



EMBASSY of COLOMBIA

W A S H I N G T O N

SPECIAL REPORT: INVESTIGATING EXTRA-JUDICIAL KILLINGS

As a result of President Uribe's Democratic Security Policy, in the recent years, the Government has regained territorial control and the rule of law, hence allowing an unprecedented period of economic expansion, social stability and civic development, while at the same time strengthening our judicial system and addressing the issue of human rights.

Of importance to our Government are the extrajudicial killings which are defined as murders of persons not involved in the hostilities that have allegedly been committed by the Armed Forces. The Government of Colombia is concerned with this situation and has put in place a series of measures to investigate and prevent these criminal acts.

- Minister of Defense Directive 10 / 2007: This Ministerial Directive establishes a Committee to follow up complaints of alleged extrajudicial killings. It is comprised of representatives from the Armed Forces, the Police, the Prosecutor General's Office, the Inspector's Office, the Presidential Office for Human Rights, *Defensoría Del Pueblo* (Ombudsman Office), and the UN Human Rights office in Colombia.
- This Committee's objectives are to study the causes of extra-judicial killings, to support the legal (criminal and disciplinary) investigations of alleged murders of protected persons, and to strengthen preventive measures to avoid murders of protected persons. (The Committee has held 9 meetings up to February 28, 2008. In 3 meetings out of 9, the Minister of Defense himself has presided them. The rest have been technical meetings and all meetings have been attended by the UNHCR office.)
- The Committee will present a report on extra-judicial killings in mid-2008.
- Instructions have been issued on how to proceed when an alleged "out of combat death" occurs; procedural rules for military operations and instructions on how to handle complaints for alleged human rights violations and breaches to the International Humanitarian Law.
- On October 4, 2007 the Prosecutor-General issued Resolution No. 03854 (2007), establishing a Sub-unit of Support within the National Unit of Human Rights and International Humanitarian Law. The new Sub-unit is providing technical and logistical support in order to further investigations of killings allegedly committed by State agents.
- Further to Directive 10, the Ministry of Defense issued Directive No. 19 in November 2, 2007, with additional instructions to guarantee that the Judicial Police undertake the investigative procedures in such cases.
- The number of related investigations passed on to the Prosecutor General's office increased five-fold and currently works on 727 allegations of extra-judicial killings.
- So far, 316 persons have been linked with, 16 condemned and 51 are been charged on trial regarding these crimes.

Colombian Armed Forces receive Human Rights and International Humanitarian Law training, recognized as thorough and accurate worldwide. These precepts are now part of our new *Comprehensive Human Rights and IHL Policy*—pointed by the UN High Commissioner of Human Rights "a high water mark for the hemisphere."



The new Policy reviews our training methods, strengthens our inspections and our whole disciplinary system, and establishes closer links with the justice system and with international organizations, among other things.

The Ministry has published bulletins, pamphlets, fliers and a "Military Operations Manual Procedure" that are being distributed among all brigades. The intention is to broadly publicize the Directives on the legitimate use of force and the enforcement of orders within the legal framework, stressing the treatment for civilians.

A quote of the *Annual Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia* (A/HRC/7/39 29 February 2008) acknowledges these efforts:

"The persistence of extrajudicial executions attributed to members of the security forces, especially members of the Army, has prompted the Government to strengthen the control mechanisms. The political will of senior civilian and military personnel to adopt measures which will prevent, investigate, punish and expose situations in which this type of action has occurred has been most evident in their discussions with the Office during 2007; and they acknowledge that serious crimes, such as extrajudicial executions, do not even achieve any kind of military advantage. New directives produced this year by senior Ministry of Defense officials and military authorities (Directive 10, 2007; Directive 19, 2007; Permanent Directive 300-28, 2007) have emphasized technical and regulatory matters. These directives could serve as the practical basis for a comprehensive attempt to deal with allegations of extrajudicial executions attributed to the security forces. The office in Colombia will closely and regularly monitor implementation and results in 2008. All these measures follow the orientation of several recommendations made by this office, and it is expected that they will be fully developed in the document on integral policies of human rights and international humanitarian law to be published by the Ministry of Defense in early 2008. The Government has also asserted that the Military Criminal Justice has a restrictive area of action and should be limited to exceptional cases, as stated in the presidential objection to the bill containing a new Military Criminal Code. Adjustments were also made to adopt the accusatory system within the Military Criminal Justice. Other Army measures included the deployment of operational legal advisers; the strengthening of internal controls; the reinforcement of its human rights offices; and training on the application of guidelines for personnel who are the "primary responsible authority" to preserve evidence for the Attorney General's Office."

We know we still have many challenges ahead, but the policies we put in place strive to enhance the education curriculum for security forces, reinforcing operational discipline, dedicating adequate attention to the needs of special groups, and establishing closer cooperation with other institutions, especially the judicial system.