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لجنة حقوق الإنسان
الدورة الحادية والستون
البند ١١ (ج) من جدول الأعمال المؤقت

الحقوق المدنية والسياسية، بما في ذلك مسألة حرية التعبير

تقرير السيد أمبي ليغابو، المقرر الخاص المعني بتعزيز
وحماية الحق في حرية الرأي والتعبير

إضافة

البعثة إلى كولومبيا*

موجز

قام السيد أمبي ليغابو، المقرر الخاص للجنة حقوق الإنسان المعني بتعزيز وحماية الحق في حرية الرأي والتعبير، بزيارة إلى كولومبيا في الفترة من ٢٢ إلى ٢٩ شباط/فبراير ٢٠٠٤، تلبية لدعوة من الحكومة.

إن كولومبيا بلد متعدد الثقافات ذو تقاليد عريقة أسهمت إسهاماً كبيراً في تاريخ وتقدم القارة الأمريكية. بيد أن نزاعاً داخلياً دام ٤٠ سنة قد عرقل، للأسف، نمو هذا البلد الاقتصادي والاجتماعي وقوّض تطور نظامه السياسي. وقد ارتكبت أطراف النزاع كافة، بأشكال شتى وبمستويات متفاوتة، انتهاكات جسيمة لحقوق الإنسان. وأدّى وجود المفاورين والمجموعات شبه العسكرية والأنشطة التي يقومون بها بلا هوادة إلى بث حالة من الذعر في حياة المواطنين العاديين كممة حريتهم في التعبير إلى حد كبير.

* يعمم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير ذاته فقد ورد في مرفق هذه الوثيقة ويعمم باللغة التي قُدّم بها التقرير وبالإسبانية فقط.

وفي هذا السياق، تمخّض النزاع المسلح، أو سهّل التمخض عن ظهور عراقيل خطيرة لممارسة الحق في حرية الرأي والتعبير: تفشي وباء الاتجار بالمخدرات؛ وانتشار شعور بانعدام الأمن؛ والهيمنة العسكرية على البلد؛ وتضارب الآراء مقترباً بوصم الجبهات المعارضة؛ والربط، وإن كان بشكل غامض، بين مسيبي الفساد وشتى المجموعات المسلحة وبعض فئات الجيش ووكالات إنفاذ القانون.

كما أن التأخيرات الطويلة وغير المبررة التي يستغرقها التحقيق في الجرائم، بما في ذلك الكثير من القضايا غير المحلولة المتعلقة بقتل صحفيين وأعضاء نقابات عمالية ومعلمين ومدافعين عن حقوق الإنسان والتي قد لا يُفرغ منها بنجاح أبداً، قد رسّخت ثقافة عميقة الجذور تشجع الإفلات من العقاب وأفسحت المجال للترهيب والخوف المتنامي في أوساط الجمهور. ولم تزل ظاهرة الخطف المتكرر سمة أساسية للنشاطات الإجرامية في كولومبيا وقد أسهمت إلى حد كبير في تفشي الإحساس بانعدام الأمن والخروج على القانون.

والرغبة في ممارسة حرية الرأي والتعبير تمثل عنصراً أساسياً في البحث عن حل سلمي للنزاع وشرطاً مسبقاً للديمقراطية والحكم الرشيد. ومن المؤسف أن العراقيل المذكورة أعلاه لا يمكن أن تؤدي إلى تنمية حرية الرأي والتعبير.

لذا، لا بد من تقديم مرتكبي انتهاكات حقوق الإنسان للعدالة، بغض النظر عن انتماهم السياسي أو مكانتهم في المجتمع. ولا بد أن تعيد السلطات النظر في برامج الحماية لديها وأن تعزّز بشكل جوهري الحماية التي توفرها للصحفيين وأعضاء النقابات العمالية والمعلمين والمدافعين عن حقوق الإنسان. ولا يزال هناك الشيء الكثير مما ينبغي عمله فيما يتعلق بضمان سلامة هذه الفئات من المهنيين، خصوصاً في المناطق الريفية أو النائية. وإن تعزيز الحماية وسيلة لا غنى عنها إذا أُريد أن يواصل هؤلاء عملهم، وضرورة في الآن ذاته للمحافظة على المستوى الأدنى من الأمن المتماشي مع الشرعية الدستورية.

بيد أن الإصلاح الدستوري المرتقب قد يؤدي إلى تغييرات جذرية، إذ سيضعف أساساً تطبيق "إجراءات الوصاية"، وهي آلية قضائية تستند إلى الدستور وتكفل تقليدياً حماية حقوق كافة مواطني كولومبيا. وثانياً، إن الإصلاح المقترح قد يُضعف سلطة المحكمة الدستورية ومهامها التحكيمية وبالتالي استقلالية قضائها.

وقد أعرب المقرر الخاص للسلطات المختصة عن انشغاله بشأن القانون التشريعي لمكافحة الإرهاب الذي اعتمد في أواخر ٢٠٠٣، وتمّ تفعيله أخيراً بواسطة القانون النظامي المعتمد في حزيران/يونيه ٢٠٠٤. فهذا القانون يرخّص باتخاذ تدابير الطوارئ، كالتفتيش الجسدي والتفتيش على الهاتف ومراقبة المراسلات الخاصة، بدون تكليف قضائي، مما يتنافى مع أحكام عدد من صكوك حقوق الإنسان الدولية التي صادقت عليها كولومبيا، خصوصاً العهد الدولي الخاص بالحقوق المدنية والسياسية.

ويعتبر وضع حقوق الإنسان في المناطق الريفية، خصوصاً فيما يتعلق بالشعوب الأصلية والأقلية الكولومبية الأفريقية والمجموعات الإثنية الأخرى، وضعاً مزرئاً بشكل خاص. فبالإضافة إلى الظواهر المعروفة كعمل الأطفال واستغلال النساء، فإن المجموعات شبه العسكرية تفرض القانون في أحيان كثيرة، إذ تلقي القبض على أفراد

وتحتجزهم وتمارس أصنافاً أخرى من التجاوزات والمضايقات. أما الحق في حرية تكوين الجمعيات فهو مقيد بشدة: إذ غالباً ما يُنظر إلى شتى التجمعات، أيّاً كان غرضها، كمصادر تخريب محتملة. ويعتبر تجريم الأفراد والمجموعات من أوخم عواقب عملية تضارب الآراء والأفكار ووصمها.

أما وجود الكثير من محطات الإذاعة الريفية أو الإقليمية، فيتوقف على حسن نية المجموعة المسلحة المهيمنة على منطقة ما. والواقع أن العاملين في مجال الإعلام يحاولون المحافظة على الحياد وممارسة الرقابة الذاتية في الأمور الحساسة، فيما يُرغم أصحاب هذه المحطات غالباً على بث بلاغات من إعداد الجيش أو المغاويرين. فضلاً عن ذلك، فإن مجموعات الإعلام الوطني، التي تمارس ضغوطاً شديدة على أصحاب المحطات المستقلة لإقناعهم ببيع محطاتهم، تنجح في اجتذاب أكثر هذه المحطات درّاً للربح المادي.

