

Background- Colombia¹

Colombia is a large South American country (48 million, 2016 est.) with a history of intense economic and political conflict that has repeatedly deteriorated into civil war and widespread violence.

Since the colonial era, Colombia has struggled with intense political conflict between its elite and underlying class and ethnic tensions. Prior to the arrival of the Spanish in the 1500s, Colombia was lightly populated by small-scale farmers of mostly Chibcha indigenous descent. The Spanish quickly assimilated or wiped out most indigenous peoples through enslavement and disease, then imported African slaves to mine and perform agricultural labor. The population became divided into a mestizo (white and indigenous) middle class, an impoverished Afro-Colombian minority, and a Creole (white) elite. In the 1700s, the Creole enjoyed the fruits of the enlightenment, including universities, newspapers, and theaters, and gradually came to support free trade, democracy, and independence. When Napoleon invaded Spain in 1808, Colombian elites seized the opportunity to rebel alongside their compatriots in Venezuela, Ecuador, and Panama. Following independence, Venezuela and Ecuador quickly split into independent states but Colombia and Panama remained united under the leadership of wealthy Creole independence leader Francisco de Paula Santander.

Throughout the 1800s and early 1900s, political tensions among Colombian elites grew and frequently erupted into violence. After Santander's death, Colombia's leadership quickly split between the Liberals, who supported a federalist government with a limited role for the Catholic Church, and the Conservatives, who supported a centralized government with a strong role for the Catholic Church. This division would be at the root of many subsequent violent periods that marred Colombian history.

First was the War of a Thousand Days (1899-1903), which killed between 60,000 and 130,000 people, and was swiftly followed by the exit of Panama from the union. It erupted again during the so-called La Violencia (1946-1964), which killed at least 200,000, featured a corrupt dictatorship by independent populist Gustavo Rojas Pinilla (1953-1957), and was concluded with an agreement between the Liberals and Conservatives to share power to the exclusion of other parties.

As the elites fought, class and ethnic tensions simmered, too. In the 1850s, a Liberal government freed the few remaining slaves and ended communal indigenous land ownership, a devastating blow to indigenous peoples that allowed a small elite to consolidate ownership of most lands and reduced much of the population to tenant farmers. Beginning in the 1930s, the Liberals backtracked, establishing programs to transfer ownership of land from absentee landlords to the tenants who actually farmed it. However, neither the Liberals nor the Conservatives were effective at controlling growing unemployment and inflation and, beginning in the 1970s, impoverished rural farmers increasingly turned to growing marijuana and then cocaine, spurring the growth of sophisticated and vicious drug cartels.

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In the 1960s and 1970s, groups on all sides began consolidating into armed factions. Disillusioned leftists formed Communist guerilla groups such as the Soviet-inspired Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia*, “FARC”) and the smaller Cuban-inspired National Liberation Army (*Ejército de Liberación Nacional*, “ELN”). Likewise, a small core of Pinilla supporters remained outraged by his removal from power and became convinced that only electoral fraud could have caused him to lose the April 19, 1962 elections, prompting them to form the April 19 Movement (*Movimiento de Abril 19*, “M-19”). Guerillas sought political concessions by kidnapping politicians and raised funds by extorting ransoms and protection fees from both ordinary civilians and drug traffickers.² ELN became known for planting improvised explosive devices and FARC became notorious for recruiting and kidnapping child soldiers as young as eight.³ To combat the guerillas, the Colombian government authorized the military to arm and train private citizens as paramilitary self-defense groups, ultimately consolidated under the umbrella organization United Self-Defense Forces of Colombia (*Autodefensas Unidas de Colombia*, “AUC.”)⁴ However, the paramilitaries viciously massacred guerillas and civilians alike, emulated the guerillas’ extortion of protection fees, and participated even more extensively than the guerillas in drug trafficking.⁵

By the 1980s, the government had lost control and Colombia had deteriorated into vicious fighting between left-wing guerillas, right-wing paramilitaries, the military, and drug cartels. In 1985, M-19 stormed Colombia’s Supreme Court, the Palace of Justice. The Colombian military retook the Palace with tanks, machine guns, and grenades, starting fires that burned to death guerillas and hostages alike. After retaking the Palace, the military arrested, tortured, and killed both real and suspected guerillas.⁶ As the 1980s continued, the military also began murdering peaceful activists, such an indigenous leader and members of a teacher’s union.⁷ Meanwhile, paramilitary groups combined attacks on suspected guerillas with extortion of civilians. In 1987, a paramilitary group murdered nineteen tradesmen who transported goods between Colombia and Venezuela, partly because the paramilitary suspected the tradesmen of importing arms for

