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BUILDING A SAFE, JUST  
AND TOLERANT SOCIETY

# **COLOMBIA COUNTRY REPORT**

**April 2004**

**Country Information & Policy Unit**

**IMMIGRATION & NATIONALITY DIRECTORATE  
HOME OFFICE, UNITED KINGDOM**

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## 1. Scope of the Document

**1.1** This Country Report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, for use by Home Office officials involved in the asylum / human rights determination process. The Report provides general background information about the issues most commonly raised in asylum / human rights claims made in the United Kingdom. It is not a detailed or comprehensive survey.

**1.2** The Report is compiled from a wide range of recognised sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to original source material, which has been made available to those working in the asylum / human rights determination process.

The Report aims to provide only a brief summary of the source material quoted. For a more detailed account, the relevant source documents should be examined directly.

**1.3** The information contained in this Country Report is, by its nature, limited to information that we have been able to identify from various well-recognised sources. The contents of this Report are not exhaustive and the absence of information under any particular heading does not imply that any analysis or judgement has been exercised to exclude that information, but simply that relevant information on the subject has not been identified from the sources that have been consulted. Equally, the information included in the Reports should not be taken to imply anything beyond what is actually stated.

**1.4** The great majority of the source material is readily available in the public domain. Copies of other source documents, such as those provided by government offices, may be provided upon request.

**1.5** All sources have been checked for currency, and as far as can be ascertained, contain information, which remained relevant at the time, this Report was issued. Some source documents have been included because they contain relevant information not available in more recent documents.

**1.6** This Country Report and the accompanying source material are publicly disclosable. Where sources identified in this Report are available in electronic form the relevant link has been included. The date that the relevant link was accessed in preparing the report is also included. Paper copies of the source documents have been distributed to nominated officers within IND.

**1.7** It is intended to revise this Report on a six-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom. Information contained in Country Reports is inevitably overtaken by events that occur between the 6 monthly publications. Caseworkers are informed of such changes in country conditions by means of Country Information Bulletins.

## **2. Geography**

**2.1** The Republic of Colombia was one of three countries that emerged from the collapse of Gran Colombia in 1830 (the others are Ecuador and Venezuela). It is located in the northern part of South America, bordering the Caribbean Sea, between Panama and Venezuela, and bordering the North Pacific Ocean, between Ecuador and Panama. [3](p1) Colombia covers a total of 1,138,910 square miles and has a population of 41,008,227. [3](p2)

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**2.2** The Andes mountain range divides into three mountain ranges (cordilleras) when it enters Colombia. The western two-fifths of Colombia is dominated by the Andes and the coastal lowlands, with the east and south dominated, respectively, by the Llanos (savannah, much of which is flooded for nine months of the year) and Amazonian jungle. The varied terrain gives Colombia a biodiversity reckoned to be second only to Brazil, sheltering in forests that cover almost one-half of the country and on pasture-land that covers about two-fifths. [1](p271) Climate conditions vary with altitude, from tropical in coastal regions, temperate on the plateau to cold in the Andes

mountains. [1](p272)

(For more information on geography refer to the Europa Yearbook - Regional Surveys of the World - South America, Central America and the Caribbean 2004 - 12<sup>th</sup> Edition - Source [1](p271-299)).

### **3. Economy**

**3.1** Colombia is a country of significant natural resources, and has a diverse culture reflecting the indigenous Indian, Spanish and African origins of its people. It is the fourth largest and one of the most populous nations. Colombia is endowed with substantial oil reserves and is a major producer of gold, silver, emeralds, platinum and coal. [17]

**3.2** Colombia's economy suffers from weak domestic and foreign demand, austere government budgets, and serious internal armed conflict. Two of Colombia's leading exports, oil and coffee, face an uncertain future; new exploration is needed to offset declining oil production, while coffee harvests and prices are depressed. Colombian business leaders are calling for greater progress in solving the conflict with insurgent groups. On the positive side, several international financial institutions have praised the economic reforms introduced by President URIBE and have pledged enough funding to cover Colombia's debt servicing costs in 2003.[3](p5)

**3.3** There is extensive illegal cultivation of coca - for which Colombia is the world's leading producer - opium poppies and cannabis. [1](p271) The illicit drugs trade has undoubtedly contributed to the country's economic growth and hindered it. Marijuana and coca have long been grown in the country but the drugs trade really took off with the processing of cocaine from the late 1970s. [1](p278)

**3.4** The currency in use is the Colombian peso (COP), which at 18 December 2003 had an exchange rate of 2,855 COPs to US\$1. [3](p7)

**3.5** (For more information on economy refer to the Europa Yearbook - Regional Surveys of the World - South America, Central America and the Caribbean 2004 - 12<sup>th</sup> Edition - Source [1]).

