
Translated from Spanish:

Permanent Mission of Colombia to the United Nations

No. 553-F

The Permanent Mission of Colombia to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to his note LA/COD/2 requesting States to provide information on the implementation of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflict, in accordance with the provisions of General Assembly resolution 61/30.

In response to this request, I have the honour to transmit herewith the relevant information, which was forwarded by the Ministry of Defence of the Republic of Colombia.

The Permanent Mission of Colombia to the United Nations takes this opportunity to convey to the Secretary-General of the United Nations the renewed assurances of its highest consideration.

New York, 28 May 2008

No. 30240/MDD-HH-725

Bogotá D.C.

2 May 2008

Re: Status of implementation of the Additional Protocols relating to the protection of victims of armed conflicts

In response to your note DDH No. 63086/0761, I have the honour to provide the following information on the status of implementation of the Protocols Additional to the Geneva Conventions and on the measures that have been taken to strengthen the existing regime of international humanitarian law. The information provided refers to operative paragraphs 5, 6 and 7 of General Assembly resolution 61/30, which cover areas for which the Ministry of Defence and the law enforcement agencies have direct responsibility. I will describe the progress made in each area.

5. Calls upon all States parties to the Protocols Additional to the Geneva Conventions to ensure their wide dissemination and full implementation

Ambassador Clara Inés Vargas

Director of the Human Rights and International Humanitarian Law Division

Ministry of Foreign Affairs of the Republic of Colombia

The formal teaching of human rights and international humanitarian law to law enforcement officers has a long history going back to at least 1992, when the Armed Forces General Command introduced a continuing programme for the integration of international human rights law and international humanitarian law into courses of instruction. The programme document incorporated a proposal of the International Committee of the Red Cross (ICRC) to strengthen, develop and expand the process of integrating human rights issues into teaching curriculums that had already begun. Pursuant to Directive No. 800-04 of 2003, the programme was gradually integrated into military doctrine and the academic curriculums of military training schools, based on a practical methodology and on a cross-cutting and gradual approach in the curriculums of military training programmes.¹

A large number of primers have been published and seminars held since then for law enforcement officers to ensure the wide dissemination and implementation of the Protocols Additional to the Geneva Conventions.

In addition, the Ministry of Defence published in January 2008 its policy paper on the integration of human rights norms and international humanitarian law, which has been widely disseminated at all headquarters, divisions, brigades, naval bases, air bases and departmental police command posts. Staff of the Ministry's Division of Human Rights and International Humanitarian Law explain the contents of the paper and in particular the obligations under international humanitarian law, in at least one national event each week in the different regions of the country. Alternative mechanisms have also been proposed to disseminate the policy among soldiers in the form of T-shirts and playing cards and these will soon be implemented.

¹ Policy paper on the integration of human rights norms and international humanitarian law, Ministry of Defence, January 2008, paragraph 56

The International Committee of the Red Cross has recognized that Colombian law enforcement officers are aware of and show respect for international humanitarian law.

6. Notes with appreciation (...) that all States must take national measures to implement international humanitarian law, including training of the armed forces (...)

In addition to the aforementioned Directive No. 800-04 of 2003, the armed forces have introduced a standard teaching module (MUP) to provide training in international humanitarian law to its members.

As stated in the policy paper on the integration of human rights norms and international humanitarian law, which was elaborated in implementation of the Plan of Action of the Ministry's Division of Human Rights and International Humanitarian Law, "the MUP seeks to ensure that human rights norms and international humanitarian law are integrated into the teaching of subjects at all hierarchical levels according to rank or responsibility, through their gradual adoption in the different schools that provide training and instruction. The elaboration of suitable educational programmes and the insertion of these norms into the text of manuals and regulations have served as a guide for members of the armed forces to ensure that their operational decisions are respectful of human rights norms and international humanitarian law. The MUP will thus function in accordance with the following guidelines."²

In general, as stated in the policy paper on the integration of human rights norms and international humanitarian law, "the suitability of instruction is a function of three factors:

² Policy paper on the integration of human rights norms and international humanitarian law, Ministry of Defence, January 2008, paragraphs 62-63.

differentiation, in that each member of a law enforcement agency receives the instruction required by rank and level of responsibility, on the understanding that knowledge of the broad framework of human rights and international humanitarian law is an essential aspect of the responsibility of senior officers; applicability, in that the teaching of human rights and international humanitarian law is as practicable as possible and may be fully applied in the normal discharge of military and police activities; and its cross-cutting nature, in that human rights norms and international humanitarian law are incorporated at all levels of instruction (teaching and training), equipment (means of combat), doctrine (manuals and regulations), and throughout the planning, conduct, oversight and evaluation of military and police operations.³

Also in 2007, the Division of Human Rights and International Humanitarian Law of the Ministry of Defence conducted 10 workshops in which approximately 80 members of the armed forces participated, including soldiers, non-commissioned officers and officers, making a total of approximately 640 personnel who have been trained in the basic elements of international humanitarian law, forced displacement by violence, forced disappearance, and the Inter-American system of human rights, among other subjects.

7. Affirm the necessity of making the implementation of international humanitarian law more effective.

In order to make the implementation of international humanitarian law more effective, the Ministry of Defence and law enforcement agencies have taken the following measures:

- (a) Human rights training platforms and regional training groups

³ Policy paper on the integration of human rights norms and international humanitarian law, Ministry of Defence, January 2008, paragraphs

In 1999, out of their concern to develop highly practical and innovative training mechanisms – learning by doing -, the armed forces constructed at the Tolemaida base the army's first practical human rights and international humanitarian law training platform. Through a live simulation of risk scenarios, the training platform is used to teach through experiences and lessons learned and in a way designed to help trainees to internalize awareness of human rights and to develop an instinctive respect for international humanitarian law. Since the first training platform was built, each branch of the armed forces has replicated the methodology and today there are more than 35 human rights training platforms in the country.