ويتحمل هذا التكتل الإعلامي جزءاً كبيراً من اللوم فيما يتعلق بالظروف البائسة للصحافيين. فقد أدى تضعف استقلالية الصحافة إلى عرقلة النقاش التعددي في مجتمع يتصف بالانفتاح والإنصاف. وتخضع أغلبية الصحافيين للاستغلال وضعف الرواتب، جراء عجزهم عن تشكيل نقابة عمالية لهم بسبب معارضة الناشرين، فيما يدور آخرون في الحلقة المفرغة بين بيع الإعلانات واستحالة العمل بشكل منظم وبالتالي الرقابة المفروضة ذاتياً. ومؤخراً، عصفت الكرب والهزم بهذه الفئة المهنية برمتها جراء مقتل عدد من زملائهم.

وقد أحيط المقرر الخاص علماً بنشاطات دوائر حقوق الإنسان المنشأة في إطار الهيئات والمؤسسات الحكومية. ولاحظ أيضاً أن عدداً من كبار القادة والمسؤولين الحكوميين أبدوا استعدادهم لمناقشة حقوق الإنسان صراحةً. بيد أن هذه الإجراءات والمواقف بدت غير كافية: فعلى سبيل المثال ليست هناك خطة وطنية في مجال حقوق الإنسان، ويبدو أن الحكومة تتجاهل التوصيات المضمنة في التقرير السنوي لمفوضية حقوق الإنسان بشأن حالة حقوق الإنسان في كولومبيا، وهي توصيات ستساعد مساعدة كبيرة في إعداد وتنفيذ قوانين وقواعد تتماشى مع أحكام صكوك حقوق الإنسان الأساسية التي صادقت عليها كولومبيا.

Annex

**REPORT OF THE SPECIAL RAPPORTEUR ON THE RIGHT TO
FREEDOM OF OPINION AND EXPRESSION, AMBEYI LIGABO,
ON HIS MISSION TO COLOMBIA (22-29 FEBRUARY 2004)**

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Introduction

1. The present document is the report of the mission of the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression, Ambeyi Ligabo, to Colombia, carried out from 22 to 29 February 2004 at the invitation of the Government. The mission comprised the Special Rapporteur, an official from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and two interpreters from the United Nations Office at Geneva. A note on that mission was submitted to the sixtieth session of the Commission (E/CN.4/2004/62/Add.4).
2. The Special Rapporteur wishes to mention that in the preparation of his mission and this report, he consulted United Nations sources, in particular the 2003 and 2004 reports of OHCHR in Colombia (E/CN.4/2003/13 and E/CN.4/2004/13); the fifth periodic report of Colombia in compliance with the International Covenant on Civil and Political Rights (CCPR/C/COL/2002/5); the third periodic report submitted by Colombia to the Committee against Torture (CAT/C/39/Add.4) and the conclusions and the recommendations of the Committee thereon (CAT/C/CR/31/1). He also received material from several non-governmental organizations (NGOs) which provided constructive information and views on the human rights situation prevailing in the country.
3. The Special Rapporteur wishes to thank the Government of Colombia and all the national and international personalities, political parties and groups, institutions, members of the media, trade unions and individuals with whom he met. Moreover, he wishes to thank OHCHR in Colombia for its valuable support and assistance.
4. During his visit, the Special Rapporteur had the opportunity to meet with several members of the civil society involved in the promotion and protection of the right to freedom of opinion and expression, including victims of serious violations. The Special Rapporteur is fully confident that they will not face any kind of reprisal or intimidation from the Government, other State institutions, or private individuals or groups.

Programme of the visit

5. During his mission, the Special Rapporteur met with the Vice-President of the Republic, the Minister for Foreign Affairs, the Minister of Communications, staff of the Human Rights Division of the Ministry of the Interior, the Vice-Minister of Social Protection, the Vice-President and judges of the Constitutional Court, staff of the Deputy Attorney-General's office, the Director of the Office for the Promotion and Dissemination of the Human Rights in the Office of the Ombudsman and other government officials, notably members of the Human Rights Commission of the Senate. The Rapporteur also met with members of political parties, representatives of the national media, community groups working in the field of information, trades union representatives and other NGOs. He also met with journalists who had either been threatened or harassed. The Special Rapporteur had the opportunity to exchange views with members of the diplomatic corps and officials of several United Nations agencies. A list of persons whom the Special Rapporteur met is contained in appendix I.

6. The Special Rapporteur is especially grateful to the Vice-President of the Republic, with whom he held two extensive meetings, at the beginning and at the end of his mission, during which he had the opportunity to discuss in depth several issues of primary importance for the strengthening of human rights in Colombia. The Special Rapporteur is confident that the Vice-President is willing to continue their dialogue with the assistance of the Office of the High Commissioner for Human Rights.

I. BACKGROUND

7. The Colombian army, paramilitary forces and guerrilla groups have carried on an uncompromising 40-year-old civil war without reprieve. Extrajudicial executions, use of cruel, inhuman or degrading treatment and torture, forced disappearances, enforced displacement, hostage-taking, kidnapping and, last but not least, worsening poverty make Colombia a country in which free opinion and expression is a dangerous exercise. Human rights defenders, trade union leaders, Church dignitaries and media representatives are among the most common targets in the civil war. Owing to the complexity of the conflict, the simple fact of expressing opinions may expose the ordinary citizen to retaliation. Especially vulnerable groups are women, children, indigenous people and all those who, in the exercise of their right to freedom of opinion and expression, are perceived to get in the way of one of the parties to the conflict.

A. The Government's policy of "democratic security"

8. The Government of President Álvaro Uribe, elected in 2002 in a landslide victory on his pledge to crack down on the guerrilla groups, has been characterized by the polarization of opinions and the stigmatization of opponents. This strategy appears to be one of the most significant elements of his Government. Any kind of criticism, remark or observation might be interpreted as an attack on the State and might bring legal or paramilitary forces to react, with devastating effect for pluralistic debate. The Government's struggle against terrorism is legitimate, but it should not be used to the detriment of the true exercise of political opposition and of the work for the promotion and protection of human rights.

9. Under the Government's policy of "democratic security", government forces arrested and detained more than 300 persons accused of terrorism, during an overnight military operation in Arauca in November 2003. The national media had portrayed the town as a major centre of terrorist activities. Almost all the persons arrested in the operation had been released by the time of the Special Rapporteur's visit. The Government is also militarizing the countryside by setting up the Soldado Campesino (Peasant Soldier) programme, which would ultimately endanger entire villages, exposing to them the retaliation of the guerrillas.