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### **4. History**

**4.1** According to the Global IDP Database - Profile of Internal Displacement: Colombia Compilation of the information available in the Global IDP Database of the Norwegian Refugee Council (as of 4 February 2004), "Colombia has historically been marked by political and social violence. In this century, the phenomena of political, economic, social and cultural exclusion led to the peasants' campaigns of the 1930s and 1940s, and, later on, to a long period of violence between the two traditional parties, the Liberals and the Conservatives. In 1957, by means of a constitutional reform, a system of alternation and parity between these parties was established. This meant that other political sectors were deprived of any share in power. From the 1960s onwards, a guerrilla movement came to prominence and its origins can in part be explained by the context of the polarization and cold war prevailing at that

time. In order to deal with this rebellious movement, the State involved groups of armed civilians in its counterinsurgency activities, and with the passage of time these groups became a new source of disturbances of law and order. In the 1970s, the drug trafficking phenomenon came to the fore and, spreading to broad sections of Colombian society, gave rise to new forms of criminality and corruption." [35](p13)

**4.2** According to the Global IDP Database - Profile of Internal Displacement: Colombia Compilation of the information available in the Global IDP Database of the Norwegian Refugee Council (as of 4 February 2004), "Continuing a disturbing trend from 2000, the average number of victims of political violence and deaths in combat has risen. This violence is increasingly urban and involves attacks on elected officials and government investigators as well as community leaders, human rights defenders, indigenous leaders, journalists and trade unionists. Colombians continue to flee their homes and even their country in record numbers, facing hunger, the elements, and disease in desperate efforts to save themselves and their families." [35](p14)

**4.3** The Global IDP Database - Profile of Internal Displacement: Colombia Compilation of the information available in the Global IDP Database of the Norwegian Refugee Council (as of 4 February 2004) noted that "Drug trafficking, in its various complex dimensions, continued to be one of the negative factors bound up with the armed conflict. The production and marketing of narcotics is a substantial source of revenue for the various illegal armed groups, while generating violence in areas where the plants are grown and social confrontation between many communities. It also gives rise, directly and indirectly, to many enforced displacements and is a major factor in corruption in administrative affairs." [35](p15-16)

**4.4** Colombian voters entered new territory with the electing of Alvaro Uribe Velez in May 2002. The electorate chose for the first time a President who was not the official candidate of either the Liberal or Conservative parties. Nor was he leader of a faction within his own Liberal party. None the less he gradually managed to secure the support of both the Liberals and the Conservatives. [1](p275)

**4.5** In Uribe, Colombia had elected the first President who showed he was committed to ensuring the state's control of Colombia's entire territory, and protecting the lives of all Colombians became the central tenet of his election manifesto. It was an immense task. [1](p275) Once in office, he boosted spending on the military and police and set about arming peasants in vulnerable areas of the country. Major offences were launched against the guerrillas. In June 2003, Uribe unveiled a long-awaited security plan, intended to end the war and the drugs trade which fuels it. The plan aimed to establish a police presence in all parts of the country and to eradicate all drugs crops. [17](p2) According to the US Department of State Report on Human Rights Practices (USSD Report) 2003, "On July 15 [2003], following 7 months of exploratory discussions between the AUC [United Self-Defence Forces of Colombia - a paramilitary organisation] and a special government commission, the Government's Office of the High Commissioner for Peace (APC) and senior representatives of the AUC agreed to begin formal negotiations for the AUC's full demobilization" ... "The Government continued separate discussions with other paramilitary organisations." [2](p28)

**4.6** (For History prior to 2002 refer to the Europa Yearbook - Regional Surveys of the World - South America, Central America and the Caribbean 2004 - 12<sup>th</sup> Edition - Source [1]).

