



Organisation Mondiale Contre la Torture
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Mr. Steve Williams
Chair of COLAT

Cc:
Ms. Alexandra Hall Hall
Chair of COHOM

Mr. Michael Matthiessen
*Personal Representative of the Secretary General/
High Representative for Human Rights
in the area of CFSP*

Mr. Jim Cloos
Director, Directorate E IV
EU Council Secretariat

Geneva, 30 August 2005

Dear Madam or Sir,

The European Union is expected to decide, at the upcoming meeting of the Committee of EU Council for Latin America (COLAT) to be held on 6 September 2005, whether it should support the policies of the Colombian President Mr. Álvaro Uribe Vélez and in particular to assess whether the 'Justice and Peace Law' is "in conformity with international commitments and takes into account the right of the victims to truth, justice and reparation" (EU Council Conclusions of 13 December 2004).

On 21 July 2005, Mr. Uribe signed law N° 975 of 2005, also called "Justice and Peace Law". Contradictorily enough, this new text, which addresses the demobilisation process, reconciliation and reparation, does not respond either to the requirement to grant justice in cases of grave human rights violations or to the need to put an end to the decades-long armed conflict in Colombia.

Indeed, the law fails to provide an efficient and legitimate legal framework for due punishment and reparation as advised by the Council of the EU in December 2004. In combination with decrees 128 and 2767, the "Justice and Peace Law" which entered into force on 25 July 2005, enables those with the greatest responsibility to be granted the least severe sentences and benefit from "alternate sentences".

Moreover, pursuant to these texts, the victims will not be allowed participation in the judicial proceedings of violations that affected them, except in the reparations phase, after the sentence. And in case a perpetrator is granted pardon or amnestied, there may be no judicial investigation or sentencing, hence no reparation possible. As regards the solidarity fund to be created, no budget has been fixed. Perpetrators will not have to guarantee reparation with all their assets, but only those that have been obtained illegally. Finally, perpetrators who have taken over estates of persons displaced by the conflict will be allowed to keep the stolen properties.

Without truth, justice and full reparation, no reconciliation will be possible and no true peace will be achieved in Colombia.

In view of the deficiencies of the legal framework provided for in the “Justice and Peace Law” and of the ongoing widespread human rights violations by all parties to the Colombian armed conflict, including by members of the paramilitary groups which are supposedly demobilising, we urge you to ensure that the European Union and its members states:

- will not approve the new law and the overall demobilisation and peace process as currently carried out by the Colombian administration;
- will not financially or politically support any related activities within this process.

In hope you will take our requests into account, I remain,

Eric Sottas
OMCT Director