

Benita Ferrero Waldner
Commissioner for External Relations
European Commission

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Brussels, 28 October 2008

Dear Commissioner Ferrero Waldner,

**Amnesty International Report: 'LEAVE US IN PEACE!'
Targeting civilians in Colombia's internal armed conflict**

Amnesty International would like to draw your attention to its latest report, published today, on the human rights situation in Colombia after forty years of internal armed conflict. The report documents human rights abuses and violations of international humanitarian law (IHL), of which civilians are the principal victims.

More than 70,000 people, mainly civilians, have been killed as a result of the conflict and between 3 and 4 million have been forcibly displaced from their homes. Between 15,000 and 30,000 people have also been the victims of enforced disappearances since the start of the conflict and more than 20,000 people have been kidnapped or taken hostage in the past decade.

The warring parties have drawn civilians into the hostilities. The deliberate and systematic failure to distinguish between civilians and combatants has been one of the hallmarks of the conflict.

According to the report, the use of paramilitaries, which have long operated with the acquiescence and support of the security forces, has formed an integral part of this strategy. Such forces have been used to sow terror and to deflect responsibility for human rights violations away from the armed forces. Most paramilitary actions continue to be directed against civilians rather than guerrilla forces.

Guerrilla forces have also failed to respect the rights of civilians. They often systematically target civilians and are responsible for serious and repeated human rights abuses and violations of IHL. Such abuses have included the killing of civilians, hostage-taking, and indiscriminate and disproportionate attacks against military targets which often result in civilian casualties.

The security forces also continue to be responsible for serious human rights violations. Of particular concern has been an increase in civilian killings attributed directly to the security

forces, who often falsely present the victims as guerrillas killed in combat. Many of these cases are still been handled by the military courts, which often protect the perpetrators of such abuses.

Moreover, high-ranking government, state and military officials have effectively undermined human rights protection - and even undercut the Colombian state's own measures to improve their security - by making public statements equating human rights work with "subversion". Such accusations can, and frequently do, expose human rights activists to an increased risk of attack. In fact, such negative statements have given indirect approval to the security forces to target human rights defenders, trade unionists and community leaders during intelligence and counter-insurgency operations.

Impunity lies at the heart of the conflict and is a principal factor in its continuation. The knowledge that the perpetrators of abuses, whoever they are, will not be brought to account sends a clear and powerful message to victims not to seek justice. It also sends a message to individuals and groups, such as human rights organizations or trade-unions, who stand up to the perpetrators of abuse, that their members and leaders could suffer persecution and harassment. Impunity also ensures that the perpetrators remain at large and are confident that they will not face any consequences for continuing to commit human rights abuse.

Amnesty International opposes the violations of international humanitarian law in Columbia, regardless of the nature of the aggression or the aggressor, and urges all the parties in the conflict to comply with the human rights recommendations of bodies such as the Office of the UN High Commissioner for Human Rights and the Inter American Commission on Human Rights. We also call for all parties in the conflict to sign a humanitarian agreement to exclude the civilian population from the hostilities.

We call on the Colombian government to:

- Publicly acknowledge the existence of an internal armed conflict. Failure to do so could undermine the application of international humanitarian law (IHL), and allow those responsible for attacks against civilians to evade accountability.
- Publicly acknowledge the state's responsibility to resolve the serious human rights situation. The state is obligated to act in accordance with its responsibility to uphold the law; respect, protect and fulfill human rights; and ensure justice and redress for victims.
- Withdraw the declaration made under Article 124 of the Roman Statute of the International Criminal Court (ICC), which allows Colombia to defer the jurisdiction of the ICC to investigate war crimes for a period of seven years, as well as the declaration on amnesties and pardons made upon ratification of the Rome Statute.
- Sign and ratify the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

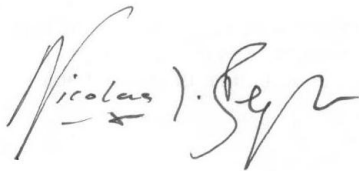
We call on the guerrilla groups to:

- Publicly acknowledge their obligations to comply fully with international humanitarian law and make a public commitment to respect international human rights law.
- Immediately and unconditionally release all civilians held by its forces and commit to put an immediate end to all kidnapping and hostage-taking.
- Prohibit and put an end to the deliberate killing of non-combatants in all circumstances.
- Make a public commitment not to recruit anyone under the age of 18. All child soldiers should be immediately released.


The European Commission is one of Colombia's most important development co-operation partners. Amnesty International calls on the EU to fulfill human rights commitments in relation to Colombia by pressing the Colombian government to urgently address the human rights violations taking place. In particular, the EU should show leadership with the discussion on Colombia in the next session of the UN Universal Periodic Review (UPR) Working Group of the UN Human Rights Council in December. We would welcome the opportunity to discuss the findings of this report further.

Thank you for your consideration.

Yours sincerely,

Handwritten signature of Dr. Nicolas Beger in black ink.

Dr. Nicolas Beger
Director
Amnesty International EU Office

Handwritten signature of Geneviève Garrigos in black ink.

Geneviève Garrigos
Chair
Amnesty International France

c.c. Bernard Kouchner, Minister of Foreign and European Affairs, French EU Presidency.

Javier Solana, High Representative for the Common Foreign and Security Policy,
Secretary-General of the Council of the European Union.