

Catherine Ashton  
High Representative of the Union for  
Foreign Affairs and Security Policy  
Vice President of the European Commission

**AMNESTY  
INTERNATIONAL**



**European Institutions Office**

Brussels, 9 May 2012

Our Ref: B1202

Dear Baroness Ashton,

### **EU MUST URGE COLOMBIA TO ADDRESS SHORTCOMINGS OF VICTIMS AND LAND RESTITUTION LAW**

On 10 June 2011, President Juan Manuel Santos signed into law the Victims and Land Restitution Law to facilitate the restitution of millions of hectares of land abandoned or stolen as a result of human rights abuses and violations. This law is a welcome step forward, but it fails to effectively ensure justice and reparations for many victims of the long-running armed conflict.

One year after the entry into force of the Law, Amnesty International's analysis, *Colombia: The Victims and Land Restitution Law* (available [here](#)), documents the law's shortcomings which may deny justice to many victims of human rights violations. Victims face numerous obstacles in obtaining reparations. Financial compensation will indeed only be granted to those who suffered abuses after 1985, and only those whose lands were stolen after 1991 will be able to reclaim them. Moreover, recent victims of paramilitary groups are also excluded since the authorities claim such groups demobilised in a government-sponsored process which began in 2003. We continue to receive information that paramilitary groups are still operating, often in close collusion with the security forces. We are concerned that provisions in the law could help legalise tenure over and profits derived from misappropriated or stolen lands. Concerns also relate to the complex process to identify misappropriated lands and inadequate support for victims returning to their lands. We are also concerned that Afro-descendent and Indigenous communities feel the separate decrees regulating reparation for them do not respect the right to free, prior and informed consultation of affected communities.

The European Union should use its leverage, including in connection with the EU-Colombia Free Trade Agreement (FTA), to press the Colombian authorities to respect and protect human rights. The EU should urge the Colombian Government to:

- Take decisive action to prevent the *de facto* legalisation of millions of hectares of misappropriated or stolen land through human rights abuses and violations and ensure effective restitution and reparation to the victims
- Fully respect the right of Afro-descendant and Indigenous communities to free, prior and informed consultation; and meet non-governmental human rights and victims' to review their concerns about the Victims and Land Restitution Law and its implementation
- Guarantee the safety of those campaigning for land restitution and the rights of those forcibly displaced

The EU must also ensure that its policies, EU funds and investments do not contribute to the process of *de facto* legalisation of stolen lands through human rights abuses and ascertain that the FTA will not exacerbate current or future human rights violations. It must also build safeguards to guarantee that EU-based companies investing in Colombia or engaged in business there do not benefit from this situation nor derive profit from misappropriated lands.

We look forward to your response and stand ready to provide any further information you may require.

Yours sincerely,

Dr Nicolas J Begger  
Director

Cc:

Christian Leffler, EEAS Managing Director for the Americas

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Rolf Timans, EEAS Acting Director for Human Rights and Democracy

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Maria Van Gool, Head of the EU Delegation to Colombia

Rafael Gelabert, Chairperson of the Council Working Group on Latin America