² U.S. CENT. INTELLIGENCE AGENCY, NARCO-INSURGENT LINKS IN THE ANDES (1992), <http://nsarchive.gwu.edu/NSAEBB/NSAEBB69/col24.pdf>; U.S. DEP’T OF JUSTICE, DRUG ENF’T ADMIN., INSURGENT INVOLVEMENT IN THE COLOMBIA DRUG TRADE (1994), <http://nsarchive.gwu.edu/NSAEBB/NSAEBB69/col33.pdf>; *Profiles: Colombia’s Armed Groups*, BBC (Aug. 29, 2013), <http://www.bbc.com/news/world-latin-america-11400950>.

³ Nicholas Casey, *A Former Girl Soldier in Colombia Finds “Life Is Hard” as a Civilian*, N.Y. TIMES (April 27, 2016), <https://www.N.Y.times.com/2016/04/28/world/americas/colombia-farc-child-soldiers.html>; *Country Reports on Human Rights Practices for 2016: Colombia*, U.S. DEPARTMENT OF STATE (2016), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265574>; NATALIA SPRINGER, COMO CORDEROS ENTRE LOBOS (2012), www.centrodememoriahistorica.gov.co/descargas/informe_comoCorderosEntreLobos.pdf.

⁴ Government ministers issued Decreto 3398 de diciembre 24, 1965, which the legislature adopted as permanent legislation in Ley 48 de diciembre 16, 1968. See also *Profiles: Colombia’s Armed Groups*, *supra* note 2.

⁵ *Profiles: Colombia’s Armed Groups*, *supra* note 2.

⁶ Rodríguez Vera et al. (Missing Persons of the Palace of Justice) v. Colombia, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 287 (Nov. 14, 2014), <https://iachr.ils.edu/cases/rodr%C3%ADguez-vera-et-al-missing-persons-palace-justice-v-colombia>.

⁷ Escué Zapata v. Colombia, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R., (ser. C) No. 165 (July 4, 2007), <https://iachr.ils.edu/cases/escu%C3%A9-zapata-v-colombia>; Caballero Delgado and Santana v. Colombia, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 22 (Dec. 8, 1995), <https://iachr.ils.edu/cases/caballero-delgado-and-santana-v-colombia>.

guerilla groups and partly because the tradesmen refused to pay the paramilitary's "tax."⁸ When fifteen judicial officers attempted to investigate, the paramilitary group kidnapped and shot them all, killing twelve.⁹ The paramilitary sent death threats to the three survivors and murdered three witnesses and one investigator of the massacre.¹⁰ The murders of the tradesmen and those who sought to investigate their deaths proved to be a precursor of things to come.

Throughout the 1990s, paramilitary groups repeatedly massacred civilians with tacit or explicit military support. In 1990, paramilitary members kidnapped, tortured, and murdered forty-three men suspected of stealing cattle on behalf of a guerilla group, severing men's ears and genitals and gouging out their eyes before beating them to death.¹¹ In 1996, police and military stood by as paramilitary members engaged in a five month spree of murder and theft, stealing goods and livestock, kidnapping seventeen people for two weeks to herd stolen cattle, setting fire to entire villages, and shooting, stabbing, and torturing to death nineteen people, often in front of their families and communities.¹² A local politician who spoke out against the violence was forced to flee, then tracked down by paramilitary members and shot to death in front of family members.¹³ In 1997, over a hundred paramilitary members flew into a rural airport, tortured and murdered the airport dispatchers, and then were driven by the military to the nearby village of Mapiripán. Once there, the paramilitary members donned military uniforms to raid homes throughout the village, torturing, killing, and dismembering an estimated forty-nine suspected FARC sympathizers.¹⁴ Also in 1997, the military recruited paramilitary groups to help rescue ten marines and four foreigners kidnapped by guerillas. The paramilitary groups drove out over 3,500 Afro-Colombian villagers, attacking them with small arms and grenades, setting fire to their homes, and decapitating at least one suspected guerilla in front of his neighbors. The local government then gave forestry companies permits to begin logging on the villager's abandoned land. When the government resettled the villagers, paramilitary members visited displaced person encampments to search for suspected guerillas and conducted a several hundred man armed raid on their new village.¹⁵

Members of the military also directly attacked and killed civilians, sometimes while attempting to enforce government policies and sometimes for personal gain. In 1996, soldiers beat and tear gassed coca growers protesting a controversial U.S.-backed coca fumigation campaign, then

⁸ 19 Tradesmen v. Colombia, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 109 (July 5, 2004), <https://iachr.ils.edu/cases/19-tradesmen-v-colombia>.

