



Amnesty International

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The Honourable David Emerson, P.C., M.P.
Minister of International Trade
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December 13, 2007

Dear Minister Emerson,

Amnesty International understands that the government is expediting free trade negotiations with Colombia and that a completed agreement is expected by the beginning of 2008. We are writing on an urgent basis to urge that you take immediate and concrete steps to put human rights at the centre of this process.

Amnesty International does not take a position for or against countries liberalizing their trading agreements. We do, however, insist that *any* trade deal should be premised on protection of the full spectrum of human rights and in no way contribute to human rights violations. Under international law, economic actors are accountable for the human rights impacts of their activities and responsible to ensure they make a contribution to safeguarding and promoting human rights

As we wrote in our letter to Prime Minister Harper prior to his trip to Bogotá in July, in the context of Colombia there is serious reason to be concerned that without very careful, concerted attention and safeguards, human rights may be imperilled as trade is opened up.¹ Sadly, the examples are numerous and ongoing.

For this reason, we are compelled to challenge your statement to the Parliamentary Standing Committee on International Trade on December 4 that the human rights situation in Colombia is improving under the leadership of President Uribe.

In our letter of 21 June 2007 to the Prime Minister, we drew attention to:

- Grave human rights abuses committed against indigenous and Afro-Colombian communities defending their land rights in areas of interest for resource extraction or agricultural potential. This includes the killing and disappearance of Embera Katío leaders who spoke out against a hydro-electric dam partially financed by Canada's then-Export Development Corporation.

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- Ongoing threats and attacks against trade union leaders who mobilize against privatization of sectors in which international investors are interested or in the context of negotiations over working conditions, and labour disputes with multinational companies.
- Violations committed against community leaders and small-scale miners in areas of mineral wealth, including where Canadian-based companies are investing.

Our impartial monitoring of Colombia reveals that grave and widespread human rights violations have continued since we wrote to Prime Minister Harper more than 5 months ago. Far from ending these abuses, the government has failed to establish the level of rule of law that would help ensure human rights are protected. Widespread impunity for politically motivated crimes remains the norm, exacerbated by the so-called Justice and Peace Law whose application has not measured up to international standards on truth, justice and reparation.

The government of President Uribe has also failed to dismantle paramilitary groups responsible for horrendous atrocities and who continue to commit human rights violations with the acquiescence of or in collusion with state security forces.² Consider some of the following cases that we have documented in recent months:

- At the end of September, Javier Correa, President of the National Union of Food Industry Workers (Sindicato Nacional de Trabajadores de la Industria de Alimentos, SINALTRAINAL), received a death threat, while the son of regional SINALTRAINAL leader José Domingo Florez was abducted by three masked gunmen and beaten. Before releasing him, the men told him: "Tell your father that we will not rest until we see you all in pieces" (on numerous occasions, paramilitaries have used chainsaws to mutilate and kill their victims). A written death threat addressed to Javier Correa said: "Stop your ideological discourse – you must leave the department – if not we will be obliged to carry out the military objective and at Christmas we will hand over the bodies of your families in a mass grave." The death threat bore the acronym of the AUC (*Autodefensas Unidas de Colombia*) a paramilitary umbrella organization group that has supposedly demobilized under the process developed by the Uribe government.
- Paramilitaries in the north-western department of Antioquia threatened to kill farm workers' leader Oscar Maussa. He had to flee the area but other members of the Blanquicet farm workers cooperative are in grave danger. There is a heavy military presence in the area but paramilitaries are still able to operate freely.
- On 4 November, renowned human rights defender Yolanda Becerra Vega, President of the Organización Femenina Popular in the city of Barrancabermeja, opened her door to find two hooded, armed men who shoved her against a wall and threatened her with a gun. One of the men said: "Son of a bitch, it's over, you have 48 hours to leave. Otherwise we will put an end to your family and you will not escape." The men then searched her home for the next 15 minutes. Members

of the OFP and their families have been threatened, abducted, tortured and killed by paramilitaries.

- On 5 November, Amnesty International issued an Urgent Action on behalf of Diana Teresa Sierra, a lawyer with the Inter-Church Justice and Peace Commission (Comisión Intereclesial Justicia y Paz), after she was followed as she left the office in Bogotá. Ms Sierra heard her pursuer say into a mobile phone: "Ready, we have arrived" and later, "Yes, I am following her". During August and September, men were seen outside the Justicia y Paz offices at least four times taking photos. Justicia y Paz has been supporting Afro-Colombian communities in the department of Chocó whose members have been killed by army-backed paramilitaries or forced to flee their homes. Paramilitaries have attempted to force the communities to grow plantations of African Palm, a cash crop, and reportedly occupied some of their land. The relationship between paramilitary threats and the cultivation of African Palm has been acknowledged by the Inter-American Court of Human Rights of the OAS.