In addition, as stated in the policy paper, “the system of human rights and international humanitarian law training platforms will be expanded in all training schools and in instruction and teaching centres. They will be coordinated by the Regional Training Group (GEPER), which will be based on comparative experiences in similar training in the armed forces and will be shared as part of this policy of integration. The mission of GEPER will be to lead and undertake operational training and refresher training exercises for troops and officers being sent on tactical missions. Its aim is to equip officers, non-commissioned officers and troops with the tools to deal with cases where there is risk of violation of human rights or breaches of international humanitarian law, depending on the particular problems of the region in question, and at the same time to provide training in operational tactics, techniques and procedures to ensure that rules of engagement are observed.

“Training coordinated by GEPER will be provided as part of the command procedure being developed in all military operations and will be given both in operational training platforms and in human rights training platforms. GEPER will develop specialized training modules with a view to

preparing units for the execution of specific operations, according to the particular social and cultural environments in which they operate.

“The first GEPER will begin to operate in the CENAE of the Tolemaida base. At least two different simulators will be built and equipped to match the region and the environment (urban or rural). The GEPER will be headed by a colonel, who will have a team of senior officers, junior officers, non-commissioned officers and civilians. All personnel will have recent operational experience in their respective modules. The GEPER will also have the necessary infrastructure to accommodate offices, classrooms and staff quarters. It will also have transport and communication equipment and teaching materials based on case studies.”⁴

In 2008, the Human Rights and International Humanitarian Law Division of the Ministry of Defence submitted a funding proposal to the United States Southern Command for the financing of this Group.

(b) Operational orders, rules of combat and manual of operational guidelines

The policy paper on the integration of human rights norms and international humanitarian law states that the effectiveness of instruction in human rights and international humanitarian law depends on whether the planning and execution of operations incorporate these norms in a sufficiently clear manner. The paper states that every operational order must contain a clear, concrete and concise description of the mission, the intention of the commander, the concept and the manoeuvre so that the person executing it is sufficiently clear about the objective of the operation and the means that will be used to achieve it. The order must also clearly explain the

⁴ Policy paper on the integration of human rights norms and international humanitarian law, Ministry of Defence, January 2008, paragraphs 67-70.

military advantage of the objective to be neutralized, the military necessity of the mission assigned, and the collateral damage that may be caused. It also provides that every operational order must contain rules of engagement that make it clear to the soldier in what circumstances he may initiate an attack or respond to the enemy.⁵

In Directive No. 012 of 2007, the Armed Forces General Command issued a series of simple and concrete rules of engagement aimed at ensuring that operations are conducted in a manner that is respectful of human rights and international humanitarian law (Circular 3462-CE-CEIGE-DDHH – DIH – 725 of 6 March 2006).

For its part, the Human Rights and International Humanitarian Law Division conducted three seminars on the rules governing operations for each branch of the armed forces, in Cartagena (ARC), Cali (FAC) and Paipa (EJC), and a series of seminars on rules of engagement. Each event was attended by an average of 70 officers. The total number of participants in the four events was 280 military officers. The United States Southern Command provided support for the seminars.

At present, the Ministry of Defence and the Armed Forces General Command have established a working group comprised of 40 persons, including members of law enforcement agencies and judicial authorities, which is elaborating a manual of operational guidelines with the goal of establishing a bridge between the obligation to protect human rights and to respect the norms of international humanitarian law on the one hand and operational realities on the other, so that every commander would have a clear and precise guide of how to act in compliance with these norms.

(c) Legal advisers on operational matters

⁵ Policy paper on the integration of human rights norms and international humanitarian law, Ministry of Defence, January 2008, paragraphs 27-33 and ? - ? (original illegible)

As stated in the policy paper on the integration of human rights norms and international humanitarian law, “the need for legal advice in the theatre of operations is becoming increasingly evident. For this reason, the Colombian forces have established – initially in the Colombian Air Force in 2002 – the post of Legal Adviser for Operations. These military lawyers, trained in universities in law and subsequently inducted into the armed forces, are trained in such areas as intelligence, operations, logistics, armaments and the international law governing armed conflicts. Today, after five years of a continuous learning experience, the General Command, the army and the navy have been gradually introducing the post which has proved to be so beneficial to military commanders in providing advice for the planning, execution and evaluation of operations.

The Legal Advisers are trained in the law governing operations, which include national and international norms that have a direct or indirect impact on operations (...). These lawyers report directly to the commanders up to the tactical level and their mandate is to provide legal advice, even when the responsibility for the decision always remains with the commander. They participate in the planning, execution, oversight and evaluation of military and police operations and they study and analyze the implications of international treaties and methods of combat for the unfolding of operations.⁶

For its part, the army issued Directive No. 66 of 2008, which created and operationalized the post of legal adviser for operations, at the request of the Chiefs of Staff and army high command. In addition, in 2007, the Ministry of Defence conducted a 3-day workshop on international humanitarian law for 70 legal advisers to the various military units.

⁶ Policy paper on the integration of human rights norms and international humanitarian law, Ministry of Defence, January 2008, paragraphs 88- 89.

I hope that the information compiled here will be of use for your purposes. Please do not hesitate to contact me for any additional information you may require.

Sincerely

(Signed) T.C. Juan Carlos Gomez Ramirez

Director of the Division of Human Rights and International Humanitarian Law

Ministry of Defence