⁹ La Rochela Massacre v. Colombia, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 163 (May 11, 2007), <https://iachr.ils.edu/cases/la-rochela-massacre-v-colombia>.

¹⁰ *Id.*

¹¹ Pueblo Bello Massacre v. Colombia, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 140 (Jan. 31, 2006), <https://iachr.ils.edu/cases/pueblo-bello-massacre-v-colombia>.

¹² Ituango Massacres v. Colombia, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 148 (July 1, 2006), <https://iachr.ils.edu/cases/ituango-massacres-v-colombia>.

¹³ Valle Jaramillo et al. v. Colombia, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 192 (Nov. 27, 2008), <https://iachr.ils.edu/cases/valle-jaramillo-et-al-v-colombia>.

¹⁴ Mapiripán Massacre v. Colombia, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 134 (Sept. 15, 2005), <https://iachr.ils.edu/cases/mapiripan%C3%A1n-massacre-v-colombia>.

¹⁵ Case of the Afro-descendant Communities displaced from the Cacarica River Basin (Operation Genesis) v. Colombia, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 270 (Nov. 20, 2013), <https://iachr.ils.edu/cases/case-afro-descendant-communities-displaced-cacarica-river-basin-operation-genesis-v-colombia>.

attacked a journalist filming them. The journalist escaped and aired his tape on the news but subsequent death threats forced him to seek asylum in the United States.¹⁶ In 1998, the military caught guerilla drug-traffickers attempting to land a plane near the village of Santo Domingo and dropped a cluster bomb on the village, killing sixteen people, including six children, and injuring twenty-seven people, including ten children.¹⁷ Similarly, in 1991, military officers conducting a helicopter raid accidentally shot a six-year-old boy on his way to school then, to cover up the incident, murdered a teacher and four or five other witnesses and dressed them as guerillas.¹⁸ Over time, the practice of disguising dead civilians as guerillas escalated into the “false positives” scandal, in which members of the military murdered civilians for the sole purpose of inflating the number of guerillas they had killed and winning raises and promotions.¹⁹ Other members of the military abused their power for personal vendettas. In 1994, a member of the military police’s National Anti-Extortion and Kidnapping Unit (*Unidad Nacional Antiextorsión y Secuestro*, “UNASE”) suspected a taxi driver of blackmailing his cousin, also a former member of the military. The two men forced the taxi driver to sign a confession by handcuffing him to a watertank in the basement of a UNASE building for three hours and burning his genitals with matches.²⁰

Beginning in the 1980s, successive presidents actively sought to negotiate peace deals but continuing violence repeatedly stalled their efforts. In 1982, President Belisario Betancur Cuartas signed an amnesty law and, over the next few years, persuaded M-19 and FARC to agree to cease-fires and to join the mainstream political process as the M-19 Democratic Alliance (*Alianza Democrática M-19*, “ADM-19”) and Patriotic Union (*Unión Patriótica*, “UP”). UP politicians enjoyed electoral success but were routinely assassinated. During the 1990 presidential campaign, drug traffickers assassinated two successive UP candidates, the ADM-19 candidate, and a Liberal candidate.²¹ In 1994, members of the military and paramilitary gunned down UP Senator Manuel Cepeda Vargas, effectively ending UP’s participation in the political process.²² Meanwhile, ADM-19 quietly faded as its politicians joined mainstream parties.²³ In contrast, the drug traffickers’ attacks on the Liberal candidates backfired, rallying support for hardline anti-drug Liberal Cesar Gaviria, who used his presidency to dismantle the Medellin drug

¹⁶ Vélez Restrepo and Family v. Colombia, Preliminary Objection, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 248 (Sept. 3, 2012), <https://iachr.ils.edu/cases/v%C3%A9lez-restrepo-and-family-v-colombia>.

¹⁷ Santo Domingo Massacre v. Colombia, Preliminary Objections, Merits, and Reparations, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 259 (Nov. 30, 2012), <https://iachr.ils.edu/cases/santo-domingo-massacre-v-colombia>.

¹⁸ Las Palmeras v. Colombia, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 90 (Dec. 6, 2001), <https://iachr.ils.edu/cases/las-palmeras-v-colombia>.

¹⁹ Chris Kraul, *In Colombia, 6 Sentenced in ‘False Positives’ Death Scheme*, L.A. TIMES (June 14, 2012), <http://articles.latimes.com/2012/jun/14/world/la-fg-colombia-false-positives-20120614>; Jeremy McDermott, *Toxic Fallout of Colombian Scandal*, BBC (May 7, 2009), <http://news.bbc.co.uk/2/hi/americas/8038399.stm>.

