



3 November 2014

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Dear members of the Committee on Foreign Affairs,

HUMAN RIGHTS MUST BE AT THE CENTRE OF COLOMBIA'S PEACE PROCESS

Amnesty International calls on the European Union (EU) and its member states to place human rights at the centre of exchanges during the forthcoming visit of Colombia's President, Juan Manuel Santos.

Colombia's current peace process offers the best chance in over a decade to put an end to the conflict, and its long term success will depend on ensuring the right of all victims to truth, justice and reparation. To this end, the Colombian government must commit to ensuring that all those who are criminally responsible for serious human rights abuses and violations are brought to justice. Current legislation, such as the *Marco Legal/Jurídico por la Paz*, and legislative initiatives, such as the broadening of military justice, will make it more difficult for victims to get justice, and encourage further human rights abuses.

The government of Juan Manuel Santos has taken an important first step in recognising that victims of the conflict have a right to truth, justice and reparation. The 2011 Victims and Land Restitution Law has become the centrepiece of the government's human rights agenda, with support from the EU. This law seeks to provide full reparation to some victims of the conflict, and to return to their rightful occupants some of the millions of hectares of land illegally acquired, often violently, by the parties to the conflict. Implementation of the law has been slow. Only some 650 cases had been settled by August 2014, a fraction of total land restitution cases. In only a few of these cases have land claimants been able to return to their lands; many cite the lack of security and the failure of the state to provide adequate support to make their returns economically viable as the key reasons preventing them from returning.

Meanwhile, human rights violations persist. According to the state's National Protection Unit, more than 1,100 land claimants and leaders requested physical protection measures between January 2012 and March 2014, although in fewer than half of these were protection measures granted. Meanwhile, the Office of the Attorney General is investigating some 35 killings associated with the restitution process.

In September and October 2014, mass threats were directed against human rights defenders (HRDs), journalists and political activists - many of them linked to the peace process. Amnesty International also continues to receive reports of death threats against trade unionists, as well as peasant farmers, and Indigenous and Afro-descendant activists. The EU and its member states should engage with President Santos on the situation of HRDs in Colombia, in the spirit of the recent commitment in the *Council Conclusions on the 10th anniversary of the EU Guidelines on Human Rights Defenders* to "intensify [...] political and material support to human rights defenders and step up [...] efforts against all form of reprisals."

Colombia's activists continue to face grave dangers. According to the Colombian human rights NGO *Somos Defensores*, more than 70 human rights defenders, including Indigenous and Afro-descendant activists, land rights activists, and community leaders, were killed in 2013, while the Office of the United Nations High Commissioner for Human Rights (UNHCHR) has recorded some 40 killings so far this year. With EU support, the government's various physical protection programmes for human rights

defenders and other groups at risk of attacks have saved lives. However, the state has still to demonstrate a much stronger commitment to protecting these sectors by demonstrating that it will not tolerate human rights abuses and violations against them, and having the political will to bring to justice all those suspected of criminal responsibility for such crimes. In parallel, the EU and its member states must step up in-country monitoring and support to HRDs and other individuals and groups at risk, including land claimants, trade unionists, and peasant farmers, Indigenous and Afro-descendent communities, while ensuring that any support to the land restitution process promotes and protects the human rights of those involved.

Despite their supposed demobilisation, Amnesty International also continues to receive reports of human rights violations committed by paramilitaries, sometimes in collusion with the security forces or at least operating with their apparent acquiescence in highly-militarised areas.

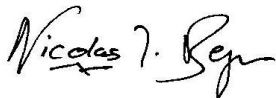
The EU and its member states must ensure that aid programmes do not support agro-industrial or other economic projects situated on land illegally acquired through human rights abuses and violations. In addition, the EU and its member states should advise EU-based companies to avoid investing in areas which could contribute to the perpetrators of human rights abuses deriving profit from their crimes.

In line with EU and member state commitments to place human rights at the centre of all external action, and in line with multiple EU guidelines, in particular those on Human Rights Defenders and on Freedom of Expression, and in line with repeated UN human rights recommendations on Colombia, the EU and its member states should use the forthcoming visit as an opportunity to urge the Colombian President to:

- Take verifiable measures to put an immediate end to abuses and violations of international human rights and humanitarian law by government forces
- Take immediate action to dismantle paramilitary groups and break their links with state security forces, in line with repeated UN recommendations
- Ensure that respect for human rights and an end to impunity form a central component of the peace talks
- Bring to justice in civilian courts all those suspected of criminal responsibility for human rights violations and abuses
- Ensure full implementation of repeated UN recommendations, and continue to support the presence and work of the Office of the UNHCHR in country
- Desist from measures, such as the reform of the military justice system, which will boost already high levels of impunity by undermining the right of victims to truth, justice and reparation, as well as reversing the little progress made by ordinary civilian courts in ending impunity in cases of human rights violations and abuses
- Immediately provide effective protection for HRDs in accordance with their wishes and needs
- Order full and impartial investigations into threats and attacks directed at HRDs and others, publishing the results and bringing those responsible to justice.

We welcome your action on these key human rights concerns and stand ready to provide any further information you may require.

Yours sincerely,



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