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## **5 State Structures**

### **The Constitution**

**5.1** A new three hundred and eighty Article Constitution drafted by a 74 member National Constituent Assembly took effect from 6 July 1991. This Constitution retained the institutional framework of a directly- elected President with a non-renewable four-year term of office together with a bicameral legislature composed of an upper house or Senate of Representatives (with 161 members, to include at least two representatives of each national department). A Vice-president is elected at the same time as the President, and also holds office for a term of four years. [1](p286)

**5.2** The new Constitution contained comprehensive provisions for the recognition and protection of civil rights, and for the reform of the structures and procedures of political participation and of the judiciary. [1](p286)

**5.3** The fundamental principles on which the constitution is based are embodied in Articles 1-10 as follows:

Article 1: Colombia is a lawful state organised as a single Republic, decentralised, with autonomous territorial entities, democratic, participatory and pluralist, founded on respect for human dignity, on the labour and solidarity of its people and on the prevalence of the general interest.

Article 2: The essential aims of the state are; to serve the community, to promote general prosperity and to guarantee the effectiveness of the principles, rights and obligations embodied in the Constitution, to facilitate the participation of all the decisions which affect them in the economic, political, administrative and cultural life of the nation; to defend national independence, to maintain territorial integrity and to ensure peaceful co-existence and the validity of the law. The authorities of the Republic are instituted to protect the residents of Colombia, in regard to their life, honour, goods, beliefs and other rights and liberties, and to ensure the fulfilment of the obligations of the State and of the individual.

Article 3: Sovereignty rests exclusively with the people, from whom public power emanates. The people exercise power directly or through their representatives in the manner established by the Constitution.

Article 4: The Constitution is the highest authority. In all cases of incompatibility between the Constitution and the law or other judicial rules, constitutional dispositions will apply.

It is the duty of nationals and foreigners in Colombia to observe the Constitution and the law, and to respect and obey the authorities.

Article 5: The State recognises, without discrimination, the primacy of the inalienable rights of the individual and protects the family as the basic institution of society.

Article 6: Individuals are solely responsible to the authorities for infringements of the Constitution and of the law. Public servants are equally accountable and are responsible to the authorities for failure to fulfil their function or abuse of their

position.

Article 7: The State recognises and protects the ethnic diversity of the Colombian nation.

Article 8: It is an obligation of the State and of the people to protect the cultural and natural riches of the nation.

Article 9: the foreign relations of the State are based on national sovereignty, with respect for self-determination of people and with recognition of the principles of international law accepted by Colombia.

Similarly, Colombia's external policies will be directed toward Caribbean and Latin American integration.

Article 10: Spanish (Castellano) is the official language of Colombia. The languages and dialects of ethnic groups are officially recognised within their territories. Education in communities with their own linguistic traditions will be bilingual.

[1](p286)

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## **Citizenship and nationality**

**5.4** Text of the Constitution of Colombia - Chapter 1 - Concerning Nationality - Article 96 of the Constitution states that the following hold Colombian citizenship:

1. Citizens by birth: If born in Colombia providing that the father or mother are natives or Colombian citizens.

By the child of non-Colombian parents, if either parent is domiciled in the Republic at the time of birth.

The children of a Colombian father or mother who were born abroad and then became domiciled in Colombia. [9](p1)

2. Citizens by naturalisation: Non-Colombians who have applied for their naturalisation card, in accordance with the law.

Citizens by birth from Latin America and the Caribbean who are domiciled in Colombia, and who with the permission of the Government and in accordance with the law and the principle of reciprocity, request that they be registered as Colombians in the municipality where they reside.

Members of the indigenous (Indian) people who share border areas, with application of the principle of reciprocity according to public treaties. [9](p1)

**5.5** No Colombian by birth will be stripped of his/her citizenship. The status of Colombian citizenship cannot be lost by virtue of the fact of acquiring another citizenship. [9](p1)

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## **Political System**

**5.6** According to the USSD Report 2003, "Colombia is a constitutional, multiparty democracy. In 2002, voters elected independent candidate Alvaro Uribe president and selected a bicameral legislature with a mix of Liberal, Conservative, and independent members. On October 25 [2003], voters narrowly rejected a major economic and political reform referendum, and on October 26 [2003] gave center-left candidates a number of victories in local and regional elections. The referendum and elections were generally free and fair, in spite of concerted efforts by terrorist organizations such as the United Self-Defense Forces of Colombia (AUC) and Revolutionary Armed Forces of Colombia (FARC) to manipulate or disrupt them." [2](p1)



