

OPINION No. 25/1999 (COLOMBIA)

Communication addressed to the Government on 4 March 1999

Concerning Olga Rodas, Claudia Tamayo, Jorge Salazar and Jairo Bedoya

The State is a party to the International Covenant on Civil and Political Rights

1. The Working Group on Arbitrary Detention was established by resolution 1991/42 of the Commission on Human Rights, which extended and clarified its mandate in resolution 1997/50. In accordance with its methods of work, the Working Group transmitted the above-mentioned communication to the Government.
2. The Working Group expresses its appreciation to the Government for having promptly provided the information requested.
3. The Working Group regards deprivation of liberty as arbitrary in the following cases:
 - (i) When it manifestly cannot be justified on any legal basis (such as continued detention after the sentence has been served or despite an applicable amnesty act) (category I);
 - (ii) When the deprivation of liberty is the result of a judgement or sentence for the exercise of the rights and freedoms proclaimed in articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and also, in respect of States parties, in articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (category II);
 - (iii) When the complete or partial non-observance of the international standards relating to a fair trial set forth in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned is of such gravity as to confer on the deprivation of liberty, of whatever kind, an arbitrary character (category III).
4. The Working Group notes that the Government concerned informed the Group that the above-mentioned individuals are no longer being detained. This information was transmitted to the source, which did not deny it.
5. The Group considers that the communication refers to the deprivation of liberty of four persons, by an illegal paramilitary group which has committed similar acts in Colombia, and not to detentions carried out by regular State bodies, which are the actual subject of its mandate as set by Commission on Human Rights resolutions 1991/42 and 1997/50. Rather, it refers to abduction and hostage-taking. The Group lacks competence to investigate this type of deprivation of liberty.
6. Furthermore, the persons covered in the communication were released a few days after being abducted.

7. However, in fulfilment of Commission on Human Rights resolutions 1999/29 (hostage-taking) and 1999/34 (impunity), the Group, while declaring the case closed, considers that it is necessary:

- (a) To bring the case to the attention of the Commission on Human Rights;
- (b) To request that the Government of Colombia should conduct a judicial investigation of the events, which should be given the full cooperation of the relevant State bodies, with a view to punishing those responsible.

Adopted on 26 November 1999