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Press Release

Statement of the Special Rapporteur on the situation of human rights defenders, Margaret Sekagya, as she concludes her visit to Colombia

BOGOTÁ, 18 September 2009 – From 7 to 18 September 2009, I carried out a fact-finding mission to assess the situation of human rights defenders in Colombia, and traveled to Bogotá, Barranquilla (Atlántico), Medellín (Antioquia), Cali (Valle del Cauca) and Arauca (Arauca). I met with the President, the Vice-President and other senior officials from the executive; with judges from the Supreme Court of Justice and the Constitutional Court, and the Attorney General's Office; and with Congressmen. I further met the Heads of the police, the military and DAS (*Departamento Administrativo de Seguridad*). I also held meetings with local Government officials in the four regions I visited. I met as well with members of the diplomatic community and United Nations agencies in the capital. Finally, throughout my mission, I met a wide and diverse segment of the Colombian civil society.

I thank very much the Government of Colombia for extending an invitation to me and for its exemplary cooperation throughout the mission. I further want to thank all human rights defenders with whom I had meetings, some of whom had to travel long distances to meet me. Finally, I want to express my appreciation to the Colombia Office of the High Commissioner for Human Rights (OHCHR) for its invaluable support in preparation of and during the mission.

While I must now take some time to review and analyse the considerable amount of information I have received, and to follow up on further exchanges of information with the Government, human rights defenders and other stakeholders, I would like to provide here a few preliminary observations and recommendations.

I first want to commend the Government for the significant improvement in the overall security situation in the country since 2002. Respect for the right to life and the exercise of fundamental freedoms for Colombian citizens have improved.

I further want to commend the Government for designing policies and strategies for the protection of human rights defenders. I welcome the significant increase of funds dedicated to the National Programme for the Protection for Human Rights Defenders (from \$13 millions in 2002 to \$40 millions in 2009). I also support the work of the regional and municipal

Ombudspersons, in particular their early warning system, and believe their reports should be made public and be more often taken into account by the Inter-institutional Committee on Early Warning (CIAT). I further welcome the adoption of the Law on Intelligence and Counterintelligence, and urge the Government to implement it as soon as possible.

I find it remarkable that the Government and the civil society, given the current polarization, have reached a number of agreements through the roundtables for guarantees of protection of human rights defenders. I note with special satisfaction that President Uribe publicly stated on 17 September 2009 after my meeting with him that:

“The defense of human rights is a necessary and legitimate action for democracy in a country like Colombia which is proud to be completely open to international scrutiny in this field”.

I hope this statement will help to reduce tension and contribute to a better climate of dialogue between Government and human rights defenders. With this new development, I urge the Government to promptly implement agreements reached with human rights defenders on guarantees for their work, to continue dialogue, and to prioritise investigations on threats received by defenders who participated in the roundtables on guarantees for human rights defenders.

While I acknowledge the above-mentioned efforts of the Government to improve the situation of human rights defenders, much remains to be done to ensure a safe and conducive environment for human rights defenders. From what I have seen and heard over the past 12 days, I can conclude that patterns of harassment and persecution against human rights defenders, and often their families, continue to exist in Colombia. Journalists, trade unionists, magistrates, lawyers, student and youth activists, women defenders, indigenous and Afro-Colombian leaders, and LGBT activists have been killed, tortured, ill-treated, disappeared, threatened, arbitrarily arrested and detained, judicially harassed, under surveillance, forcibly displaced, forced into exile, or their offices have been raided and their files stolen, because of their legitimate work in upholding human rights and fundamental freedoms. Some of these violations are allegedly to be attributed to guerillas, new illegal armed groups and paramilitary groups which human rights defenders say have not been dismantled, and the Government bears the responsibility to denounce and thoroughly investigate these violations and prosecute the perpetrators. However, according to several sources, law enforcement authorities have committed violations against human rights defenders too, or have shown complaisance with violations committed by private actors against defenders.