**5.7** According to the Foreign and Commonwealth Office (FCO) Country Profile on Colombia issued 26 November 2003, "Executive power is exercised by the President (assisted by a Cabinet), who is elected for a single, non-renewable four-year term by national elections. Legislative power is vested in two chambers, consisting of a Senate (102 members elected for four years) and the House of Representatives (165 members elected for four years). The country is divided up into 32 departments and one Capital District. The 1886 Constitution was reformed by a Constituent Assembly in 1991." [10](p2)

**5.8** The FCO Country Profile issued 26 November 2003 states that "Two major political parties - the Conservatives and the Liberals - have traditionally dominated Government, alternating in power over the last 130 years. The only period of military rule in the 20th Century was from 1953 – 1957. The 2002 elections, however, confirmed that the two traditional parties, the Liberals and the Conservatives, no longer totally dominate political life. Congress is now learning how to handle coalition politics following the success of a number of independent candidates, and representatives of political movements." [10](p2)

**5.9** The FCO Country Profile issued 26 November 2003 also states that "A key feature of the country's democratic system has been its resilience. This is reflected in the strong tradition of elected civilian Governments broken only twice, for a cumulative total of less than five years of non-civilian rule, since the founding of the Republic in 1819 giving the country the longest democratic legacy among Latin American countries." [10](p2)

**5.10** Alvaro Uribe Velez was elected as President on 26 May 2002. He received 53 percent of the vote. He took office on 7 August 2002 with Francisco Santos taking the position of Vice President on the same day. The President is both chief of state and head of government. The Cabinet consists of a coalition of two dominant parties - the Liberal Party (PL), the Conservative Party (PSC) - and independents. [3]

**5.11** As reported by a BBC news article dated 27 October 2003, "Voters in the Colombian capital, Bogota, have chosen a former trade union leader as the first left-wing mayor of the city. The election of Luis Eduardo Garzon - an ex-communist who came third in last year's [2002] presidential election - is being seen as a set back for the conservative, Alvaro Uribe"... "The mayor of Bogota is regarded as a prestigious political platform from which to criticise Mr Uribe"... "At least 30 candidates were killed and a dozen kidnapped in the run-up to the elections, and more than 160 people withdrew their candidacy citing death threats." [29]

**5.12** The BBC noted in an article dated 10 November 2003 that "Colombia's defence minister has resigned, only three days after the interior minister stepped down. Marta Lucia Ramirez was the country's first female defence minister, and no reason has been given for her sudden decision to quit. She had been in office since President Alvaro Uribe came to power in August 2002. Since she took over, security had improved with murders and kidnappings sharply reduced." [29k]

**5.13** The BBC noted in an article dated 12 November 2003 that "A third

minister has quit the Colombian cabinet following a government defeat in a referendum on reform. It was unclear whether President Alvaro Uribe had forced Housing and Environment Minister Cecilia Rodriguez to leave as part of a clean sweep. Her departure was quickly followed by news of the resignation of the national police chief." [29]

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## Judiciary

**5.14** According to the USSD Report 2003, "The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the suborning and intimidation of judges, prosecutors, and witness was a serious problem. The judicial system was also extremely overburdened. The administrative chamber of the Supreme Council of the Judiciary (CSJ) reported that, as of October [2003], the civilian judiciary--including the criminal justice system--suffered from a backlog of at least 102,000 cases. These backlogs led to large numbers of pretrial detainees" ... "Impunity remained the greatest challenge to the credibility of the Government's commitment to human rights." [2](p19-20)

**5.15** The USSD Report 2003 noted that, "Judicial authorities were frequently subjected to threats and acts of violence. According to the National Association of Judicial Branch Employees (ASONAL), numerous judicial branch employees received threats against their lives and some judges and prosecutors assigned to small towns worked out of departmental capitals because of security concerns. Others were less fortunate" ... "Witnesses, who were even more vulnerable to intimidation, often lacked faith in the Government's ability to protect them and refused to testify." [20](p20)