10. In order to strengthen its policy of "democratic security", the Government has also presented to the Congress a number of draft laws, which are examined in another part of this report, restricting several fundamental freedoms. The Special Rapporteur wishes to emphasize that these legal measures are not in conformity with the international human rights instruments ratified by Colombia (see appendix II).

11. There is reportedly strong pressure to follow and subscribe to the Government's "democratic security" policy. State institutions appear to be less independent than they were in the past, and many of the Special Rapporteur's interlocutors said that the Constitutional Court was the last stronghold of democracy.

B. The guerrillas

12. Several armed opposition groups merged in 1966 to form the FARC (Fuerzas Armadas Revolucionarias de Colombia), the largest guerrilla group in the country with approximately 20,000 combatants. The ELN (Ejército de Liberación Nacional) is the other guerrilla group still active, with 4,000 fighters. Marked by a strong political orientation, FARC were initially close to the fight between peasants and landlords, but became a redoubtable war machine responsible for many human rights violations.

13. The guerrillas control considerable parts of the national territory, determining local government policies and putting significant pressure on the local population. Therefore, the exercise of the right to freedom of opinion and expression in these areas is a dangerous activity. FARC is also in control of the largest part of the drugs business, admitting that this activity greatly contributes to maintaining its military power. In addition to involving civilians in the war, a human rights violation per se, FARC has also murdered several political opponents and perpetrated attacks against landowners with the purpose of kidnapping and extorting money. The guerrillas have also succeeded in exporting these crimes from the countryside to major urban centres where the kidnapping of relatively wealthy people has become a real plague.

14. Leaders of both FARC and ELN consider journalists and trade unionists, as well as other professional categories, as possible military targets. In July 2002, FARC threatened eight Cali journalists accused of being "enemies of the people, defending the oligarchy's interests". In the last decade, the guerrillas have allegedly killed three journalists and kidnapped many others, including foreign journalists. At the time of writing, the guerrillas were still holding hostage Mrs. Ingrid Betancourt, a prominent opposition leader who has relentlessly worked for national reconciliation.

C. Paramilitary groups

15. In the 1980s, the first paramilitary groups commenced their activity in support of landlords' desire to expand their land holdings at the expense of indigenous peoples' territories. Paramilitaries, who have also been running 40 per cent of the drugs trafficking, became the perpetrators of various human rights violations involving indigenous people.

16. In 1997, Carlos Castaño unified the paramilitary groups within the United Self-Defence Forces of Colombia (AUC), to give a national dimension to his fight against the guerrillas. Some of the AUC's "military objectives" have included journalists accused of supporting the guerrillas; the AUC has allegedly been involved in the killing of some 15 journalists since 1997, while some 20 others have chosen to flee the country to escape from the AUC. Investigative journalists were often the targets of AUC because of their inquiries on corruption.

17. Despite a truce declared unilaterally by the paramilitary groups at the end of 2002, they are alleged to have been involved in the murders of approximately 600 persons since then. There are also allegations of close ties between paramilitaries and some sections of State, especially the army. Paramilitary groups are said to run entire regions, allegedly with the implicit or tacit collaboration, if not active support of State authorities. They often performed State duties linked to security without judicial authority: arrests, roadblocks, patrolling, house and body searches, confiscation of documents. They are also said to serve as private security for transnational corporations, which are frequent targets of guerrilla operations.

18. Indigenous peoples, peasants, and especially peasant women appear to be amongst the paramilitaries' preferred targets. In addition to killings, such people are often subjected to all sorts of abuse, from extortion to rape. Terrorizing civilians through tactics such as massacres, selective killings and threats is considered to be an effective tool to eradicate any real or presumed support for the guerrillas. In addition, paramilitary groups can exercise remarkable pressure on peasants and indigenous peoples in order to open the way to further economic initiatives, such as oil and coal exploitation.

19. It appears that some paramilitary groups are now negotiating with the Government for their reintegration into civil society. President Uribe is proposing legislation that allegedly grants immunity to paramilitary groups, in the framework of a general demobilization programme.

20. The Special Rapporteur wishes to draw attention to the distinction between violations of human rights and breaches of international humanitarian law; in this regard, he refers to documents E/CN.4/2000/13, paragraph 25, E/CN.4/2001/15, paragraphs 24 and 25, and E/CN.4/2002/17, paragraph 68, on the human rights situation in Colombia.

II. CURRENT LEGISLATION AGAINST TERRORISM AND ITS IMPLEMENTATION

A. Legislative framework

21. The Government of Colombia has been very active in preparing various legislative projects inspired by the implementation of the "democratic security" strategy. In addition to the controversial "Anti-Terrorism Statute", the Government has also presented legislative projects regarding the modification of the Penal Code, the Code of Criminal Procedure, the Prison Code, the Basic Law of the Office of the Attorney-General and the Statutory Law on the Administration of Justice.

22. While the fight of the Government against terrorism is absolutely legitimate, many objections have been raised with regard to those projects that aim at modifying the Constitution and ultimately violate basic rights and fundamental freedoms. Despite the decisions of the Constitutional Court, the analyses and the observations of OHCHR Colombia and of the Organization of American States (OAS), and the opposition of NGOs, the Government appears to stand firm on its policies and legislative strategies.

23. On 11 August 2002, President Uribe declared a state of internal disturbance and on 9 September 2002 issued Decree 2002 establishing a sort of martial law in the so-called Rehabilitation and Consolidation Zones (special public order zones). Decree 2002 imposed restrictions on the rights to freedom of movement and residence, to respect for private life and domicile, to individual freedom and to due process. On 26 November 2002, the Constitutional Court declared several of its provisions to be inapplicable. In spite of that ruling, the Government approved Legislative Decree 245 in February 2003, again to extend the state of internal disturbance. The Constitutional Court again intervened, declaring Decree 245 unconstitutional in April 2003.

24. In January 2003, with the aim of facilitating the reintegration of paramilitary groups who had previously declared a unilateral truce, the Government issued Decree 128, which regulates, extends and modifies previous laws. The decree grants pardon and other legal benefits to all those who agree to demobilize, provided they are not involved in cases of grave human rights violations. In an apparent attempt at supplementing Decree 128, in August 2003 the Government presented to the Senate draft Statutory Law 85 (2003), which includes provisions concerning the possibility of suspending of prison sentences and alternative penalties also for members of outlawed groups involved in serious human rights violations. The Special Rapporteur noted that OHCHR Colombia, as well as other institutions and NGOs considered that both Decree 128 and Statutory Law 85 (2003) contain provisions that are in flagrant contravention of international treaties ratified by Colombia.

25. In April 2003, the Government drafted Legislative Act 223, the so-called "Anti-Terrorist Statute", subsequently approved by the Congress in December 2003, which modified some articles of the Constitution. The Act allows military forces to make arrests, conduct searches and intercept the e-mail and telephone communications of anyone suspected of having links to terrorist activities without court authorization. By granting judicial police powers to security forces, the new Anti-Terrorism Law poses a serious threat to freedom of expression and may increase the impunity surrounding the murders of journalists and other professionals in Colombia.