²⁰ Gutiérrez Soler v. Colombia, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 132 (Sept. 12, 2005), <https://iachr.ils.edu/cases/guti%C3%A9rrez-soler-v-colombia>.

²¹ William R. Long, *Colombia Presidential Candidate Assassinated*, L.A. TIMES (April 27, 1990), http://articles.latimes.com/1990-04-27/news/mn-159_1_carlos-pizarro; William R. Long, *A Staunch Enemy of Drug Trafficking Is Favored to Be Colombia’s Next President*, L.A. TIMES (May 26, 1990), http://articles.latimes.com/1990-05-26/news/mn-271_1_drug-trafficking.

²² Manuel Cepeda Vargas v. Colombia, Petition to the Court, Inter-Am. Comm’n H.R., Case No. 12.531 (Nov. 14, 2008), <https://iachr.ils.edu/cases/manuel-cepeda-vargas-v-colombia>.

²³ *M-19 Cumple 25 Años Después de la Desmovilización*, LA PATRIA (March 6, 2015), <http://www.lapatria.com/nacional/m-19-cumple-25-anos-despues-de-la-desmovilizacion-179672>.

cartel. The Cali cartel was dismantled during the presidency of Gaviria's successor Ernesto Samper Pizano but Conservative presidential candidate Andrés Pastrana accused Samper's own campaign of accepting money from Cali and drove him out of office. Like Gaviria before him, Pastrana negotiated extensively with FARC and ELN but FARC manipulated the peace talks to gain a respite from government attacks while continuing to commit attacks itself.²⁴ In 2002, Pastrana finally called off negotiations after FARC hijacked a plane and kidnapped a Senator but he was too late to avoid being replaced by ultraconservative Álvaro Uribe Vélez, whose father had been killed by guerillas and who promised to take a "firm hand" against them.²⁵

Surprisingly, Uribe's harsh policies ultimately set the stage for a successful peace process under his successor, Juan Manuel Santos.²⁶ Uribe took aggressive military action against FARC and initiated negotiations with AUC, supporting amnesty laws that offered paramilitary members reduced sentences in exchange for demobilizing, confessing to their crimes, and helping to locate the bodies of their victims.²⁷ Human rights groups complained that the amnesty was too lenient and motivated by Uribe's own ties to paramilitary groups. These ties exploded most dramatically in 2007's "parapolitics" scandal when Uribe's second cousin was arrested and his foreign minister resigned following the exposure of their close connections with paramilitaries.²⁸ Nevertheless, the amnesty law persuaded tens of thousands of AUC members and smaller numbers of guerillas to demobilize and the military's success against FARC created space for further peace talks.²⁹ In 2010, Vélez was termed out and succeeded by his more moderate former defense minister, Juan Manuel Santos. In 2013, over Uribe's vehement objections, Santos initiated new negotiations with FARC, vowing that he had learned from Pastrana's mistakes.³⁰ Talks proceeded haltingly and cease-fires were periodically interrupted by continued FARC kidnappings and government bombings of FARC camps. Voters also dealt the peace process a

²⁴ Mariano Castillo, *Time Is Right, But Past Failures Haunt Colombia Peace Talks*, CNN (Aug. 29, 2012), <http://www.cnn.com/2012/08/28/world/americas/colombia-farc-peace-talks/>.

²⁵ Juan Forero, *Colombian Rebels Hijack a Plane and Kidnap a Senator*, N.Y. TIMES (Feb. 21, 2002), <http://www.nytimes.com/2002/02/21/world/colombian-rebels-hijack-a-plane-and-kidnap-a-senator.html>; Juan Forero, *Rightist's Hard Line Appeals to War Weary Colombians*, N.Y. TIMES, (May 19, 2002), <http://www.nytimes.com/2002/05/19/world/rightist-s-hard-line-appeals-to-war-weary-colombians.html>; Juan Forero, *Colombia Voters Are Angry, and Rebels May Pay Price*, N.Y. TIMES (May 26, 2002), <http://www.nytimes.com/2002/05/26/world/colombia-voters-are-angry-and-rebels-may-pay-price.html>.

²⁶ The Editorial Board, *The Man Blocking Peace in Colombia*, N.Y. TIMES (Oct. 14, 2016), <https://www.nytimes.com/2016/10/14/opinion/the-man-blocking-peace-in-colombia.html>.