**5.16** According to the USSD Report 2003, "As of December [2003], the Human Rights Unit of the Prosecutor General's Office (Fiscalia) had issued preventive detention orders for 14 members of the Armed Forces for human rights violations and/or paramilitary collaboration. However, for various reasons, including lack of resources for investigation, lack of protection for witnesses and investigators, lack of coordination between government organs, and in some cases, obstruction of justice by individuals, impunity continued to be widespread." [2](p5)

**5.17** As reflected in the USSD Report 2003, "The administrative jurisdiction of the civilian justice system is divided into 27 judicial districts with an equal number of tribunals. Each tribunal has from 1 to 23 magistrates, depending on the population of the district. Administrative actions such as decrees and resolutions may be challenged in the administrative jurisdiction on constitutional or other grounds. The Council of State is the highest court in the administrative jurisdiction and serves as the final court of appeals for complaints arising from administrative acts." [2](p21)

**5.18** According to the USSD Report 2003, "The civilian justice system is a separate and independent branch of government that uses a Napoleonic legal system incorporating some accusatorial elements. In late 2002, Congress approved constitutional changes designed to convert the current mixed judicial system into a purely accusatorial system." [2](p20)

**5.19** As noted in the USSD Report 2003, "The Constitutional Court, which is charged with "safeguarding the integrity and supremacy" of the Constitution, is the sole judicial body that encompasses the constitutional jurisdiction of the civilian justice system. It rules on the constitutionality of laws, presidential decrees, and constitutional reforms. The Constitutional Court may also issue advisory opinions on the constitutionality of bills not yet signed into law, and randomly reviews the decisions of lower courts on "tutelas", or writs of protection of fundamental rights, which can be filed before any judge of any court at any stage of the judicial process as a legal defense of last resort. Courts must rule on the validity of a tutela within 10 days. Approximately 150,000 tutelas were before the Constitutional Court for possible review at the end of the year [2003]." [2](p21)

**5.20** According to the USSD Report 2003, "The final functional jurisdiction of the civilian justice system is the special jurisdiction. The special jurisdiction consists of the justices of the peace program, designed to encourage alternative dispute resolution at the municipal level, which has been implemented in less than 1 percent of the country's municipalities, and the indigenous jurisdiction, which grants indigenous leaders the right to exercise judicial functions on indigenous reservations in accordance with traditional laws." [2](p21)

**5.21** The USSD Report 2003 states that "Specialized circuit courts within the civil jurisdiction try cases involving particularly sensitive crimes such as narcotics trafficking and terrorism." [2](p20)

**5.22** The USSD Report 2003 noted that "The Supreme Court is the highest court within the civil jurisdiction and serves as its final court of appeals ... The Supreme Court is the highest court within the civil jurisdiction and serves as its final court of appeals. In addition to hearing appeals from lower courts, the Supreme Court has original jurisdiction in trials of the President, cabinet ministers, heads of independent government agencies, admirals and generals, and magistrates of the Supreme Court, Council of State, Constitutional Court, and CSJ [Supreme Council of the Judiciary]." [2](p20-21)

**5.23** According to the USSD Report 2003, "In 1994, the Prosecutor General's Office established a special unit to investigate human rights crimes. The human rights unit is headquartered in Bogota and includes 11 satellite units in 7 regional capitals. The unit's 42 prosecutors were handling 1,458 cases at year's end [2003]." [2](p22)

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### **Military Justice System**

**5.24** According to the USSD Report 2003, "The military justice system, as part of the Ministry of Defense, falls under the executive branch." [2](p23) The USSD Report 2003 also noted that "Criminal procedure within the military justice system is similar to that within the civilian justice system, with the exception that the military justice system has already incorporated many accusatorial elements." [2](24)

**5.25** The USSD Reported 2003 noted that "From August 2002 to October 2003 the CSJ ruled on 18 jurisdictional disputes between the civilian and

military justice systems, assigning 12 cases to the civilian system and 6 cases to the military justice system. The Superior Military Tribunal reported that 72 cases were transferred from military to civilian jurisdiction from September 2002 to October 2003. An independent review of these cases revealed that approximately 26 involved allegations of gross violations of human rights or collaboration with paramilitaries." [2](p24)

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## **Legal Rights/Detention**

