

HOUSE FOREIGN AFFAIRS COMMITTEE
TOM LANTOS HUMAN RIGHTS COMMISSION
HEARING
ON
ENFORCED DISAPPEARANCE IN LATIN AMERICA
OCTOBER 1ST, 2020 –
WEBCAST
STATEMENT OF FEDERICO ANDREU-GUZMÁN, COLOMBIA

Thank you so much Congressman McGovern and other members of the Tom Lantos Human Rights Commission for the opportunity to talk about enforced disappearances in Colombia.

Enforced disappearance is one of the most heinous crimes and a gross human rights violation. The disappeared person is stripped of all their rights and fundamental freedoms, there is no defense against their perpetrators. The disappeared person has been taken from the bosom of his family, his group of friends and society, without being able to enjoy the protection of the law and only at the mercy of the will of his perpetrators. But, enforced disappearance also constitutes a form of torture or cruel and inhuman treatment for his family, due to the extreme and continuous suffering caused by the fact of not knowing the fate and whereabouts of his disappeared loved one.

In Colombia, according to official data, more than eighty-three thousand people were forcibly disappeared during the armed conflict, during the last sixty years. More than ninety percent of the municipalities in Colombia have suffered enforced disappearance. The vast majority of victims of this horrendous crime have been peasants, residents of poor neighborhoods, indigenous people, Afro-descendant communities, trade unionists, political opponents and social activists. The vast majority of enforced disappearances were committed by state agents and paramilitary groups, acting with the authorization or complicity of the authorities.

Today, numerous cases of enforced disappearance continue to be recorded. And today hundreds of thousands of family members are looking for their disappeared loved ones.

The crime of enforced disappearance was introduced into criminal law in the year 2000, thirteen years after family and human rights organizations started to claim for this. And that same year, the first legal mechanisms were created to prevent and repress this crime and to search for the disappeared. In 1999, the Code of Military Justice was reformed, excluding the crime of forced disappearance from the jurisdiction of the military courts, which had become the main mechanism of impunity. However, impunity continues to reign and less than 130 convictions for enforced disappearance have been handed down in recent decades. The vast majority of judicial investigations rest in the drawers of the desks of the Public Prosecutor's Office.

With the Final Peace Agreement, signed between the Government and the FARC Guerrillas, four years ago, was created a Search Unit for Persons Missing during the armed conflict. This corresponded to a demand from the associations of relatives of the disappeared to create a

high-level organ, with extrajudicial and humanitarian nature, endowed with broad powers – even those to exhume -, given the very few results in terms of search.

These advances would not have been possible without the accompaniment and vigilance of the International Community. In 1992, the UN General Assembly adopted the *Declaration on the Protection of All Persons from Enforced Disappearance* and in 1994, the *Inter-American Convention on Forced Disappearance of Persons* was adopted. Finally, in 2006 the *International Convention for the Protection of All Persons from Enforced Disappearance* was adopted by the UN. These international legal instruments have been fundamental to fight against this heinous practice of enforced disappearance: they specify the obligations of the State to prevent and repress this heinous crime, to search for the disappeared, to guarantee the rights to truth, justice and reparation of the victims and family members and to ensure non-repetition.

More than ten judgments of the Inter-American Court of Human Rights, as well as decisions of the Inter-American Commission on Human Rights and the UN Committee of Human Rights, have played a great role, condemning Colombia in cases of enforced disappearance. These instances have not only become a remedy for the relatives of the disappeared, in the face of the denial of justice and impunity, but they have also identified the institutional, legal and practical measures that the Colombian State must take to prevent and repress forced disappearance, search for the disappeared, guarantee the rights to truth, justice and reparation of the victims and their families, and ensure the non-repetition of these heinous acts. In the same way, the observations and recommendations that the Committee on Enforced Disappearances, created by the UN Convention, and the Working Group on Enforced or Involuntary Disappearances have made to the Colombian authorities have been of transcendental importance.

Today, there is still a long way to go. Some of the challenges are:

- First: to Guarantee the right of family members to know the fate and whereabouts of their disappeared loved ones;
- Second, to strengthen the Search Unit;
- Third, to investigate seriously and effectively the crimes of forced disappearance;
- Fourth, to prosecute and punish those responsible of these crimes;
- And finally, to establish a vetting process against those who have participated in these acts or that have tolerated the practice of forced disappearance.