

The International Office on Human Rights – Action Colombia, represents a network of 30 European organisations. From its office in Brussels the organisation accompanies initiatives of Colombian civil society in the search for the full respect of all human rights and international humanitarian law, as well as a negotiated solution to the armed conflict.

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Oidhaco urges President Santos to act responsibly in his public declarations about human rights defenders and the victims of human rights violations

The European Union must urge President Santos to respect victims and their defenders

- The case of the Mapiripán¹ massacre illustrates how impunity within Colombia obliges victims to seek justice using international mechanisms,
- The Colombian State is responsible for investigating human rights violations, not human rights defenders and their organisations.
- The case must not be used to delegitimise organisations and individuals working in defence of human rights, nor as a distraction from the grave and serious human rights situation in Colombia.
- The European Union must publicly support the victims and human rights defenders and demand effective measures to combat impunity in Colombia, which currently reaches 98%.
- **Oidhaco** welcomes the support of the Inter-American Commission on Human Rights, the United Nations and many other human rights organisations for Colombian human rights defenders. It is thanks to these defenders that the Colombian State has been obliged to recognise and compensate the victims of human rights violations.
- **Oidhaco** urges President Santos to condemn massacres and human rights violations instead of condemning human rights defenders, and to take serious measures to combat impunity in Colombia.

Brussels, 7 November 2011. In 2005 the Inter-American Court of Human Rights held the Colombian State responsible for the 1997 *Mapiripán*¹ massacre, in which right-wing paramilitaries, in collaboration with the Colombian armed forces, slaughtered, dismembered and terrorised the civilian population in *Mapiripán*.

Faced with impunity within Colombia, the victims of the massacre, some of them represented by the Jose Alvear Restrepo Lawyers Collective (CCAJAR) had sought justice via the Inter-American Court of Human Rights. Prior to being represented by CCAJAR, some victims had already given their testimony to the Colombian authorities. Amongst these was an alleged false victim who, according to her current testimony, gave false evidence at that time and was not actually a victim of the massacre. Oidhaco regrets the possible existence of false victims which has put the credibility of the real victims at risk and urges the Colombian State to carry out full investigations which will result in the identification of all the victims of the massacre. However, the real issue is the official reaction of the Colombian authorities and its possible impact on the legitimate defence of the rights of victims and the combatting of impunity in Colombia by legitimate human rights defenders.

The *Mapiripán* case has sparked numerous statements by officials of the Colombian government, which unfortunately have discredited the work of victims' advocates, in this case CCAJAR. President Santos has dismissed the lawyers of this group as unscrupulous and corrupt and accuses them of trying to undermine the Inter-American system. Oidhaco reminds the Colombian President that the victims and their defenders were forced to seek justice using international mechanism because the rate of impunity in Colombia is 98%. "If the Colombian State had investigated these crimes thoroughly and brought those responsible to justice, the victims would not have needed to seek international justice", according to Vincent **Vallies**, ODHACO spokesman. "We urge President Santos to act

responsibly and respectfully in his public declarations regarding the victims and their representatives. We also urge President Santos to condemn massacres and threats against victims and human rights defenders, and fight against impunity, rather than condemning the legitimate activities of human rights defenders”, said Vallies.

As stated by the Inter-American Commission for Human Rights, it was not human rights defenders who endorsed the testimony of the alleged victim: “the reconstruction of the facts was based principally on the evidence provided by the Colombian Office of the Attorney General (Fiscalía General de la Nación –**FGN**-) and the official information documented by the Colombian authorities.” In its statement, the Inter-American Commission emphasises that the Attorney General’s Office took the testimony of the alleged victim before she was represented by CCAJAR.

The security situation for human rights defenders in Colombia remains extremely serious, as highlighted by Gustavo Gallón, Director of the Colombian Commission of Jurists; “At least 38 human rights defenders (33 men and five women), have been murdered or forcibly disappeared in the first half of this year.”

Oidhaco asks that the EU, in view of its good relations with Colombia, support Colombian victims and their advocates and urge President Santos, as the highest Colombian authority, to respect the work of human rights defenders and ensure that the fight against impunity is a central pillar of his government.

Oidhaco welcomes and appreciates the support for CCAJAR and the victims they represent which has been expressed by international organisations such as the United Nations and the Inter-American Commission for Human Rights, as well as the statements of support from national and international human rights organisations including the Observatory for the Protection of Human Rights Defenders.

Vallies also states that “The reputation of organisations like CCAJAR with more than 30 years of representation of victims before national and international mechanisms cannot be tarnished because of the double inefficiency of the Colombia justice system: “first it abandoned the victims of the massacre, then it gave recognition as a victim to a person who apparently is not. “

ⁱ In July 1997, more than 80 right wing paramilitaries, who were part of the AUC, ultimately led by Carlos Castano, flew from the region of Uraba and by land and river arrived in Mapiripán. There they committed a horrific massacre that for more than 14 years embarrassed the Colombian authorities. The military forces in the area enabled them to act. The paramilitaries stayed in Mapiripán from 15 to 20 July and during these five days they wreaked havoc on the civilian population. Victims were tortured, murdered and dismembered and their bodies thrown in the Guaviare river, in acts of extreme barbarity. At the time the Colombian State failed to investigate these events adequately, leaving the victims of these horrific crimes to resort to international justice. In 2005 the InterAmerican Court of Human Rights found that the Colombian State was responsible for the massacre and ordered it to pay compensation to the victims. Some members of the military who had failed to prevent the massacre were subsequently successfully prosecuted and sentenced.