26. In his meeting with the Vice-President of the Republic, the Special Rapporteur noted that the above-mentioned legislative act severely affects basic freedoms, and that such legislation is not in conformity with the provisions of a number of international human rights instruments ratified by Colombia, in particular the International Covenant on Civil and Political Rights. Nevertheless, an enabling law adopted on 20 June 2004 will implement the content of the decree.

B. The Constitutional Court

27. During his meeting with the Constitutional Court, the Special Rapporteur stated that the Court's work on ensuring that national law conforms to international standards, in particular its decisions on Decree 2002, was much appreciated. The Court updated the Special Rapporteur on the major developments in the Court's activities and decisions with regard to emergency laws, the protection of media professionals, libel case regulations and the *acción de tutela*, an issue that the Special Rapporteur and the Constitutional Court examined in depth, especially in connection with the reform proposed by the Government in October 2002, through Legislative

Act 10 of 2002, with the aim of modifying certain provisions of the Constitution regarding the administration of justice. In particular, the Act proposed the modification of *tutela*, which, according to the Constitution, allows citizens to seek relief for a violation of a constitutional right from a court, which has 10 days to rule on the matter. The reform proposed by the Government would prevent the application of *tutela* in the field of economic, social and cultural rights, including the rights of vulnerable groups such as children and the elderly, in addition to the right to a review of arbitrary judicial rules.

28. The Constitutional Court has also dealt with other matters such as the stigmatization of citizens' opinions through the press, the right to freedom of conscience and belief, and the right to privacy. As a result of the internal conflict, the ordinary citizen is nowadays reluctant to express his/her own views and he/she is hence exercising self-censorship.

29. The Court wishes to remain vigilant, within its judicial framework and attributes, concerning attempts to undermine the independence of the judiciary. The constitutional reform project proposed by the Government could seriously weaken the power of the Constitutional Court and consequently would reduce the possibility of a fair application of the right to freedom of opinion and expression, a matter on which the Court has produced a wide jurisprudence.

C. The Office of the Attorney-General

30. In his meeting with the Office of the Attorney-General (Fiscalía General de la Nación), the Special Rapporteur asked about information concerning a number of cases of journalists detained, in particular about the charges brought against them. He also asked for additional information concerning the status of trials against presumed killers of journalists and trade unionists. A few days later, the Office of the Attorney-General provided the Special Rapporteur with a document containing an update on individual cases and ongoing trials. In the aftermath of his mission to Colombia, the Special Rapporteur sent a letter to the Office of the Attorney-General soliciting further information on a number of cases that he considered particularly serious.

31. With regard to the pace of trials, the Deputy Attorney-General said that the Office was making an effort to speed up a number of trials while safeguarding the rights of the defendants. He added that the Office was particularly well organized for the investigations into the most serious crimes, such as the killing of journalists, which violate the essence of democracy in Colombia. In 1999, the Attorney-General established an ad hoc group of four examining magistrates, to look exclusively into cases involving journalists. Likewise, a group of prosecutors was dealing specifically with human rights violations in the light of domestic and international law; in addition, prosecutors paid special attention to the compatibility of their decisions with international treaties ratified by Colombia.

32. In reply to a question from the Special Rapporteur regarding the major obstacles that the Office of the Attorney-General was facing, the Deputy Attorney-General said that investigations on journalists' murders proved to be very difficult. In his opinion, these acts were perpetrated to silence the press and, last but not least, to scare the population, who was generally very reluctant to provide information to investigators. It was also noted that, because of the high level of violence of the conflict, the Attorney-General and the prosecutors were considered targets along with components of civil society.

III. SECURITY POLICIES AND THE RESPECT FOR FUNDAMENTAL FREEDOMS

33. Protection and increased security for professional categories at risk was a major subject of discussion at the highest level during the Special Rapporteur's visit. On the one hand, NGOs and other entities noted that the protection programme of the Ministry of the Interior has structural deficiencies, such as the dubious effectiveness of the protection, often due to a biased relationship between the citizen in need of protection and the authorities, and the long delay - often months - in obtaining protection. On the other hand, the Vice-President underlined that the major shortcoming is the lack of additional financial resources and that the Government was working to bolster the security of all citizens, with special attention to vulnerable groups.

The protection programme of the Ministry of the Interior

34. The Special Rapporteur had a long meeting with the Director of the Human Rights Department of the Ministry of the Interior, the Director of the Presidential Programme for Human Rights and the head of the protection programme within the Ministry of the Interior. The Special Rapporteur was particularly interested in the modalities of work of the protection programme, its possible shortcomings, and what is being done to solve major problems.

35. The Director of the Human Rights Department of the Ministry of the Interior stated that the protection programme was a significant part of President Uribe's "democratic security" policy. The Government has increased the budget of the programme from 201 million pesos in 2001 to 665 million in 2003; 285 persons were enrolled in the programme in 2002 and another 85 in 2003. A committee has been set up with the task of evaluating the level of risk. Its members are the Vice-Minister of the Interior, the Director of the Human Rights Department of the Ministry of the Interior, the Director of the Presidential Programme for Human Rights, the head of the protection programme, a member of the Department of Administrative Security (DAS), a representative of the Ministry of Social Protection, a staff member of OHCHR Colombia, which participates in the committee as an observer, and representatives of two NGOs, Medios para la Paz and the Foundation for the Freedom of the Press. Usually this committee meets once per month, but if necessary it can meet anytime.

36. The Director of the Presidential Programme for Human Rights stated that the decentralization of the protection programme would reinforce its efficiency and the increasing presence of police in all urban centres of Colombia would contribute to strengthening law and order and increase security for all citizens. The first beneficiaries of the decentralization would be journalists investigating corruption cases, as they are the most frequent victims of attacks and killings. In this connection, he regretted the existence of various obstacles, in particular the lack of mutual trust, hindering the relationship between the media and law enforcement agencies.

37. The Special Rapporteur met several national and foreign journalists who reiterated a number of issues that seemed to represent the main obstacles to the free exercise of the right to information. The protection of journalists was one major concern: in the view of many of the Special Rapporteur's interlocutors, the protection programme of the Ministry of the Interior was not sufficiently funded and needed to be more reactive to journalists' call for help. Last

but not least, the Government should feel more committed to it. It was reported that at least 10 journalists had been obliged to flee the country in the last few months and that human rights NGOs often managed to send threatened journalists to Western countries for a period.

38. An overview of the protection programme, including specific training for journalists in order to improve their perception of security, was given to the Special Rapporteur. In fact, many journalists tend to underestimate certain risks and neglect elementary precautions. For those enrolled in the protection programme, the police envisage the creation of a countrywide radio network that would allow law enforcement officials to react swiftly; the major beneficiaries of this system would be those reporters working in remote and rural areas.

