

Frank-Walter Steinmeier
President of the
Council of Ministers of the European Union

10 April 2007
Ref: B649

Dear Dr Steinmeier,

Subject : EU – Andean Communities meeting

Ahead of the EU - Andean communities meeting in Santo Domingo on 19 April 2007, I am writing to you to set out a number of human rights concerns in the region. I would ask that you use the opportunity of the forthcoming ministerial discussions to ensure that human rights are firmly on the agenda, and to raise the following issues with ministers from the countries concerned.

- **Fujimori extradition request.** The Chilean Supreme Court's decision on Peru's request for the extradition of Alberto Fujimori is expected in May 2007. Amnesty International has repeatedly called on the Chilean authorities to comply with and respect their obligations under international law to investigate and, if required, to process and punish those responsible for committing or ordering crimes against humanity. If for any reason Chile denies the extradition request it will have to put Alberto Fujimori at the disposal of its own judicial authorities for prosecution. If the investigation demonstrates that sufficient and admissible evidence exists, Alberto Fujimori should be the subject of a judicial process in Chile, independent of his nationality and of the location of the crimes of which he is accused. Amnesty International believes that the Presidency should use the timely meeting with the Andean communities to call for a commitment to protecting and promoting human rights in the region, by contributing to the efforts to see Alberto Fujimori – who is subject to very serious accusations – face judicial accountability.
- **Broadening scope of death penalty in Peru.** Three draft bills proposing reform of Article 140 of Peru's Constitution are currently before Congress. Article 140 deals with the use of the death penalty for crimes of terrorism and treason, and the draft bills propose extension of its scope to other crimes. In order to enable this extension, they also suggest that Peru should withdraw from the American Convention on Human Rights (ACHR), since states party to the ACHR are barred from extending the scope of their death penalty laws. Amnesty International is opposed to the use of the death penalty in all circumstances, and remains seriously concerned about the possible broadening of its scope in Peru. The Presidency should highlight to Peruvian ministers that possible withdrawal from the ACHR would constitute a serious setback for the protection of human rights in the country, and would leave the inhabitants of Peru without recourse to the inter-American human rights system when domestic courts do not provide effective remedies for individual human rights violations.
- **The demobilisation process in Colombia.** The paramilitary demobilisation process is failing to guarantee the right of victims to truth, justice and reparation and to effectively tackle the endemic problem of impunity. Paramilitary forces continue to operate, sometimes in collusion with the security forces, while little is being done to dismantle their military, economic and political infrastructure, and to ensure that third parties that have supported paramilitarism are identified and held to account. Amnesty International is concerned that mechanisms are being put in place to ensure that paramilitaries will be able to legalise their ownership over lands and other assets they have stolen through war crimes and crimes against humanity. In this context, Amnesty International reiterates its call on the EU to desist from supporting programmes, such as the Colombian government's "rural reinsertion" scheme, which may facilitate the legalisation of ownership of such lands.

- **Human rights defenders in Colombia.** Amnesty International remains concerned about continued threats, attacks and acts of intimidation against human rights defenders in Colombia. Amnesty International recommends the EU Presidency use the occasion of the forthcoming meeting with the Andean Communities to request that Colombia issues a new directive reconfirming his recognition of the legitimacy of the work of human rights defenders and in which all public officials are reminded of their obligation to respect and protect human rights. Furthermore, the Colombian government should be encouraged to adopt concrete measures to protect human rights defenders, including decisive action to end impunity in cases of human rights abuses against them and to fully implement recommendations presented by the UN and the Inter-American system with regard to human rights defenders.

We look forward to your reaction on these issues.

Thank you for your consideration.

Yours sincerely,



Dick Oosting
Director, Amnesty International EU Office



Barbara Lochbihler
Secretary General,
Amnesty International Germany

Cc:

Javier Solana, High Representative for CFSP

Commissioner Ferrero-Waldner

Riina Kionka, Personal Representative of Javier Solana for Human Rights