**5.26** According to the USSD Report 2003, "The Constitution and criminal law explicitly prohibit torture, and cruel, inhuman, or degrading treatment or punishment; however, there were reports that the police, military, and prison guards sometimes mistreated and even tortured detainees. Members of the military and police accused of torture are tried in civilian, rather than military, courts. In November [2003], the U.N. Committee against Torture expressed "concern over the large number of cases of torture and mistreatment allegedly committed in a generalized and habitual manner by state security forces and bodies...both in and out of armed operations." The Office of the Inspector General received 103 complaints of torture by state agents in 2002. The CCJ asserted that between July 2002 and June 2003 the security forces were responsible for at least 52 incidents of torture." [2](p15)

**5.27** The USSD Report 2003 states that "The law prohibits incommunicado detention. Suspects have the right to prompt access to counsel of their choice, and public defenders from the Office of the Human Rights Ombudsman assist indigent defendants. Individuals accused of lesser or unintentional crimes have access to bail; bail is generally not available for serious crimes such as murder, rebellion, or narcotics trafficking. In the case of most felonies, detention prior to the filing of formal charges cannot exceed 180 days, after which a suspect must be released. In the cases of crimes deemed particularly serious, such as homicide or terrorism, authorities are allowed up to 360 days to file formal charges before a suspect must be released. Habeas corpus is available to address cases of alleged arbitrary detention." [2](p18)

**5.28** According to the USSD Report 2003 "There were allegations of arbitrary arrests and detentions and prolonged pretrial detention remained a fundamental problem." [2](p1)

**5.29** As reflected in the USSD Report 2003, "Police, DAS [Department of Administrative Security], and [Corps of Technical Investigators] CTI officials executed arrest warrants issued by prosecutors based on probable cause. Law enforcement officials also arrested criminals caught in the act or fleeing the scene of a crime. Members of the Armed Forces detained members of illegal armed groups captured in combat, but were not authorized to execute arrest warrants." [2](p18)

## **Death penalty**

**5.30** According to Amnesty International - The Death Penalty: List of Abolitionist and Retentionist Countries (1 January 2001) Colombia abolished the death

penalty in 1910 and the last known execution took place in 1909. [4]

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## Internal Security

**5.31** According to the USSD Report 2003, "The civilian-led Ministry of Defense (MOD) is responsible for internal and external security and oversees both the police and the armed forces, including the army, air force, and navy. The National Police shared law enforcement duties with the Administrative Department of Security (DAS) and the Prosecutor General's Corps of Technical Investigators (CTI). The police are responsible for maintaining internal order and security in urban areas, and reestablished a permanent presence in all but 18 of the country's 1,098 municipalities by the end of the year [2003]." [2](p1)

**5.32** The USSD Report 2003 also noted that "The armed forces are responsible for maintaining order and security in rural areas and support the police in urban areas when called upon. Although civilian authorities generally maintained effective control of the security forces, there were instances in which members of the security forces acted contrary to the dictates of civilian and military authorities. Over the years, police and military forces have taken steps to improve their human rights record; however, some members of the security forces continued to commit serious violations of human rights." [2](p1)

**5.33** According to the USSD Report 2003, "Government security forces generally abided by international humanitarian law and respected human rights. The Human Rights Ombudsman's Office reported that only 2 percent of complaints it received about violations of human rights and international humanitarian law implicated members of the security forces. However, in violation of government and military policy, some members of the security forces violated human rights." [2](p26)

**5.34** An article published in the BBC news dated 19 December 2003 reported that "The Former head of Colombia's highway police has been arrested, accused of using the men under his command to escort drug shipments around the country. The scandal is just the latest to hit the corruption-ridden Colombian police force. Last month [November 2003], Colonel Jaime Leal was relieved of his post as head of the highways police after evidence emerged that this part of the police force was riddled with corruption. Sixty-nine officers were put under investigation. Now Colonel Leal has himself been arrested under charges of using highway patrol policemen to escort drug shipments around the country." [29h]

**5.35** A BBC report dated 2 January 2004 noted that "Sixteen Colombian soldiers have been arrested in connection with the illegal seizure of a tonne of cocaine, which they are suspected of planning to sell. The scandal is the latest in a series involving Colombian security forces. The soldiers, including a major, are accused of conducting an illegal search a week ago in southern Bogota, where drugs were being moved by traffickers." [29g]

