

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 12, 13, 14, 15, 17, 29, 30, 31, 32, 37, 39, 40, 42, 52, 57, 60, 61, 63, 65, 66, 67, 68, 69, 70, 72, 75, 99, 112; E/CN.4/1998/68/Add.1, paras. 87–124)

The report notes that 24 urgent appeals were transmitted to the government on behalf of groups of persons, such as civilian populations, demonstrators, employees of certain enterprises as well as on behalf of individuals, including human rights activists, human rights defenders, community activists and trade union leaders. The Special Rapporteur (SR) expressed extreme concern over the fact that attacks conducted by members of the army and paramilitary groups against those believed to cooperate with the guerillas have reportedly led to the deaths of many innocent civilians. The SR also expressed deep concern over the high number of civilians and persons hors de combat who were killed in the context of the internal armed conflict and as a result of the use of indiscriminate or disproportionate force, the utilization of anti-personnel mines, or the blockage of goods and services, including relief assistance. The report notes that allegations were sent to the government with regard to the impunity enjoyed by paramilitary groups that continued to commit systematic violations of the right to life with the acquiescence of members of the armed forces.

The addendum to the main report, refers to reports that paramilitary violence was still responsible for most violations of the right to life, with groups such as the Peasants' Self-Defence Units of Córdoba and Urabá (ACCU), being responsible for systematic violations of the right to life, and acting with impunity and with the acquiescence of certain elements in the armed forces.

The SR stated that the large number of complaints received made it impossible to analyze them all and to provide appropriate follow-up. Some detail on individual cases is provided, however, related to human rights activists, priests, trade unionists, inhabitants and civilian populations in certain towns, municipal representatives, peasants' representatives and minors. A case involving a former guerrilla fighter with the Revolutionary Armed Forces of Colombia (FARC) is mentioned. As well, the report discusses concerns related to some 400 peasants and their families from Unguía, Chocó Department, Urabá, who had fled to Panamá after violent clashes between guerrilla and paramilitary groups, and their possible deportation to Colombia without measures to protect their right to life.

The report notes that complaints were transmitted to the government with regard to: the deaths of minors, human rights defenders, indigenous persons, peasants, political leaders, trade unionists and others caused by paramilitary groups; the deaths of peasants, indigenous persons, trade union leaders and others caused by members of the army; and deaths of political leaders, peasants, human rights defenders and others caused by the police.

The report notes that the SR received a large number of replies from the government, reflecting its willingness to

cooperate with the mandate. The information provided related to investigations and judicial proceedings in connection with a substantial number of cases and urgent appeals transmitted by the SR.

Recalling that the SR on extrajudicial, summary or arbitrary execution, together with the SR on the question of torture, visited Colombia in 1994, the report refers to the recommendations made following that visit and to the government's follow-up to those recommendations. The summary of the information provided by the government and that received from non-governmental sources noted, *inter alia*:

- ♦ The government cited adoption of Act 288 of 1996 which established machinery for the compensation of victims of violations. Non-governmental sources noted that the Act represented progress but did not cover the broader issue of redress for violations of human rights, confining itself solely to the question of economic compensation.
- ♦ The government noted that the Regional Justice System system must, by law, cease to operate by 30 June 1999 and that, in the light of the criticisms directed against the system, as well as recommendations and suggestions put forward, the tendency was to reduce the coverage of the regional justice system. Non-governmental sources noted that a decision of the Constitutional Court ensured that the previous rules continue to apply, making it easier for members of the forces of law and order to appear as secret witnesses and to bring charges before the courts against those they consider their enemies, who are often just social activists.
- ♦ The government stated that the Witness Protection Programme of the Procurator's Office operated on a restricted basis, since its requirements were quite strict and few persons were willing to comply with them and that resources continued to be inadequate to meet needs. Non-governmental sources stated that the intervention of the Witness Protection Programme of the Procurator's Office in cases of human rights violations had not had very good results because of, *inter alia*: the requirement that protected persons be totally isolated from their families; lack of confidence in the protection offered; and the fact that the programme is designed for repentant offenders and not for victims of human rights violations and victims see themselves in danger of being treated as suspects or accused persons.
- ♦ The government referred to its decision to submit the reform of the military criminal justice system to the Congress, but noted that it had an official position on two contentious issues: (a) with respect to how to limit the jurisdiction of the military criminal justice system, it opted not to include definitions or normative indications, but to leave the analysis and definition of whether the offence was service-related to the judges; and (b) with regard to obedience to superior orders, it opted to limit this defence to instances