



**OFFICE IN COLOMBIA OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**Guiding Principles for the Definition of Sentenced Persons Eligible for
Receiving Benefits According to Decree N° 880 issued on March 27th, 2008**

Bogotá D.C., March 28th, 2008

The High Commissioner for Human Rights, Ms. Louise Arbour, and her Office in Colombia, have reiterated, in many occasions, their call to the illegal armed groups to release, immediately and unconditionally, all persons held hostage and all those captive for reasons related to the armed conflict in Colombia, in accordance with international humanitarian law and international criminal law, and as required by a basic sense of humanity.

The Office shares the pressing concern of the families of these victims and stands besides them in their claim for their prompt release. Likewise, the Office reaffirms its solidarity with their efforts to obtain proofs of life, guarantees for the provision of humane and dignified treatment as well as medical and humanitarian assistance for their loved ones.

Within this context, the Office notes that Decree No. 880, issued by the Colombian Government on March 27th, 2008, might facilitate the search for options and alternatives to obtain the release of these persons in safe and satisfactory conditions. The Decree might specifically open a way for the release of hostages and persons held captive for reasons related to the armed conflict whose health condition is extremely fragile.

It is imperative that the above mentioned options and alternatives are in line with international principles. Therefore extreme caution and transparency should be exerted in identifying those sentenced persons who could receive the benefits established in the Decree. International human rights law, international humanitarian law and the Rome Statute, warn against impunity for those responsible of crimes against humanity and war crimes.

International regulations ban the granting of amnesties or pardons to persons responsible of these types of crimes. The Colombian Constitution grants those benefits only for political crimes (article 150, num. 17) and for certain common crimes related to them. According to Colombia's constitutional rulings, serious breaches of the humanitarian norms do not qualify for these benefits. Any regulation about clemency, extinction or suspension of punishment, which grants benefits analogous to those of amnesties or pardons, cannot disregard the limitations established by international standards, and above all, must not violate the rights of victims of crimes against humanity or war crimes.

The Office in Colombia of the United Nations High Commissioner for Human Rights urges the Colombian Government to avoid granting the benefits contained in Decree No. 880 of March 27th, 2008 to members of illegal armed groups, whether guerrillas or paramilitaries, who are serving sentences for crimes against humanity or war crimes.

Colombia must advance in its negotiation processes affirming the dignity of the victims and their right to claim and obtain truth, justice, reparation, and non-repetition guarantees, without obliterating atrocious crimes and without conceding undue indulgence to those responsible for serious violations of human rights and breaches of international humanitarian law.