

Justice for Colombian IDPs?

by Arild Birkenes



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More than three million Colombians – in a country with a population of 40 million – have been forced from their homes during the last two decades of conflict.¹ In recent years illegal armed groups have increasingly resorted to displacement of civilians as a deliberate strategy to undermine the popular support base of their opponents and to control land for production of illicit crops. Almost one million people have been displaced since the government of President Álvaro Uribe took office in 2002. Colombia remains riven by imbedded violence and social, political and economic exclusion. Massacres, attacks and intimidation of civilian population by both the guerrilla groups and paramilitary forces continue to be reported. Paramilitary groups in alliance with drug-traffickers, control millions of hectares of land, much of it grabbed from people they displaced by committing human rights violations.

Colombian IDPs do not live in camps but are found in shantytowns where they often comprise the majority of inhabitants. Increasing control by paramilitary groups and crime-related violence often force IDPs to flee to other urban areas. IDPs generally have less access to health care, education, nutrition, water and sanitation facilities than their compatriots.

Paradoxically, Colombia has both one of the highest IDP populations in the world and one of the most protective legislative frameworks. The Uribe government has pursued a policy of 'democratic security', which involves civilians in counter-insurgency, arming of peasants and setting up networks of informants. Such 'security' measures have drawn more civilians into the armed conflict and incited hostility against human rights defenders and community leaders, forcing many to flee conflict-ridden areas. Many IDPs do not claim status as such, seeking instead anonymity in the areas of displacement. President Uribe's comfortable victory in the presidential

elections on 28 May 2006 has been attributed to improved security in urban areas. It should be noted, however, that 55% of the electorate refrained from voting, indicating little faith in democratic institutions.

In January 2004 the Constitutional Court declared the government's IDP response unconstitutional. The government responded by pledging over \$2 billion to protect and assist IDPs. With the hesitant support of the international community, the government has now demobilised more than 30,000 paramilitaries within a controversial legal framework – the Justice and Peace Law endorsed by the Congress in June 2005 but declared partly unconstitutional by the Constitutional Court in May 2006. Its critics claim the law leaves crimes against humanity unpunished, that it does not seek to establish the historical truth – including the state's collusion with paramilitary forces – and does not acknowledge sufficiently victims' rights to justice and reparation.

The demobilisation process is part of the government's legitimate efforts to restore law and order but the Constitutional Court's verdict endorses concerns that the Justice and Peace Law may leave political, economic and social structures controlled by the paramilitaries intact, effectively preventing IDPs from returning home in the foreseeable future.

NRC calls on the Colombian government to:

- recognise the ongoing conflict as an internal armed conflict as defined under international humanitarian law
- ensure protection of civilians from arbitrary displacement and other human rights violations in line with national legislation, international human rights standards and international humanitarian law

- implement the decision of the Constitutional Court of 18 May 2006 to ensure the rights of IDPs and other victims of the conflict to truth, justice and reparation
- investigate responsibility of state agents and paramilitary groups for arbitrary displacements and other human rights violations
- revise the policy of 'democratic security' to prevent civilians being drawn into the conflict – thus adhering to the international humanitarian distinction between combatants and non-combatants
- implement development programmes in remote rural areas where coca production has fuelled conflict and displacement.

We also urge:

- The G-24 – a inter-governmental group seeking to coordinate developing countries' policies on monetary and development finance issues² – to: a) support the UN High Commissioners for Human Rights and for Refugees in their efforts to protect and assist Colombian IDPs; b) ensure that further financial assistance to Colombia is conditional on respecting IDPs' human rights; and c) provide support to Colombian civil society groups defending IDP rights.
- share-holders in companies operating in Colombian conflict zones to press for an end to corporate cooperation with agents of displacement and perpetrators of human rights violations
- the International Criminal Court to initiate investigations under article 15 of the Rome Statute.³

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1. According to the Consultoría para los Derechos Humanos 18/07/2006 – Colombia (CODHES), an authoritative non-governmental source: www.codhes.org.co

2. www.g24.org

3. www.un.org/law/icc/statute/rome.htm