39. The Special Rapporteur met with five journalists who had received death threats and were enrolled in the protection programme. All of them had fled the country and lived in exile for years, sometimes with the support of the Colombian authorities. Their stories show that the danger can come from all sides of the conflict and that, at least in one case there were suspicions of collusion between criminals and law enforcement agents.

40. One journalist said that the beginning of his ordeal was being described by officials as a FARC supporter. Though he was not formally accused, paramilitary groups began to intimidate him through phone calls, written messages and a single physical attack. In the end, he decided to apply for political asylum in a European country and had spent 15 years abroad.

41. Another journalist told the Special Rapporteur that he and his family were recently accepted as refugees in a Western country after they were obliged to leave their home town in a rural region. Apparently, he was considered to be “an enemy of the people” because he worked for the State media and had reported on bomb attacks. After his equipment was confiscated by guerrillas, he decided to move to Bogotá but realized that the threats would continue on a regular basis, especially through phone calls.

42. Investigating the murder of a colleague was the starting point of the troubles for another reporter, who had already spent one year abroad. Although she is now in the protection programme, she felt that her situation remained extremely precarious because no investigation had been completed into her case and that the protection programme served solely to control her movements and actions.

43. The fourth journalist told the Special Rapporteur that she had voluntarily enrolled in the protection programme and was then offered a cellular phone and money to hire a driver. She has received two death threats, because of her work on indigenous and rural issues and on the peace process brokered by President Pastrana. Her family received menaces as well, though they were not involved in media work, and her equipment had been stolen from her apartment.

44. The last journalist said that he had been kidnapped while investigating the phenomenon of kidnapping; several journalists had had the same experience. Since then, he is constantly followed by bodyguards because kidnapping, presently a criminal phenomenon on its own, is a very dangerous subject and both sides of the conflict can react violently.

IV. OTHER OBSTACLES TO THE IMPLEMENTATION OF THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION

45. The information provided to the Special Rapporteur by the Ministry of Communications portrayed a rich and varied media environment, particularly active in the field of social development of vulnerable groups. The Ministry had granted licences to 478 community radio stations through a public competition, while 213 licences were granted to public bodies such as universities, the army and municipalities. The Government had also donated technical equipment to 14 radio stations managed by indigenous people. The Ministry also worked on the specific needs of the rural areas: the telephone network now covers 83 per cent of the territory and 309 multi-communication centres are functioning in the country. The National Television Commission, established in 1991 and composed of representatives of the Presidency and specialists, ensures that public and private television act in accordance with domestic laws.

46. Replying to a number of questions put by the Special Rapporteur, the Minister pointed out that community radio stations which are non-profit entities, can broadcast commercial advertisements for 15 minutes per hour, with no restrictions on content, provided they respect public opinion, common sense and morality. Community stations are free to debate all social issues, but they cannot broadcast political propaganda. The Government is discussing the matter of commercial advertisements, which at present have no time limits, with private radio stations. Conversely, on public interest advertisements have been replaced by a sort of programme sponsorship, with precise time limits.

A. Violence against the media

47. Stigmatization of journalists by the State was another crucial issue often evoked in the meetings the Special Rapporteur had with media professionals. Stigmatization weakens the position of the press and makes it more vulnerable, especially if, as it often happens, it is coupled with the accusation of being supporters of the guerrillas.

48. Impunity was another major point. It was also noted that trials of persons accused of murdering journalists, as well as of human rights defenders, trade unionists, teachers and social workers, are usually very long and very controversial. In general, the Special Rapporteur's interlocutors felt that police investigations into these cases were very confused and judicial procedures very slow. The trial of the presumed killers of TV journalist Jaime Garzón in 1999 provides a good example: 52 months after his assassination, the trial was still not proceeding in a satisfactory manner. According to media professional associations and other NGOs, in the past 15 years, the authorities have apparently solved only 35 of 112 cases of murdered journalists.

49. Subsequently, the Special Rapporteur learned that on 10 March 2004, a Colombian court sentenced in absentia AUC leader Carlos Castaño to 38 years of imprisonment for the murder of Jaime Garzón. The trial was reportedly marred by a mishandled investigation and false testimonies. The presiding magistrate decided to open an inquiry into the involvement of several DAS officers.

50. According to information and reports received by the Special Rapporteur, in the year 2003, 5 journalists were killed, nearly 60 kidnapped, threatened or assaulted and many were forced to leave their region, if not the country itself. The regions of Boyaca, Arauca and Santander appeared to be the most dangerous for the safety of journalists: 16 media workers fled the Arauca region under death threats, and 6 were forced to leave the country. The Special Rapporteur wishes to draw attention once again to the cases described below.

51. One journalist has been killed in 2004 and one of his colleagues kidnapped and tortured. Oscar Alberto Polanco Herrera, director of the local news programme “CNC Noticias” on Cable Unión de Occidente, was shot dead on 4 February 2004 in Cartago, Department of Valle del Cauca.

52. Journalist and human rights activist Inés Peña was assaulted and tortured in Barrancabermeja, Department of Santander, on 28 January 2004. Ms. Peña, aged 22, belongs to the youth chapter of the women’s rights group Organización Femenina Popular (Women’s Popular Organization) and hosts the “Cultura por la Vida” segment of the “La Mohana” television show, broadcast by the privately owned Canal Enlace 10 from Barrancabermeja. The assailants reportedly identified themselves as members of the AUC.

53. At the time of writing, the Special Rapporteur had received reliable information about a number of additional cases of violence against media professionals in 2004. The action of the Special Rapporteur in these cases and any replies from the Government of Colombia will be reflected in the report on communications sent by Special Rapporteur, to be submitted to the sixty-first session of the Commission on Human Rights.

54. The Special Rapporteur also wishes to reiterate his concern about several attacks against journalists drawn to his attention in 2003. Forty-six-year old journalist William Soto Cheng, who worked for the local television station Telemar, was gunned down at point-blank range by two men in Buenaventura on 18 December 2003. Mr. Cheng had spoken out against corruption and voting irregularities, implicating local elected officials and members of the security forces. In his programme “Litoral Pacífico”, he systematically denounced irregularities apparently committed by local officials and leading figures in the region. He had also alleged electoral fraud the day after municipal elections on 26 October, suggesting that members of the army and the police were implicated.

55. A 25-year-old radio journalist, Juan Carlos Carlos Benavidez, a reporter with the community station Manantial Estereo, was fatally shot in the back by members of FARC when his car reportedly failed to stop at a roadblock on 22 August 2003. Another reporter from the station, Jaime Conrado, was wounded in the stomach.