**5.36** An article in the Associated Press dated 13 November 2003 reported that "The commander of Colombia's armed forces became the latest senior

official to quit his post, abruptly turning in his resignation and ending a 42-year military career. Gen. George Enrique Mora didn't explain his decision Wednesday [12 November 2003] and neither did President Alvaro Uribe, who has seen three Cabinet ministers, the head of the Colombian National Police and four other senior police officials resign recently. The departures came after an Oct. 25 [2003] referendum in which Colombians rejected measures that would have cut government spending to free money to fight rebels, who have waged four decades of guerrilla warfare in this South American country. The measures also would have strengthened Uribe's battle against corruption." [30p]

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## Prisons and Prison Conditions

**5.37** According to the USSD 2003 "Prison conditions remained harsh, especially for prisoners without significant outside support. Many of INPEC's [Penitentiary and Prison National Institute of Colombia] 8,756 prison guards were poorly trained or corrupt. Severe overcrowding and dangerous sanitary and health conditions were serious problems. Private sources continued to supplement most prisoners' food." [2](p16)

**5.38** According to their website ([www.inpec.gov.co](http://www.inpec.gov.co)) INPEC were created on 30 December 1992 in order to modernise the Colombian prison system and so replacing the main Directorate of Prisons. This institutional change was made to formulate a logical and coherent prison policy. [32] The USSD Report 2003, notes that "According to INPEC, overcrowding was the prison system's most serious problem. At the end of the year [2003], the country's prisons and jails held 62,496 inmates, 30 percent over their intended capacity of 48,000. According to the National Human Rights Ombudsman's Office, the increasing severity of overcrowding was a direct result of more aggressive Government security policies, which were adding inmates at nearly six times previous annual rates." [2](p16-17)

**5.39** According to the USSD report 2003, "Only six prisons—Valledupar, Acacias, Popayan, Combita, and newly constructed prisons in Palogordo, Santander department, and La Porada, Caldas department—met international standards for acceptable prison facilities. In other facilities, inmates paid to eat, drink, or sleep on a mattress, wash clothes, or make telephone calls, and many were forced to pay protection money to fellow inmates or corrupt prison guards." [2](p16)

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## Military Service

**5.40** According to War Resisters International 1998 - Refusing to Bear Arms - "The 1991 Constitution provides for compulsory military service. It states: "All Colombian citizens are obliged to take up arms when there is a public need for this in order to defend national independence and the public institutions" ... All men between the ages of 16 and 28 years old are liable for military service ... Military service for those who have completed secondary education (Bachilleres) lasts for one year, for others it is two years ... In practice, despite the minimum legal requirement age, military service is performed between the ages of 15 and



24." [11]

**5.41** War Resisters International also state that "There are also cases of forced recruitment by guerrilla or paramilitary organisation, especially in the country. According to the US State Department [Report 1996], "Guerrilla incursions, military counterinsurgency operations, guerrilla and paramilitary conscription, and land seizures by narcotics traffickers often forced peasants to flee their homes and farms." [11]

According to the USSD Report 2003, "Indigenous men are not subject to the national military draft." [2](p50)

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### **Conscientious Objection**

**5.42** According to War Resisters International there is no procedure to achieve conscientious objection status. Those who announce they are conscientious objectors have no clear guarantee that they may leave the armed forces. They either have to perform their military service in the police force as prison guards or they have to desert and remain in hiding. If they refuse to perform military service, they may face the charge of desertion and be imprisoned. [11]

### **Draft Evasion and Desertion**

**5.43** War Resisters International note that the penalties for military desertion are prescribed by Arts.115 to 117, Chapter III, of the Military Penal Code. Art.115 prescribes a penalty for desertion of six months' to two years' imprisonment. If desertion occurs in wartime, during a domestic uprising or public unrest or while in the vicinity of rebel forces the punishment may be doubled (art. 116). If the deserter returns voluntarily within eight days of desertion the penalty may be reduced by half (art 117). [11]