I am in particular deeply concerned about the widespread phenomenon of threats from unknown authors against human rights defenders and their families, often materialized through pamphlets, obituaries, emails, phone calls and text messages sent to them. Such threats create a climate of fear

within the human rights defenders' community. The police need to take these threats seriously by conducting systematic investigations and bringing their authors to justice. In this context, I want to state that the threats against judges of the Supreme Court of Justice weaken the justice system as a whole, fuel impunity and, through this, impact negatively on the work of defenders.

A prime reason for the insecurity of human rights defenders lies in the systematic stigmatization and branding of defenders by Government officials. Echoing the statement of the Special Rapporteur on extrajudicial executions at the end of his visit to Colombia on 18 June 2009, human rights defenders have been repeatedly accused by high level Government officials of being, or colluding with, "terrorists" or "guerillas". The public statement by President Uribe recognizing the legitimate work of human rights defenders, and the recent ones made by the Vice-President and the Minister of Interior and Justice are important pronouncements for the human rights community. It is further important that the Inspector General's Office (*Procuraduría General de la Nación*) continue investigating statements made by public officials on human rights defenders which are greatly harmful to their work.

Impunity for violations committed against human rights defenders also contributes significantly to their insecurity. While I note the ongoing investigations into the illegal activities of DAS agents, the Attorney General's Office should do more to thoroughly investigate human rights violations against human rights defenders and prosecute those responsible. The State must provide additional resources for handling effectively all cases of human rights violations against defenders. I welcome the recent creation of the Humanitarian Affairs Units (*Unidades de Asuntos Humanitarios*) within the Attorney General's Office, and hope that concrete results will soon be achieved. Finally, I am also concerned about the fact that some prosecutors operate within military premises, casting doubts about the independence of the judiciary in Colombia. I recommend this issue to be addressed by the Attorney General's Office.

Further to the issue of security of human rights defenders, I was informed that the Government is in the process of reforming the Protection Programme for Human Rights Defenders of the Ministry of Interior and Justice. Important elements of such reform should take into account the special needs of women, indigenous and Afro-descendent people. I strongly suggest that State agents defending human rights, i.e. magistrates and staff members of the national and regional Ombudsperson's Office, be included in this programme. Furthermore, the process for applying for protective measures should be simplified and faster. The spying on human rights defenders by bodyguards assigned for their protection should also be dealt with. The Programme should expand its preventative measures as well. Lastly, human rights defenders have raised concerns about the privatization of this programme, an issue which should be mutually discussed and resolved.

I am further troubled by the information about surveillance and wiretapping of

national and international human rights defenders, including judges from the Supreme Court of Justice, the former United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people in 2005 and the Special Rapporteur for the Rights of Women of the Inter-American Commission on Human Rights in 2005, by civil and military intelligence services. I welcome the current prosecution by the Attorney General's office of at least 40 DAS functionaries, including four former Directors. I remain, however, concerned about possible ongoing surveillance. Should such illegal surveillance persist, I urge DAS to stop it immediately. The Ministry of Defense, DAS and the Inspector General's Office should establish a mechanism for purging all intelligence archives on human rights defenders, their families and their organizations, with the assistance of OHCHR and the international community. Such establishment should be accompanied with a redefinition by the State apparatus of the objectives of its intelligence activities, through the set-up of a democratic control of these activities. Finally, defenders should be granted full access to intelligence information that concern them.

In connection with the gathering of intelligence on human rights defenders, I want to express my serious concern about the arbitrary arrests and detention (sometimes on a massive scale) of human rights defenders, as well as unfounded criminal proceedings brought against them, on the basis of military and police intelligence reports and on testimonies of demobilized individuals or informants in exchange of legal and/or pecuniary benefits. The Inspector General and Attorney General's Offices should fully investigate abuses and punish all those responsible, and the Government should restore the good name and reputation of defenders who would have been found victims of State arbitrariness.

I will present my full report with final conclusions and recommendations to the UN Human Rights Council in March 2010.