56. Jaime Rengifo was shot dead at dawn in Maicao, Department of La Guajira, by two men on 29 April 2003. Mr. Rengifo’s radio programme, called “Journalists in Action”, on Radio Olímpica, relayed listeners’ criticisms of public companies, local authorities, the army and the police. He had started a new publication in February, called El Guajiro, which was distributed in Maracaibo and Bogotá as well as locally. He had recently drawn attention to the violence and corruption caused by local criminal gangs and paramilitary groups. In late 2002, he took part in a local campaign to get the power company Electrocaribe to lower its charges.

57. The producer and presenter of the programme “Facts and Figures” on the local TV station, Altavisión, Guillermo Bravo was gunned down outside his home in Neiva, Department of Huila, by four men on 25 April 2003. Family members and colleagues said Mr. Bravo was considered a “left-wing” journalist and had received death threats for a long time.

58. Louis Edoardo Alfonso was shot down by two men at the entrance to radio Meridiano 70, in Arauca, on 18 March 2003. Thirty-three-year old Mr. Alfonso was the co-editor of the news programme “Actualidad Informativa”. He was also a correspondent for the daily El Tiempo and acted as a press consultant for congressman Adalberto Jaimes. Mr. Alfonso, who was supposedly receiving government protection, specialized in covering public order and local municipal affairs.

59. Radio journalist Emiro Goyeneche was arrested in the Department of Arauca on 20 August 2003 on suspicion of collaborating with ELN guerrillas. Mr. Goyeneche, one of the main presenters at the radio station Sarare Estereo, was arrested together with 29 other people for “rebellion” and imprisoned since 22 August. Just before the end of his mission, government authorities informed the Special Rapporteur that Mr. Goyeneche was still detained in a medium-security prison and that he was in good physical condition.

60. The Special Rapporteur also received reliable information concerning the existence of “blacklists”, prepared by the guerrillas and the AUC, listing journalists and reporters who deserved punishment for their activities. Not surprisingly, these lists were almost identical and included the names of journalists killed recently.

61. During the mission, the Human Rights and International Humanitarian Law Department of the Ministry for Foreign Affairs provided the Special Rapporteur, through letters dated 24 and 26 February 2004, with an update on several cases of violation of freedom of opinion and expression, including the killing of journalists, communicated in 2003.

B. Media concentration

62. Media concentration is the origin of a number of disturbing phenomena like self-censorship and the disappearance of professional investigative journalism. In order to maintain their position and salary, and beset by the fear of becoming a target of paramilitary groups, many journalists have preferred to keep a low profile or, in numerous cases, to espouse the predominant political current of opinion. It was emphasized that rarely in the Colombian press is room given to opinions and analyses that differ from the Government’s views.

63. Many media professionals talked with the Special Rapporteur about the concentration of media, often described as a quasi-monopoly, in the hands of a few owners. A major consequence is the link between the advertising business and the working conditions of journalists (see paragraph 66 below). Pluralism is at stake. De facto, there are fewer and fewer independent media outlets: only one national newspaper, El Tiempo, and only two national weekly magazines, Revista Cambio and Revista Semana. Needless to say, television and radio stations, with a few exceptions like community radios, belong to big economic groups. This account is at variance with the figures given by the Ministry of Communications of 17 nationally distributed publications including newspapers, weeklies and monthlies, 27 regional publications and approximately 100 local publications.

64. It was also stated that only 51 per cent of journalists have an indefinite-term contract and that their average income was US\$ 400, the same as a taxi driver. The best-paid journalists get 1,000 dollars, but the only way to get a high salary is to work for an important politician or a political party. Job insecurity, lack of a trade union, lack of a real pension system and lack of security all contribute to diminish the quality of journalism and the independence of journalists.

65. A representative of the weekly *VOZ*, the organ of the Communist Party, said that in spite of being under the protection scheme, two *VOZ* correspondents were killed and their main office was bombed twice in recent times. The Office of the Attorney-General investigated these crimes, with no apparent results. He added that *VOZ* had appeared for 47 years without a break and in its best years sold 70,000 copies a week while, at present, it was selling 6,000. In the departments of Putumayo, Arauca and a large part of Antioquia, the magazine is not widely available: its distributors are threatened and for the ordinary citizen, buying a copy of *VOZ* may be dangerous.

66. A media professional told the Special Rapporteur that he saw many journalists obliged to quit, and often to leave their home towns, because of the threats of FARC or paramilitary groups. He was of the opinion that the new anti-terrorism legislation will only reinforce the Government's grip on the media. In the region where he works, major impediments to the free circulation of media are of both a physical and a technical nature: the press must be distributed according to certain rules and its content must fit the political orientation of the military group predominant in the region, otherwise distributors' vehicles and publications will be confiscated and destroyed, and the truck driver threatened. Advertisers impose great constraints, especially on the radio: journalists must also sell advertising space if they are to work. Potential clients tended to buy advertising space only in the media that are tolerated by the military and/or political group controlling the area. Apparently, this practice was also quite common during previous Governments. On political matters, the director of the respective outlet customarily sets the general orientation and takes the final decisions.

C. Violence against trade unionists

67. The Special Rapporteur has received allegations concerning numerous attempted assassinations, threats, attacks and disappearances, most of which have so far gone unpunished, of trade unionists, social workers and human rights defenders. The trade union sectors that were most affected continued to be education and health, and more specifically trade unions such as SINTRAEMCALI (Cali municipal workers), ANTHOC (health sector workers), FECODE (education workers) and FENSUAGRO (agricultural workers).

68. Most of these violations were attributed to paramilitary groups. Individual cases include the violations perpetrated against the leaders and members of the Unión Sindical Obrera (United Union of Labour), such as the murder, in Barrancabermeja on 20 March 2002, of Jaime Torra, who was covered by the Ministry of the Interior's protection programme, and of César Gómez, the President of the Pamplona Section of the Union of University Workers and Employees of Colombia (SINTRAUNICOL), who was allegedly killed by paramilitary groups on 5 September 2002 in Norte de Santander.

V. PATTERNS OF DISCRIMINATION INFRINGING THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION

A. Ethnic groups

69. In accordance with the nature and the spirit of his mandate, the Special Rapporteur remains very concerned about the capacity of vulnerable groups to express their views and the possibility of guaranteeing them equal access to information. In Colombia, the Special Rapporteur noted that ethnic groups continue to suffer violations of civil and political rights, especially the right to life, racial discrimination, intolerance and social exclusion. Their economic, social and cultural rights are affected by the poverty and exclusion amid which they live. This situation is further aggravated by the armed conflict, which threatens the very survival of some of these groups. Of particular concern is the situation of the Afro-Colombian community, which is considered to be one of the poorest in the country. Indigenous and Afro-Colombian communities - and especially their leaders - continue to suffer extrajudicial executions, massacres, death threats, enforced disappearances, enforced displacements and recruitments, threatening their very existence as ethnic groups and their cultural survival.

