

Convictions and pending prosecutions for sexual and reproductive violence committed against forcibly recruited, civilian, and combatant women and girls in the armed conflict of Colombia

Sexual and reproductive violence committed within armed groups

In December 2015, in an unprecedented decision, the Justice and Peace Chamber of the Superior Court of Medellín, Colombia, convicted a group of guerillas for forcibly carrying out abortions on women and girls serving in the same group. It also ordered reparations for the victims, including psychosocial services, fertility treatment if needed, and monetary restitution.

The Court convicted Olimpo Sánchez, founder and commander of the Guevarista Revolutionary Army (ERG in Spanish), an offshoot of the National Liberation Army (ELN), along with 19 other guerilla combatants, for 1,775 crimes committed in the departments of Antioquia, Chocó, Risaralda, Tolima, and Caldas.

In February 2016, and again in October 2018, Women's Link Worldwide filed Amicus Curiae briefs with the Justice and Peace Chamber of the Superior Court of Medellín asking for members of the José María Córdoba Block of the FARC, charged by the prosecutor with forcing women in their groups to undergo abortions, to be tried for war crimes and serious human rights violations, and for victims to receive comprehensive reparations. The Court has not yet issued a ruling.

On March 9, 2017, at the request of the Office of the Attorney General of Colombia, Spain extradited Héctor Albeidis Arboleda Buitrago, alias El Enfermero, charged with committing forced abortion against combatant women and girls in the FARC, ELN, and ERG between 1997 and 2004 in Risaralda, Antioquia, Caldas, Chocó, and Valle del Cauca. El Enfermero opted into the Special Jurisdiction for Peace (JEP) on November 21, 2017, and the case against him in the ordinary courts was transferred to the JEP on October 11, 2018. El Enfermero requested pretrial release before the Amnesty and Pardons Chamber of the JEP, which denied his request because he was not only under investigation for collaborating with the FARC, but also in relation to further crimes. He is currently held in the La Picota jail in Bogotá awaiting trial before the JEP.

On March 6, 2019, the Chamber for Recognition, Truth, and Responsibility of the JEP opened case 007 for "recruitment and use of children in the armed conflict." The JEP intends to determine who were the highest-ranking FARC officers involved in recruitment of child soldiers and develop an action plan for providing reparations for victims.

In case 007, the Court will review the cases of any children who were forced to carry a weapon or perform any other task within an armed group, such as cooking, carrying equipment or messages, or carrying out espionage and sabotage missions.

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It will review the cases of girls who experienced sexual violence, sexual slavery, and forced abortion. The Chamber for Recognition has held that the recruitment of children into the ranks of armed groups or their use in conflict-related activities was a policy meant to augment the FARC's military capacities.

On July 8, 2019, the International Criminal Court (ICC) convicted Bosco Ntaganda, alias "Terminator," former leader of the Patriotic Forces for the Liberation of Congo, for war crimes and crimes against humanity, including conscripting and enlisting children, rape, and sexual slavery, committed in 2002 and 2003. The ICC found that a person's status as a combatant or victim of illegal recruitment does not nullify protections against sexual violence under international humanitarian law.

Sexual and reproductive violence against civilians

In May 2008, paramilitary commander Salvatore Mancuso was extradited to the United States for drug trafficking and is currently serving a sentence of 15 years and 10 months. While in prison, he learned that in November 2014, the Justice and Peace Chamber of the Superior Court of Bogotá convicted him for serious, systematic, and widespread human rights offenses and violations of international humanitarian law committed in the context of the Colombian armed conflict. Under Mancuso's command, his troops committed war crimes against women in the regions they operated in, including rape, forced sterilization, forced abortion, forced prostitution, and sexual slavery.

He was sentenced to 40 years in prison, a fine equivalent to 40,000 months' salary at the current minimum wage, and disqualification from holding public office for 20 years. He was granted an alternative sentence of eight years in prison when he opted into the Justice and Peace system. In order to receive this benefit, he was required to agree to participate in rehabilitation activities, including work, study, or teaching while in custody in Colombia, and promoting activities related to demobilizing the armed group he belonged to.

Mancuso will begin to serve his Justice and Peace sentence when he completes his US prison term and is transferred to Colombia. He has asked for credit for the time he has served for his drug trafficking sentence against his war crime sentence for offenses committed in Colombia.

In August 2019, thirteen years after opting into the Justice and Peace jurisdiction, Hernán Giraldo Serna, alias "Taladro," former paramilitary leader of the Resistencia Tayrona Block, was convicted. The ruling lists 38 cases of gender violence, but the prosecutor has indicated that Giraldo's group may have committed as many as 200 crimes against women.

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Giraldo's group was one of the paramilitaries who were the most vicious and brutal towards women. His crimes included rape, forced abortion, forced pregnancy, forced prostitution, sexual slavery, murder, forced disappearances, torture, abduction, and forced displacement.

He was convicted for crimes committed by his troops as well, because his crimes were "emulated by his subordinates," who understood that sexual violence was "permitted, tolerated, and encouraged under Giraldo's command as a group policy." The former paramilitary leader used sexual violence as a means of punishing the population, or as an "exercise of power that allowed him to exert domination over the bodies of women and girls, in violation of their sexual rights."

Giraldo was extradited to the United States in 2008 for drug trafficking offenses and is currently serving time in a US prison. He is due to return to Colombia in two years to serve another prison term of up to eight years under the terms of an agreement struck between former paramilitaries and the Colombian government during the negotiations for the peace agreement.