



37th FIDH Congress from 6 to 10 April, 2010 in Yerevan

RESOLUTION ON HUMAN RIGHTS DEFENDERS IN COLOMBIA

The International Federation for Human Rights (FIDH) meeting at the XXXVII World Congress in Erevan, Armenia, 6-10 April 2010, faced with the complex situation of human rights defenders in Colombia, and **CONSIDERING:**

That over the last decade in particular, various international authorities and organs have expressed their “...*deep concern about the atmosphere of intimidation and insecurity in which Colombian human rights defenders carry out their work*”. The situation has worsened recently, which demonstrates that the recommendations of Ms. Hina Jilani, former Special Representative of the Secretary-General on the situation of human rights defenders, during her visit more than seven years ago have not been implemented, and that the government has in fact acted against the aforementioned recommendations.

- That since 2004, a specialised strategic intelligence group (called the “G3”) has operated within the Intelligence Office DAS (Administrative Security Department) that answers directly to President Álvaro Uribe Vélez. The G3 initiated the largest operation of illegal espionage and systematic monitoring of the work of human rights defenders and their organisations in the history of the country. This information has been used for the following purposes: the passing of lists to paramilitary groups of trade unionists and human rights defenders to be assassinated – many of whom were assassinated – and operations of “*offensive intelligence*” such as the practice of different attacks, set-ups, death threats and repeated violations of human rights defenders.
- That intelligence reports produced by the National Army’s “Regional Military Intelligence Units” (RIME) have been disseminated to the public in which leaders of social organisations and movements and human rights defenders are linked in a generalised way with insurgent organisations. This illegal practice has been demonstrated in reports in the Departments of Antioquia and Caquetá, in 2008 and 2009.
- That based on intelligence reports and paid testimonies put forward by the network of informers in each Military Brigade, dozens of these people have already been tried and detained in military show-trials, such as CARMELO AGÁMEZ, member of the National Movement for Victims of the State (Movice), and MARTÍN SANDOVAL, President of the Permanent Committee for the Defense of Human Rights in Aruaca.
- That since mid-February 2009 in more than 30 cities in various regions of the country death threats and threatening pamphlets have been widespread, seeking to use terror and intimidation to control the unrest that the social crisis and rising unemployment levels have provoked among the most marginalised and excluded sectors

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of society. There have been increased incidences of “social cleansing” actions against large groups of marginalised young people. The community movement has stated that before May 2009 around 100 community organisers were assassinated across the country, and still more were subject to repeated intimidation through threatening literature. The majority of these threats were carried out in the name of paramilitary groups such as the Águilas Negras (Black Eagles) and the Autodefensas Unidas de Colombia (Colombian United Self Defense), evidence of a military reconfiguration of paramilitarism, and the positioning of groups such as these as principal actors in the urban governance strategy of “Democratic Security”.

- That over the course of this year, raids on the properties of and theft of information from human rights defenders and their organisations have continued. The increase in assaults and thefts from premises and defenders themselves seems to be related to the generous rewards offered by the Ministry of Defence to those who hand in hard drives, USBs and other forms of “information that may be used as a basis for the continuation of intelligence work and the planning of future operations” (Secret Directive N° 029 of the Ministry of Defence, 2005, Chapter 4. section f.).
- That during the term of President Uribe’s government human rights defenders have had to carry out their work in a permanent context of public attacks and slurs on the part of the President himself, the Vice President and other high level government figures seeking to set society against them and paint a public image of them as “enemies - accomplices and allies of terrorism”. Since he came to power, President Uribe has presented human rights defenders as *“political intriguers that are ultimately working for terrorists but hide like cowards behind the flag of human rights”* (8 September 2003). That the general eroding of rights and guarantees for the work of human rights defenders has culminated in orders for the cessation of protection plans for large numbers of defenders in situations of recognised risk. The privatisation of protection services and the mercantilisation of surveillance and security contained in the planned Law on Private Security Companies aim for the State to be freed of any direct responsibility for the protection of human rights defenders, journalists, trade unionists and social leaders in situations of risk, allowing private companies (including foreign companies) to provide these services.
- That the State not only has not implemented the recommendations of the then Special Representative Hina Jilani, but in almost all areas has acted against them, meaning that defenders have no real guarantees that they can carry out their work free of harassment and without fearing for their lives.
- That despite insistent recommendations made by international organs to the State of Colombia regarding the protection of human rights work, female human rights defenders continue to suffer attacks, threats and harassment, which not only affects their personal integrity but puts their important work at risk. The situation

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of impunity in which these attacks are carried out is alarming, and there is no effective policy of prevention and sanction that guarantees the fundamental rights of female human rights defenders, even though the risk of attacks against their safety and their lives is common, persistent and systematic.