70. During his mission, the Special Rapporteur met representatives of Afro-Colombian organizations who expressed the wish for specific space in the national media for indigenous issues. In their opinion, the media present a biased picture of the Afro-Colombian community, often described as underdeveloped people, living in urban ghettos and making a living through criminal activities. Law 335 of December 1996, article 20, states that indigenous peoples should have access to the media, especially television, but this law does not seem to have been implemented; the State seems to have good intentions, but allegedly has no money to act.

71. Indigenous peoples wish to have their views taken into consideration and a fair representation of their four guiding principles: autonomy, culture, unity and territory. The fact that there are no professional journalists of indigenous origin is symptomatic of the difficulty in communicating the reality of indigenous people to other Colombians.

72. The present Government's policy-making decisions have further reduced the enjoyment of human rights by indigenous peoples. Ruthless privatization and monopoly of resources, developed within a context of violence, have basically destroyed the economic environment of the countryside. Deprived of their traditional economic activities and of the ownership of their lands and systematically harassed by the armed conflict and its consequences, many Afro-Colombians are internally displaced, despite the constitutional assurance of an ancestral territory of 5 million hectares. Nowadays, the real challenge is to guarantee their physical survival. Indigenous peoples have paid the highest price in the armed conflict; often being accused, without real evidence, of terrorist activities.

73. For instance, the Special Rapporteur received information concerning the recent displacement of approximately 400 Wayuu indigenous persons from La Guajira, in the north of Colombia on the border with Venezuela. La Guajira is an oil- and coal-rich region where transnational corporations have extensive interests. Thirty Wayuus were allegedly massacred with the aim of terrorizing the rest of the community and convincing them to flee.

74. The Special Rapporteur is also aware of the persistence of discrimination, marginalization and social stigmatization against the Raizales (the Creole-English-speaking inhabitants of San Andrés, Providencia and Santa Catalina, of West Indian origin), and the Roms (Gypsies) who still have no specific legal status for their protection and development.

B. Sexual discrimination and the AIDS pandemic

75. In accordance with the nature and the spirit of his mandate, the Special Rapporteur considers that all citizens, regardless of, *inter alia*, their sexual orientation, have the right to express themselves, and to seek, receive and impart information. The Special Rapporteur also considers that Governments have the obligation to provide citizens with reliable information on health issues in general and, bearing in mind the extreme gravity of the epidemic, on AIDS in particular.

76. In Colombia, despite the crucial role women play in almost all sectors of the society, sexual matters are still marked by male dominance. For instance, government officials have often used concepts such as “homosexuality” and, words like “homosexual” to denigrate their political enemies. Gay and lesbian groups and individuals’ right to freedom of opinion and expression is hindered by the opposition they find in the media where sexual issues, especially homosexuality, are treated in a prudish and traditional way and never broadcast on prime time.

77. It emerged during the meeting that the Special Rapporteur held with representatives of the Ministry for Social Protection that homosexuals and prostitutes are severely discriminated against and stigmatized, as they are considered to bear the main responsibility for the spreading of AIDS in the country. The Ministry stated that there is no reason for the stigmatization of homosexuals because the number of people infected is equally divided between heterosexuals and homosexuals/bisexuals. The Ministry also drew the attention of the Special Rapporteur to Decree 1543 of 1997, especially the content of articles 16, 17, 32, 42 and 43 regarding education in sexual and reproductive health, confidentiality, and the right and duty to promote the prevention of communicable diseases. The Constitutional Court took action in cases of discrimination against vulnerable groups, such as persons affected by HIV/AIDS, to whom the right to health should always be guaranteed.

VI. CONCLUSIONS

78. Freedom of opinion, expression and information has been infringed by a number of the Government’s strategies such as the “democratic security” policy. There will be no security without democracy. Paramilitary groups and the guerrillas have perpetrated grave human rights violations and breaches of international humanitarian law involving journalists, trade unionists, teachers and human rights defenders. Death threats have pushed several persons at risk to seek political asylum or leave the country temporarily. Such events, added to the high degree of impunity and the hostile climate generated by the circumstances, affect people’s fundamental right to receive impartial and objective information and the right to full freedom of expression of the above-mentioned professional groups. These freedoms have also been impaired by the lack of a pluralistic environment, by the concentration of the mass media, the shortage of accurate information from different sources, and self-censorship.

79. The Government should consider the fight against impunity as a main priority. Perpetrators of human rights violations must be brought to justice, regardless of their political affiliation. The judicial system must work with efficiency and impartiality while respecting domestic legislation consistent with the international laws.
80. Another crucial issue is the existence of paramilitary groups who are impinging on the life of many citizens, substantially hampering their freedom of expression. More should be done against these groups and all links between them and legitimate republican authorities and institutions should be cut. In this connection, the Special Rapporteur believes that the militarization of the countryside through the Soldado Campesino programme would only spread further fear and trouble among local populations, especially vulnerable groups like indigenous peoples, peasants, women and children.
81. No political justification can condone the activities of the guerrillas who behave like a large criminal network in which human life and human rights are mere tokens. It is nonetheless vital for the future of the country that peace talks between the guerrillas and the Government be resumed. The process leading to national reconciliation and to the reunification of the country may be long and painful, but it is the only way to guarantee a stable democracy and a pluralistic society in Colombia.
82. Stigmatization produced by public statements place the lives of some leaders at risk and cast doubts on the legitimacy of the trade union movement. Stigmatization is conducive neither to the free exercise of union leaders' function as the defenders of trade union rights, nor to the full enjoyment of freedom of association and peaceful assembly.
83. Reinforcing the programme of protection of journalists, trade unionists, teachers and human rights defenders is of paramount importance. The Human Rights Department of the Ministry of the Interior gave an exhaustive presentation on the programme and its results, but the Special Rapporteur believes that more should be done with regard to the safety and security of the above-mentioned groups, especially those living in rural or remote areas.
84. The Special Rapporteur is also very concerned about the anti-terrorist legislative act adopted at the end of 2003. On 20 August 2004, the Constitutional Court declared the act unconstitutional. The legislator entrusts the army with emergency powers, such as body searches, telephone tapping and control of private correspondence, without judicial authorization. Such measures will definitely aggravate the present poor status of the right to freedom of opinion and expression and annihilate pluralism. In addition, the Special Rapporteur wishes to reiterate that such legislation is not in conformity with the provisions of a number of international human rights instruments ratified by Colombia, in particular the International Covenant on Civil and Political Rights.
85. Another significant element that the Special Rapporteur would like to single out is the present concentration of the media in the hands of a few owners, and its consequences. The majority of journalists are exploited and underpaid; yet they were unable to create a trade union due to the opposition of publication owners. The connection between advertising sales and the

journalist put huge pressure on journalists and on their independence. Killings of colleagues and the fear of losing their jobs have resulted in self-censorship and a silent consensus around the decisions of the Government and the paramilitary groups' activities.

86. Indigenous peoples, the Afro-Colombian minority and other ethnic groups are a constituent part of Colombian society. It appears that they still suffer discrimination, intolerance and social exclusion. Their right to express opinions and to be part of the decision-making process, especially in the land where they live, seems to have been neglected in spite of specific legislative measures adopted in the past.

