

COLOMBIA

ISSUE

While there were some positive legislative developments in 1997, the overall human rights situation in Colombia has deteriorated. The country's guerrilla war reached new heights of violence in 1997. The most flagrant abuses of human rights in Colombia occur in the context of this conflict, especially by guerilla and illegal paramilitary groups.

BACKGROUND

The intensification of the guerilla campaign and the rise of paramilitarism posed the greatest challenge to human rights. Violations of international humanitarian law by both the FARC and the ELN increased in 1997. Violence against civilians by guerilla groups increased, including kidnapping, assassination and extortion. Elected politicians and political candidates were particular targets; the guerillas killed dozens while kidnapping or threatening hundreds more in an attempt to subvert the October 1997 Departmental elections. In September 1997, the Constitutional Court struck down legislation that exempted the guerrillas from prosecution for the killing of military personnel.

Violence by illegal rightwing paramilitary groups, often exceeding the guerillas in their brutality, was also a growing concern. Paramilitary groups were estimated to have grown by close to 50% since 1995, a trend which continued in 1997. In early December 1997, after a wave of massacres attributed to these groups in the Antioquia and Cundinamarca Departments, the Government announced a new set of measures to "get tough" on paramilitaries, including increased rewards for the capture of known paramilitary leaders. However, these efforts have not yet yielded results.

A related development in 1997 was the growth of officially sanctioned rural self-defence security cooperatives, the "convivires". Originally created by the Government as a means of helping to maintain law and order, many have been accused of exceeding their mandate and committing human rights abuses. Their continued existence is perceived as a *de facto* encouragement of paramilitary activities. Following challenges to their constitutionality by local NGOs, the Constitutional Court stipulated new rules for the functioning of the security cooperatives. Despite criticism, the Government continues to view them as necessary. This underlines the extent to which the Government is incapable of addressing by itself the significant law and order crisis, where the impunity rate remains at 97% and the majority of murders are not related to the civil conflict.

While guerrilla and paramilitary abuses have risen, violence by the armed forces has decreased. A number of steps have been taken to reduce the military's immunity from prosecution. A court decision in August 1997 allowed for soldiers to be tried in civil courts, instead of military courts, on charges related to "crimes against humanity". Revision of the military code of penal justice will be debated in Congress in March 1998. However, allegations of collusion with, or indifference to the actions of paramilitary groups remain the most serious worry.