- That the persistence of the grave situation of female defenders in Colombia has also been recognised by the Constitutional Court, which has pronounced orders to overcome at least the following weaknesses: (i) the inadequate response in relation to the protection of the lives, personal safety and integrity of leaders of displaced populations¹; (ii) the existence of gender based risk in conflict situations, springing from women's membership of social organisations, or from their work in promoting human rights in zones affected by conflict²; (iii) the inadequate and insufficient protection for victims and witnesses in the procedure framework of law 975 of 2005, which does not comply with the standards and requirements of an integrated protection strategy associated with the investigation of these crimes³.
- That in the face of the above statements, recommendations and orders, the response of the Colombian State continues to be inadequate, particularly with regards to the deficiencies in the measures of prevention, protection and sanction that promote the worsening of the conditions of violence against human rights defenders.

RESOLVE:

- We urge the President of the Republic and high level government officials to comply with Presidential and Ministerial Directives (07 of 1999 and 09 of 2003 respectively) and put an end to the systematic stigmatisation of human rights defenders, to produce an express public declaration which recognises the importance of the legitimate work of human rights defenders and their indispensable contribution to the strengthening of democracy and the rule of law.
- We demand that the national government cease both their illegal espionage activities against human rights defenders and the illegal collection of information by various intelligence services, and that they guarantee defenders complete and timely access to the information contained in intelligence archives. We also demand that the Prosecution Service quickly and impartially advance the investigations in progress against all government officials implicated in the illegal activities of DAS, to determine both who gave the orders and who carried them out.

¹ Constitutional Court. Decree 200, 13 August 2007. Magistrate: Manuel José Cepeda.

² Constitutional Court. Decree 092, 14 April 2008. Magistrate: Manuel José Cepeda.

³ Constitutional Court. Sentence T-496, 16 May 2008. Magistrate: Jaime Córdoba Triviño.



37th FIDH Congress from 6 to 10 April, 2010 in Yerevan

- We call for the cessation of the practice of pressing charges against human rights defenders on the basis of intelligence reports and declarations made by informers or prisoners in exchange for judicial or financial benefits, and demand that criminal and disciplinary processes be initiated against any public official that may have violated the law investigating defenders on the basis of false or unfounded evidence, and that the corresponding sanctions be applied.
- We demand that the protection programs of the Minister for the Interior be implemented in compliance with the jurisprudence of the Constitutional Court, and that any reform to the aforementioned programs be undertaken through direct consultation with human rights defenders to ensure that the changes respond to their needs, in particular:
- We demand guaranteed judicial independence and an end to impunity. We demand that the National Unit of Human Rights and International Humanitarian Law investigate and centralise all reports of threats and violations against defenders, identify the chains of command and responsibility, and sanction those responsible. The Court should regularly and publicly report the results of these investigations. We demand that the agreements between the National Prosecution Service and the military and political intelligence units (RIME, DINTE and DIPOL) be abolished, to avoid judiciary policing powers being granted to the intelligence services, and prohibit the use of intelligence reports in judicial processes.
- We demand the effective dismantling of paramilitarism and the end of links with agents of the state. Also the prosecution and sanction of agents of the state that have participated in, supported or tolerated serious human rights violations by paramilitary groups, including those committed against defenders.
- We demand that the Colombian State provide guarantees for the work carried out by women in defense of their rights, and carry out investigations and sanctions in response to acts of violence, including sexual violence, committed against women and their work in defense of their human rights.
- We demand that the Colombian State immediately put a stop to the acts of violence against women, in particular defenders, that are attributed to the responsibility of agents of the state.
- We demand that the Colombian State comply fully with the orders derived from decree 092 (prevention and protection of women in situations of displacement).

Yerevan, April 2010