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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-seventh session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,
INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF
APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE
SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bengoa, Ms. Chavez, Mr. Eide, Mr. Guissé and Mr. Joinet: draft
resolution

Situation in Colombia

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,

Guided by the principles embodied in the Charter of the United Nations,
the Universal Declaration of Human Rights, the International covenants on
Human Rights, the Geneva Conventions of 12 August 1949 and the Additional
Protocols thereto of 1977,

Disturbed by continuing allegations of severe violations of human rights in Colombia,

Disturbed also by allegations of continued violations of humanitarian standards by armed opposition groups,

Taking note of the statement made by the Chairman of the Commission of Human Rights at its fifty-first session acknowledging the receipt of a written communication from the Permanent Representative of Colombia, pledging the cooperation of his Government with the thematic special procedures of the Commission and with the Office of the High Commissioner for Human Rights (E/1995/23-E/CN.4/1995/176, para. 595),

Acknowledging with appreciation the ratification by Colombia of Protocol II Additional to the Geneva Conventions of 12 August 1949 and the efforts by the Government of Colombia to reform the military justice system, as well as the existence in the 1991 Constitution of a broad catalogue of rights and fundamental freedoms and mechanisms for their protection,

Noting with appreciation that the High Commissioner for Human Rights, in cooperation with the Government of Colombia, has appointed Mr. Philip Texier to evaluate the needs of Colombia in terms of advisory services, with a view to establishing an office for that purpose in Colombia,

Recognizing the public acceptance by the President of Colombia of the conclusions of the special commission created to investigate the violent events which occurred in the municipality of Trujillo, Valle del Cauca, in 1990, in which State responsibility was established for the torture, enforced disappearances and execution of more than 100 rural workers, and the President's announcement that he would adopt the recommendations of the commission directed at repairing the damage suffered by the families of the victims and at bringing to justice the persons responsible,

Concerned, however, by statements of the Working Group on Enforced or Involuntary Disappearances according to which there are 713 unresolved cases of enforced disappearance, and by the fact that the Government in July 1994 vetoed a draft law proscribing the enforced disappearance of persons, which motivated the Working Group to express its concern about the situation in two separate letters addressed to the Government, with no response (E/CN.4/1995/36, para. 135),

Noting with appreciation, however, that the President of Colombia has taken steps to obtain ratification without reservation of the Inter-American Convention on Enforced Disappearances,

Concerned by the observations made in the joint report of the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the question of torture, prepared after their visit to Colombia in October 1994 and presented to the Commission on Human Rights at its fifty-first session, that the vast majority of recommendations made by the representatives of various United Nations human rights mechanisms that visited Colombia in 1987, 1988 and 1989 have not been implemented (E/CN.4/1995/111, para. 131),

Recalling that the Special Rapporteurs in their joint report recommended that the Commission should keep the human rights situation in Colombia under particularly close scrutiny, with a view to the appointment, unless the situation improved radically in the near future, of a special rapporteur who could ensure permanent monitoring of and reporting on the human rights situation and who could cooperate closely with the technical assistance programme (E/CN.4/1995/111, para. 132),

1. Expresses its thanks to the Government of Colombia for allowing access by the thematic rapporteurs and other agencies and bodies of the United Nations, and for its cooperation with the High Commissioner for Human Rights;

2. Expresses its appreciation for the steps taken by the Government which are intended to curb violations committed by some elements of the security forces and by paramilitary groups, but deeply disturbed that serious violations nevertheless continue;

3. Calls on the Government of Colombia to implement fully the recommendations made by the thematic rapporteurs and the Working Group on Enforced or Involuntary Disappearances, and to report to the Commission on Human Rights at its fifty-second session on the measures taken;

4. Recommends that the Commission on Human Rights consider at its fifty-second session the situation in Colombia by examining the measures taken by the Government to implement the recommendations made by the thematic rapporteurs and the Working Group.

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