in 2008 and those seeking the return of lands stolen from them by paramilitary groups – also continue to be threatened, harassed or killed.²

¹ See Statement of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, as she concludes her visit to Colombia available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=111&LangID=E>

² See Amnesty International, *Seeking Justice: the Mothers of Soacha* (AMR 23/002/2010).

Local activists standing up for their communities in remote and often inaccessible rural areas are often at even greater risk of attack than those in the cities. In particular, all of the parties to the armed conflict have killed many leaders of so-called Community Action Councils (Juntas de Acción Comunal, JAC). Members of JACs are elected to their positions by local community members. They act as spokespeople and leaders for the community, manage limited state funds for local projects (which the various factions often wish to control) and are often the first point of contact for victims of human rights abuses. Their leadership role in communities that are often located in areas under the control of one or another armed group makes them vulnerable to accusations of collaboration with one or the other side.

The DAS scandal

In April 2009, the media revealed that the DAS had been carrying out a long-standing, massive, illegal espionage operation – including surveillance and wiretapping – targeting human rights defenders, opposition politicians, judges and journalists. Members of the diplomatic community and the UN and foreign human rights groups were also targeted. The operation was carried out in co-operation with paramilitaries, who threatened and killed some of those targeted by the DAS. Intelligence from civilian and military security agencies (including from the DAS) is widely used to mount unfounded criminal proceedings against human rights defenders. Amnesty International shares the Special Rapporteur's concern that such surveillance and wiretapping may be continuing.

At least three of the national human rights NGOs systematically targeted by the DAS – the Inter-Church Justice and Peace Commission (Justicia y Paz), the José Alvear Restrepo Lawyers' Collective (CCAJAR) and the Colombian Commission of Jurists – have been actively involved in bringing emblematic human rights cases before the Colombian courts and the Inter-American human rights system. Numerous unfounded criminal investigations have for years sought to link members of Justicia y Paz to guerrilla groups. In the case of CCAJAR, senior Government officials have repeatedly sought to link some of its staff to guerrilla groups. Such stigmatization, together with long-standing DAS surveillance of these organizations, has placed many of their staff at high risk of attack and has undermined their work to combat impunity.

Amnesty International has been particularly concerned at the fact that the DAS was the agency responsible for providing security measures, such as bodyguards, to human rights defenders and others activists. Responsibility for the provision of security measures has now largely been transferred to private security firms. However, Amnesty International has had long-standing concerns about the participation of paramilitaries in such firms.

In 2009, the Government announced it would disband the DAS. In March 2009, Congress approved an Intelligence Law that will outlaw intelligence gathering on individuals on the grounds of their political affiliation or membership of a trade union or social or human rights organization. In September 2009, a decree implementing the Intelligence Law ordered a review of intelligence files compiled on those grounds by all the security services. Amnesty International urges the Government to ensure that this review will prove more effective than previous ones.

The Government's protection programme for human rights defenders

Responding to international pressure, successive Colombian governments have sought to improve the safety of human rights defenders through a variety of measures co-ordinated by the Protection Programme for Human Rights Defenders of the Ministry of the Interior and Justice. Measures have included the provision of bodyguards, armour plated vehicles and mobile telephones.

Amnesty International welcomes any measures to protect human rights defenders that are in line with what those under threat deem to be appropriate. However, the Special Rapporteur

on the situation of human rights defenders has noted that there are problems with this Programme, and she has made several recommendations in the context of the reform of this Programme.³

Amnesty International has highlighted how protection measures have sometimes been withdrawn or restricted arbitrarily, even at times of heightened security risk for the individuals concerned. Budgetary constraints are often used by the authorities to justify these restrictions. Amnesty International believes that claims of financial constraints should not be used to justify the withdrawal of protection from human rights defenders or others under threat.

Amnesty International also emphasises that physical protection measures are not sufficient on their own. The UN Declaration on Human Rights Defenders⁴, for example, calls not only for practical protection measures, but also for comprehensive measures aimed at preventing violations and addressing the root causes of violations, such as impunity.

Hostile climate for human rights work

The serious situation facing human rights defenders is exacerbated by a climate of significant hostility from some sectors of the Colombian State.

Such hostility has been fomented by the Government, which appears to perceive human rights and security as mutually exclusive. Senior Government and State officials often seek to equate human rights work with support for the guerrilla or terrorism. Such a systematic, high-profile and public stigmatization has given a powerful incentive to those wishing to threaten and physically harm defenders.

Amnesty International has been particularly concerned about a media campaign, in Colombia and internationally, to discredit Colombian and international human rights NGOs and the communities they work with and support, by falsely claiming they are linked to guerrilla groups. The organizations affected include Justicia y Paz and the Afro-descendant communities of the Curvaradó, Jiguamiandó and Cacarica river basins which Justicia y Paz works with and supports; the Peace Community of San José de Apartadó and individuals associated with it; and the international NGO Peace Brigades International, which physically accompanies some of these communities.

³ The Special Rapporteur has stressed that important elements of such reform should take into account the special needs of women and Indigenous and Afro-descendent people. She has recommended that State agents defending human rights, i.e. magistrates and national and regional staff members of the Human Rights Ombudsman's Office, be included in this Programme. She also recommended that the process for applying for protective measures should be simplified and faster and that surveillance carried out on human rights defenders by bodyguards assigned for their protection be addressed. The Special Rapporteur has also indicated the need for the Protection Programme to expand its preventative measures and called for concerns about its privatization to be addressed.

⁴ Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.