

Press Release

Inter-American Court of Human Rights

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I/A Court H.R.

Protecting Rights

COLOMBIA IS RESPONSIBLE FOR THE ELIMINATION OF THE PATRIOTIC UNION POLITICAL PARTY

San José, Costa Rica, January 30, 2023. In the Judgment of the *Case of Members and Militants of the Patriotic Union v. Colombia*, notified today, the Inter-American Court of Human Rights declared that the State of Colombia is responsible for the violations of human rights committed to the detriment of more than six thousand victims, members and militants of the Patriotic Union (“*Unión Patriótica or UP*”) political party, beginning in 1984 and lasting more than twenty years.

The State partially recognized its international responsibility in this case. The Court valued this position, as it constituted a positive contribution to the development of the process, to the validity of the principles that inspire the Convention, and to the satisfaction of the reparation needs of the victims. However, it considered that numerous elements remained in dispute regarding the determination of the factual framework, the totality of victims, and the violations.

Consult the official summary of the Judgment [here](#) and the full text of the Judgment [here](#).

The Court recalled that the UP was established as a political organization on May 28, 1985, resulting from the peace process between the National Secretariat of the Revolutionary Armed Forces of Colombia and the national government. As a consequence of their rapid rise in national politics and, especially, in some regions with a traditional guerrilla presence, an alliance emerged between paramilitary groups, with sectors of traditional politics, the armed forces and business groups, to counteract the rise of the UP in the political arena. Subsequently, acts of violence against the members, sympathizers and militants of the Patriotic Union began. The Court was able to verify that the systematic violence against the members and militants of the Patriotic Union, which lasted for more than two decades and extended to almost the entire Colombian territory, manifested itself through various acts, such as forced disappearances, massacres, extrajudicial executions and murders, threats, attacks, various acts of stigmatization, improper prosecutions, torture, and forced displacement, among others.

These acts constituted part of a plan of systematic elimination of the Patriotic Union political party, its members and militants, which counted on the participation of state agents, the tolerance and acquiescence of the authorities, constituting a crime against humanity. In turn, the investigations into these acts of violence were ineffective and were characterized by high rates of impunity, serving to highlight the authorities’ tolerance of such acts.

Regarding the State’s international responsibility, the Court considered that in attributing the acts that violated international obligations to the State, there are overlapping forms of direct responsibility. These stem from both the direct participation of State agents and non-State actors, in different stages of the acts of violence against the members and militants of the Patriotic Union, as well as various mechanisms of tolerance, acquiescence and collaboration to allow them to occur.

Furthermore, the Court finds that the State is responsible for the violation of the rights to freedom of expression, freedom of association and politics to the detriment of the victims due to: (a) their political activity was hindered by both physical and symbolic violence against a party that was described as an "internal enemy", (b) the actions and omissions of the duty of protection by the State created a climate of victimization and stigma against them, (c) to the physical and psychological integrity of the members and militants of the UP due to the stigmatization created by their membership of said political group, and (d) the withdrawal of the legal status of the Patriotic Union, although this situation was later corrected by the Council of State.

In addition, the rights to recognition of juridical personality, to life, humane treatment, personal liberty, freedom of movement and residence, rights of the child and the Inter-American Convention on Forced Disappearance of Persons were violated, by the executions, disappearances, torture, arbitrary arrests, threats, harassment and displacement against members and militants of the Patriotic Union.

The Court also found that the right to privacy was affected by the statements of public officials against the members and militants of the Patriotic Union. The State not only failed to prevent attacks against the reputation and honor of the alleged victims, but also, through its officials, and particularly its high authorities, contributed and participated directly in them, aggravating the victims' situation of vulnerability and generating a factor to promote attacks against them.

Regarding the rights to judicial guarantees, judicial protection and the duty to investigate acts of torture, the Court verified that: (a) the absence of investigation and criminal prosecution of acts of violence against the UP has prevented, up to now, a differentiated analysis being made of the impact that these violations had on the different vulnerable groups, (b) most of these recognized acts of violence have not reached a legal definition within a reasonable time, and (c) the State violated the right to the truth as an autonomous right.

Finally, the Court found that the State was responsible for a violation of the right to humane treatment to the detriment of the next of kin of the victims of forced disappearance and executions, who were identified by the Commission in its list of victims' next of kin.

Due to the violations declared in the Judgment, the Court ordered various reparation measures: (a) initiate, promote, reopen and continue, within a period not exceeding two years, and diligently conclude within a reasonable period, investigations, in order to establish the truth of the facts related to serious human rights violations and determine the criminal responsibilities that could exist, and remove all the de facto and de jure obstacles that allow the events in this case to remain unpunished, (b) carry out a search to determine the whereabouts of the disappeared victims whose fate is still unknown, (c) provide medical, psychological, psychiatric or psychosocial treatment to the victims who request it, (d) publish and distribute this Judgment and its official summary, (e) carry out a public act acknowledging international responsibility, (f) establish a national day in commemoration of the Patriotic Union victims and carry out activities for its promotion, including in public schools and colleges, (g) build a monument in memory of the victims and of the acts committed against the members, militants and sympathizers of the Patriotic Union, (h) place plaques in at least five sites or public spaces to commemorate the victims, (i) prepare and disseminate an audio visual documentary on the violence and stigmatization carried out against the Patriotic Union, (j) carry out a national campaign in public media in order to sensitize Colombian society regarding the violence, persecution and stigmatization to which the leaders, militants, members and relatives of the members of the Patriotic Union were subjected, (k) hold academic forums in at least five public universities in different parts of the country on topics related to this case, (l) provide the Court with a report of agreement with the Patriotic Union authorities on the aspects to be improved or strengthened

in the existing protection mechanisms and how they will be implemented, in order to adequately guarantee the safety and protection of leaders, members and militants of the Patriotic Union, and (m) pay the amounts established in the Judgment for compensation for pecuniary and non-pecuniary damage.

The composition of the Court for the issuance of this Judgment was as follows: Elizabeth Odio Benito, President (Costa Rica), Patricio Pazmiño Freire, Vice President (Ecuador), Eduardo Ferrer Mac-Gregor Poisot, Judge (Mexico), Eugenio Raúl Zaffaroni, Judge (Argentina), and Ricardo C. Pérez Manrique, Judge (Uruguay).

Judge Humberto Antonio Sierra Porto, a Colombian national, did not participate in the proceedings in this case, nor in the deliberation and signing of this Judgment. Judge Eduardo Vio Grossi did not participate in the proceedings in this case, nor in the deliberation and signing of the Judgment, for reasons of force majeure.

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