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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY
FORM OF DETENTION OR IMPRISONMENT

QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

Report of the Working Group on Enforced or
Involuntary Disappearances

Addendum

Report on the visit to Colombia by two members of the
Working Group on Enforced or Involuntary Disappearances
(24 October - 2 November 1988)

I. INTRODUCTION

1. By a letter dated 25 March 1988, the Government of Colombia invited the Working Group on Enforced or Involuntary Disappearances to visit the country in connection with reports on disappearances transmitted to it by the Group. At its twenty-fourth session in May 1988, the Working Group decided to accept that invitation and, at its twenty-fifth session, delegated Mr. Toine van Dongen and Mr. Diego García-Sayán to carry out the visit on the Group's behalf. The visit to Colombia took place from 24 October to 2 November 1988.

2. During the visit, the two members of the mission were received by the President of the Republic, the Ministers of Defence, Foreign Affairs, the Interior and Justice, the President of the Council of State, the Attorney-General of the Nation, as well as the Attorneys-Delegate for the Defence of Human Rights, for the Armed Forces and for the National Police, the Vice-President and other judges of the Supreme Court, the Presidential Advisers for the Defence, Protection and Promotion of Human Rights, for Social Development and for Reconciliation, Rehabilitation and Normalization, the Administrative Security Department (DAS), the National Director of Criminal Investigation, the Governors of Antioquia and Valle, as well as other high officials of the executive, including the armed forces and the judiciary, both in the capital and in the cities of Medellín and Cali. The members also had the opportunity to hold hearings with a great number of witnesses, relatives of missing persons, representatives of human rights organizations and associations of relatives. They further met with dignitaries of the Roman Catholic Church and the committee of laymen of the Human Rights Commission of the Episcopal Conference, representatives of political parties, universities and educational institutions, the bar and the media. As during previous similar visits, the members endeavoured, within the short time available, to hear a variety of views on the complex situation of disappearances in Colombia from different representative segments of Colombian political, legal, religious and intellectual life. The members of the mission also visited the cities of Cali, Medellín and Girardot, the latter in connection with a forum of personeros (municipal officers) (referred to in paras. 33-34) organized by the Presidential Adviser for Human Rights, and interviewed one witness in the women's prison of Medellín.

3. The present report on the visit reflects the conversations the members of the mission had in Colombia on the situation of disappearances and aspects related thereto. Chapter II describes briefly the context of violence in which the problem of disappearances in Colombia has to be viewed; chapter III contains a description of the country's legal and institutional framework relevant to disappearances, both in its theoretical aspects and as regards the practical application of legal procedures as explained in the conversations with the relevant authorities and members of the legal profession; chapter IV describes the main characteristics of the cases of disappearances which the members of the mission were able to study in detail during the visit and provides an evaluation of the evidence received; it also contains statistical information and a graph showing the

evolution of the phenomenon based on the dates on which the cases transmitted by the Working Group so far occurred. The position of governmental authorities explained to the members during the visit is reflected in chapter V. Concluding observations and recommendations are presented in chapter VI of the report.

4. The Working Group wishes to emphasize that it received most valuable co-operation, both in the preparations for and during the conduct of the visit, in particular from the Office of the Presidential Adviser for the Defence, Protection and Promotion of Human Rights, which acted as co-ordinator for the visit. All requests for meetings with officials were accepted and most efficiently arranged by that Office and no obstacles whatsoever were encountered by the members of the mission in receiving representatives of non-governmental organizations, witnesses and relatives of missing persons. The members of the mission only regret that the senators of the conservative and liberal parties whom they had contacted were not able to accept their invitation for an exchange of views.

5. It should be borne in mind that, as a matter of principle, the Working Group on Enforced or Involuntary Disappearances discharges its mandate in a humanitarian spirit, taking a non-accusatory approach. The mission to Colombia should be viewed in the same light.

II. CONTEXT OF VIOLENCE

6. This part of the report briefly outlines the context of violence in which disappearances reported in Colombia must be considered. For, in both intellectual and practical terms, it is not feasible completely to divorce the issue of disappearances from overall violations of human rights or from the socio-political processes that have engendered them. Particularly in the case of Colombia, the complexities of the situation are such that the Working Group would not be informing the Commission on Human Rights properly unless it attempted a brief description of them, limited to those aspects which it considers necessary for a general understanding of the context only. Clearly, there is a wider area of facts and circumstances that have a bearing on the situation, yet describing them would carry the Group well beyond the bounds of its mandate.

7. Attempting to draw a composite picture of all the various factors that contribute to the spiral of violence in Colombia is particularly difficult in view of the situation prevailing in the country. First of all, any generalization about those who play a role perforce ignores significant variations in each category. Secondly, there are stark regional differences. Thirdly, alliances among the various parties are constantly shifting and evolving. In the case of Colombia, therefore, simplification would be a mistaken approach. 1/

8. For most of its recent history, Colombia has been steeped in violence. Examples abound of ruthless action by guerrillas, death squads, drug traffickers, common criminals as well as public forces, producing large numbers of victims. Indeed, the facts are astounding. For a number of years