VII. RECOMMENDATIONS

87. **The Special Rapporteur urges the Government and all parties involved in the conflict to restart the process of reconciliation and reconstruction of the country.**

88. **The Special Rapporteur urges the Government of Colombia to consider preparing and implementing a national plan on human rights which would include the most urgent priorities for the protection of all citizens' human rights and for the promotion of a human rights culture.**

89. **The Special Rapporteur strongly recommends that the Government of Colombia re-establish the rule of law throughout its territory, to declare officially that all militias are illegal, to disband them and to prosecute human rights and humanitarian law violators regardless of their political affiliation. The Government should consider the fight against impunity as one of its main priorities and should make the programme for the protection of journalists, trade unionists, human rights defenders and teachers fully reliable. The Special Rapporteur invites foreign Governments and institutions, in cooperation with Colombian authorities, to contribute financially to the implementation of this programme, and to consider favourably requests for temporary or permanent asylum.**

90. **The Special Rapporteur wishes remind the Government of Colombia that fair trials for all suspected perpetrators of human rights violations, regardless of their political affiliation, will constitute a fundamental pillar of the process of reconciliation. Ultimately, only a fully independent judicial system can guarantee the impartial implementation of laws and rules. Investigations and trials should be conducted in accordance with international human rights standards. Likewise, suspects, defendants and convicted persons should be detained and treated according to international human rights and humanitarian standards.**

91. **The Special Rapporteur urges the Government to draft specific bills and laws regarding anti-terrorist activities that are in conformity with the international humanitarian and human rights treaties ratified by Colombia. In this connection, the Special Rapporteur urges the Government to consider favourably the observations and recommendations on this matter contained in the reports of the Office of the High Commissioner for Human Rights in Colombia, especially those contained in the reports of 2003 and 2004 (E/CN.4/2003/13 and E/CN.4/2004/13).**

92. The Special Rapporteur urges the Government to thwart the phenomenon of stigmatization, which represents per se a serious human rights violation and fuels the spiral of violence and resentment. The Government should take appropriate measures to prevent the use of stigmatization, especially on the part of its top officials, and the polarization of opinions, two elements that are poisoning the political debate and the exercise of pluralism.

93. The Special Rapporteur urges the Government to release all individuals not involved in the commission of violent acts who have been detained because of their opinions and beliefs, or because they belong to an indigenous or other vulnerable group.

94. The Special Rapporteur calls upon the Government to create a compensation fund for the victims of the conflict, regardless of their political affiliation or orientation. Cases of journalists and media workers should be considered with care and impartiality for compensation from this fund.

95. The Special Rapporteur urges the Government to ensure that all ethnic groups have access to comprehensive and impartial information and have the possibility of expressing themselves freely regardless of their socio-economic status. As a part of the exercise of their right to freedom of opinion and expression, indigenous peoples and other ethnic groups should be able to participate in decision-making processes affecting their lives and their environment.

96. The United Nations High Commissioner for Human Rights established an office in Colombia in 1997, at the invitation of the Government. Each year, this office produces a comprehensive report that includes balanced and focused recommendations, regarding the protection and promotion of human rights in the country. The Special Rapporteur strongly encourages the Government to analyse carefully the contents of those annual reports and to consider seriously adopting the recommendations included therein.

Appendix I

LIST OF PARTICIPANTS IN THE MEETINGS

Fernando Santos Calderón, Vice-President of the Republic

Carolina Barco, Minister for Foreign Affairs

Martha Elena Pinto de Hart, Minister of Communications

Francisco Rojas Birry, President, Human Rights Commission of the Senate

Carlos Moreno de Caro, Senator, member of the Human Rights Commission of the Senate

Carlos Franco, Director, President's Programme for Human Rights

Rafael Bustamante, Director, Human Rights Department, Ministry of the Interior

Monica Fonseca Jaramillo, Director, Human Rights and International Humanitarian Law Department, Ministry for Foreign Affairs

Volmar Pérez, Ombudsman

Paula Gaviria, Director, for the Promotion and Dissemination of Human Rights Office of the Ombudsman

Maria Victoria Polanco, Director of Access and Social Development, Ministry of Communications

Ricardo Luque, Adviser, General Director of Public Health and Coordinator, HIV Programme, Ministry of Social Protection

Ana Cristina Gonzáles, General Director of Public Health, Ministry of Social Protection

Andrés Fernando Ramírez Moncayo, Deputy Attorney-General

Yolanda Sarmiento, Director, International Affairs and Human Rights, Office of the Attorney-General (Fiscalía General de la Nación)

Elba Beatriz Silva, Chief, Human Rights Unit, Office of the Attorney-General

The Constitutional Court

Micheal Frühling, Director, Office of the United Nations High Commissioner for Human Rights

Amerigo Incalcaterra, Deputy Director, Office of the United Nations High Commissioner for Human Rights

El Tiempo

El Espectador

Semana

Contravía

VOZ

R.C.N. TV

Foundation for the Freedom of the Press (Fundación para la Libertad de Prensa)

Federación Interamericana de Prensa: Centro de Solidaridad con los Periodistas de Colombia

Circulo de periodistas de Bogotá

ANDIARIOS

Medios para la Paz

Instituto Prensa y Sociedad

ASDEH (Asociaron Democrática para le Defensa de los Derretíos Humanos)

Movimiento Cristiano

Partido Comunista Colombiano

Alternativa Democrática

Planeta Paz

Polo Democrático

Comisión Colombiana de Juristas

Colectivo de Abogados “José Alvear Restrepo”

Pontificia Universidad Javeriana

Universidad Nacional de Colombia

Appendix II

HUMAN RIGHTS TREATIES RATIFIED BY COLUMBIA

International Covenant on Economic, Social and Cultural Rights: signed 21 December 1966; ratified 29 October 1969

International Covenant on Civil and Political Rights: signed 21 December 1966; ratified 29 October 1969

Optional Protocol to the International Covenant on Civil and Political Rights: signed 21 December 1966; ratified 29 October 1969

Second Optional Protocol to the International Covenant on Civil and Political Rights: acceded 5 August 1997

International Convention on the Elimination of All Forms of Racial Discrimination: signed 23 March 1967; ratified 2 September 1981

Convention on the Elimination of All Forms of Discrimination against Women: signed 17 July 1980; ratified 19 January 1982

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women: signed 10 December 1999

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: signed 10 April 1985; ratified 8 December 1987

Convention on the Rights of the Child: signed 26 January 1990; ratified 28 January 1991

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography: signed 6 September 2000

Optional Protocol to the Convention on the Rights of the Child on children in armed conflict: signed 6 September 2000

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families: accession 24 May 1995

Rome Statute of the International Criminal Court: signed 10 December 1998; ratified 5 August 2002