In addition to these recent cases, Amnesty International is extremely concerned by the following realities of enormous relevance in the context of the current trade negotiations:

- Since 1985, more than three million Colombians have been forced to flee their homes. All parties in Colombia's long-running internal conflict have been responsible for the forcible displacement of civilians. Over 60 percent of those displaced have been evicted from lands situated in areas of mineral, agricultural or other economic interest. Army-backed paramilitaries are thought to have occupied several million hectares of lands through violent action. Over the last year, people who have been forced off their land have been threatened or killed when they have sought to reclaim lands from paramilitaries.
- Guerrilla groups continue to abuse human rights and breach international humanitarian law. In October, Amnesty International issued a statement condemning the killing of scores of candidates in regional and local elections, and the failure of Colombian authorities to provide effective guarantees to ensure the safety of candidates and other civilians. The Revolutionary Armed Forces of Colombia (FARC) were blamed for most of the killings, while army-backed paramilitaries are also believed to be responsible for some of the deaths. Other election candidates were physically attacked, threatened and kidnapped, forcing a number of them to resign and to leave their home towns for fear of their lives. This obviously raises questions about the lack of conditions required to ensure a fully democratic process.
- In October, Amnesty International Canada hosted a visit by respected Colombian human rights lawyer Liliana Uribe Tirado, who arrived via Washington where she testified to the Inter-American Commission on Human Rights of the Organization of American States. Ms. Uribe had just led an international delegation of legal and forensics experts from Europe and the United States. They reported evidence of

an increase in extrajudicial executions of civilians – including trade unionists, campesino leaders, members of indigenous communities and other social activists -- carried out by security forces during the past five years of the Uribe government. The international mission also found evidence of flawed investigations, evidence tampering and extremely high levels of impunity. Disturbingly, human rights defenders who speak out about these issues and the need to bring all cases of human rights abuses allegedly involving state security forces before civilian rather than military courts have been publicly accused by the President of working with guerrilla organizations. In the past, these kinds of accusations have led to attacks by paramilitaries.

- Finally, we urge you to consider disturbing and ever mounting evidence of links between members of President Uribe's political circle and illegal paramilitary organizations. Paramilitary commanders have claimed they control 35 percent of the Colombian Congress. More than 40 Congressmen from President Uribe's coalition are now under investigation by the Supreme Court. A particularly disturbing case is that of Jorge Noguera, President Uribe's former director of Colombia's intelligence and security agency known as DAS (*Departamento Administrativo de Seguridad*), who was charged with providing paramilitaries with the names of trade unionists who were later killed.

It is notable that President Uribe proposed mechanisms in May to set free or reduce the prison terms of politicians convicted of colluding with paramilitaries. It is of equal concern that the President has made public attacks against the Supreme Court and individual judges who are conducting the investigations, threatening judicial independence.

In a situation that remains so dangerous for so many, and fraught with complexity, Amnesty International Canada reiterates our call for impartial human rights impact assessments before signing any trade agreement with Colombia.³ We believe it is an essential step of due diligence and accountability, in keeping with Canada's stated commitment to human rights, freedom, democracy and the rule of law.

Human rights impact assessments should be based on sound, empirical evidence drawn from public, independent and transparent evaluation and participatory consultation with all stakeholders. This requires guaranteeing the right of access to information and the full disclosure of all texts being negotiated. Human rights impact assessments should pay particular attention to the impact of trade rules on those who are the most disadvantaged and vulnerable, including women, campesinos, Indigenous and Afro-Colombian communities.

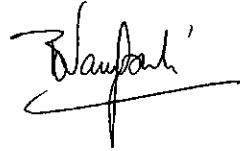
Amnesty International would welcome an opportunity to discuss these issues further and to provide you with detailed information in the interests of ensuring a human rights-based approach to trade and investment that does not compromise the reputation Canada has enjoyed in the past as a defender of human rights in the Americas. We believe that now is

the time to carefully analyse and understand the situation on the basis of the perspectives of all who will be affected, so as to avoid future problems.

Sincerely,



Alex Neve
Secretary General
Amnesty International Canada
(English branch)



Béatrice Vaugrante
Directrice Générale
Amnistie internationale Canada francophone

cc: Prime Minister Stephen Harper
Maxime Bernier, Minister of Foreign Affairs
Stephane Dion, Leader of the Liberal Party
Gilles Duceppe, Leader of the Bloc Quebecois
Jack Layton, Leader of the New Democratic Party
Elizabeth May, Leader of the Green Party

¹ Letter to Prime Minister Stephen Harper, from Alex Neve, Secretary General, Amnesty International Canada (English Branch) and Béatrice Vaugrante, Directrice Générale, Amnistie Internationale, Section canadienne francophone, dated June 21, 2007.

² The Organization of American States Mission to the Support the Peace Process in Colombia has reported that some demobilized paramilitaries regrouped as criminal gangs, others failed to demobilize and that new paramilitary groups have emerged. Amnesty International's latest Annual Report states that paramilitaries have continued to commit human rights violations in areas where they had supposedly demobilized and that more than 3,000 killings and enforced disappearances of civilians are attributed to paramilitary groups since they declared a "ceasefire" in 2002.

³ This recommendation was made in our letter to Prime Minister Harper, June 21, 2007