²⁷ Ley 975 de julio 25, 2005, <http://historico.presidencia.gov.co/leyes/2005/julio/ley975250705.pdf>; Ley 1424 de diciembre 29, 2010, <http://www.fiscalia.gov.co/jyp/wp-content/uploads/2013/04/Ley-1424-del-29-de-diciembre-de-2010.pdf>; *Country Reports on Human Rights Practices for 2016: Colombia*, *supra* note 3.

²⁸ Sibylla Brodzinsky, *Colombia's "Parapolitics" Scandal Casts Shadow Over President*, THE GUARDIAN (April 23, 2008), <https://www.theguardian.com/world/2008/apr/23/colombia>; *Colombian Foreign Minister Quits*, BBC (Feb. 19, 20017), <http://news.bbc.co.uk/2/hi/americas/6376359.stm>; Juan Forero, *New Colombia Law Grants Concessions to Paramilitaries*, N.Y. TIMES, (June 23, 2005), <http://www.nytimes.com/2005/06/23/world/americas/new-colombia-law-grants-concessions-to-paramilitaries.html>; *The Perils of "Parapolitics"*, THE ECONOMIST (March 22, 2007), <http://www.economist.com/node/8892695>; *Q&A: Colombia's Civil Conflict*, BBC NEWS (May 27, 2013), <http://www.bbc.com/news/world-latin-america-12447532>; Simon Romero, *Colombian Government Is Ensnared in a Paramilitary Scandal*, N.Y. TIMES (Jan. 21, 2007), <http://www.nytimes.com/2007/01/21/world/americas/21colombia.html>.

²⁹ Castillo, *supra* note 24; *Country Reports on Human Rights Practices for 2016*, *supra* note 3; *Q&A: Colombia's Civil Conflict*, *supra* note 28.

³⁰ Castillo, *supra* note 24; *Colombia Agrees to Hold Peace Talks with FARC Rebels*, BBC (August 28, 2012), <http://www.bbc.com/news/world-latin-america-19393096>.

serious blow in October 2016 when they narrowly rejected a proposed peace deal they felt was too lenient towards FARC.³¹ Nevertheless, Santos received the Noble Peace Prize for his efforts to resolve the conflict and the Colombian government and FARC signed a revised, less lenient peace deal in November.³² Today, serious human rights problems persist, with police and the military continuing to engage in arbitrary arrests and torture and guerillas continuing to engage in kidnappings and bombings.³³ However, Colombia's Attorney General has slowly begun prosecuting violence by the police, military, and paramilitaries, obtaining high profile convictions in "false positive" cases and hundreds more convictions in other homicides.³⁴ Meanwhile, FARC forces are demobilizing and ELN forces are negotiating with the government for a peace deal of their own.³⁵ A fragile peace is finally in sight.

More information

Additional background was provided by the sources below.

For historical background, see the [Encyclopedia Britannica](#) and [BBC Country Profiles](#).

For an overview of the current human rights situation, see the [U.S. Department of State's 2016 Human Rights Report](#).

For information about human rights, including all relevant treaties and legal documents, see [Office of the High Commissioner for Human Rights](#).

³¹ Julia Symmes Cobb & Nicholas Casey, *Colombia Peace Deal Is Defeated, Leaving a Nation in Shock*, N.Y. TIMES (Oct. 2, 2016), <https://www.nytimes.com/2016/10/03/world/colombia-peace-deal-defeat.html>.

³² Nicholas Casey, *Colombia's President, Juan Manuel Santos, Is Awarded Nobel Peace Prize*, N.Y. TIMES (Oct. 7, 2016), <https://www.nytimes.com/2016/10/08/world/americas/nobel-peace-prize-juan-manuel-santos-colombia.html>; Nicholas Casey, *Colombia and FARC Sign New Peace Deal, This Time Skipping Voters*, N.Y. TIMES (Nov. 24, 2016), <https://www.nytimes.com/2016/11/24/world/americas/colombia-juan-manuel-santos-peace-deal-farc.html>.

³³ *Country Reports on Human Rights Practices for 2016: Colombia*, *supra* note 3.

³⁴ *Id.*

³⁵ Nicholas Casey, *Unease in Colombia, as Old Enemies Become New Neighbors*, N.Y. TIMES (Feb. 4, 2017), <https://www.nytimes.com/2017/02/04/world/americas/farc-colombia-juan-manuel-santos.html>; Nicholas Casey, *2nd Colombian Rebel Group Steps Up to the Table for Peace Talks*, N.Y. TIMES (Feb. 7, 2017), <https://www.nytimes.com/2017/02/07/world/americas/colombia-rebels-eln-peace-talks.html>.