### **Medical Services**

**5.44** According to the Pan American Health Organization (PAHO) - Regional Core Health Data System - Country Health Profile 2002 - Colombia "In 1990, the health sector gave impetus to Law 10 on Municipalization of Health, which launched the process of strengthening national health system institutions at all levels. This initiative, which sets forth the fundamental principles of sectoral reform, was reflected in the new Constitution of 1991. These mandates, in turn, were taken into account in Law 60, which defined the scope of responsibility of the different territorial jurisdictions and stipulated the resources to be made available to them. The legal framework was further refined by the enactment of Law 100 (1993), which created the General Health and Social Security System (SGSSS) and, under it, a comprehensive pension plan, coverage for work-related risks, supplementary social services, and the health and social security system itself." [13](p6)

**5.45** According to the PAHO Country Health Profile "The General Social Security and Health System guarantees access to essential drugs (from a list of some 350 medicines) through the Mandatory Health Plan (POS) for those insured under the contributory regime, with certain restrictions for those under

the subsidized regime, and with no clearly defined criteria for those not affiliated with the system, although this last group receives prescribed medications for basic care. As a consequence of decentralization and health system reform, there have been some noteworthy advances in the area of biomedical technology. (1) The provision of maintenance services in public sector health institutions has been regulated. (2) A detailed inventory of infrastructure resources in second- and third-level hospitals (170 institutions) was conducted. (3) The procurement of medical equipment increased in both the public and the private sectors. [13](p7)

**5.46** The USSD Report 2003 states that "The law requires the Government to provide medical care to children. However, medical facilities were not universally available, especially in rural areas." [2](p48)

**5.47** According to the PAHO Country Health Profile domestic violence is a high-priority problem. Forty-one percent of women who ever lived with a partner declared they had been physically abused by their partner (and an additional 20% by another relative). An additional, thirty-four percent had been threatened by their partner. [13](p4)

**5.48** According to Cancer Pain Release, in an undated article, "It is estimated that cancer is the second cause of death in Colombia today after violence and accidental causes. During the last five years, several palliative care and cancer pain relief programs have developed in Colombia creating an increase in the demand for opioids for pain control. The issue of drug availability for medical purposes is particularly sensitive for Colombia, a country highly affected by illicit drug traffic and the black market. As a result, strong legislation restricts the manufacture, importation, distribution and prescribing of opioids even for scientific and medical uses. However, a number of steps have been taken at the national level, which have gradually facilitated opioid availability." [12]

**5.49** Annexed is a list of hospice care facilities in Colombia  
[http://hospicecare.com/Orgs/Latin\\_caribbean.htm](http://hospicecare.com/Orgs/Latin_caribbean.htm) - see source [37]

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**5.50** A PAHO press release dated 23 January 2004 reported that "Colombia today [23/01/04] received 1.5 million doses of vaccines for yellow fever that has affected three departments of that country, with 27 cases and 8 deaths reported in recent weeks" ... "The Ministry of Health has declared a state of emergency and is in the process of massive vaccination efforts aimed at the population over one year of age in the affected areas, where almost 3 million people live." [38a]

## **HIV/AIDS**

**5.51** The Pan American Health Organisation has produced a list of anti-retroviral drugs available in Latin America and the Caribbean. A copy is annexed as source [14].

**5.52** PAHO issued a list of anti-retroviral drugs and their prices, which were agreed in negotiations of ten Latin American countries - June 2003. The



prices of the anti-retroviral drugs in the list were agreed after negotiations between the Ministers of Health of the participating countries and the pharmaceutical companies that manufacture the drugs. The list of drugs and their prices are annexed as source [38b].

## **People with disabilities**

**5.53** According to the USSD Report 2003, "The Constitution specifically prohibits discrimination based on race, sex, religion, disability, language, or social status; however, in practice, many of these provisions were not enforced." [2](p46) The USSD Report 2003 states that "The Constitution enumerates the fundamental social, economic, and cultural rights of persons with physical disabilities. However, serious practical impediments prevented their full realization of these rights. For example, there is no legal requirement that buildings provide special access for persons with disabilities. Consequently, the disabled could not access most public buildings and transportation systems; however, the Constitutional Court ruled that persons with physical disabilities must have access to voting stations and receive assistance if they request it. The Court also ruled that the social security fund for public employees cannot refuse to provide services for children with disabilities, regardless of the costs involved." [2](p49-50)

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## **Educational System**

**5.54** According to the USSD Report 2003, "The Constitution stipulates that the state must provide a free public education for children between the ages of 6 and 15; however, the National Department of Statistics (DANE) estimated that only 75 percent of children between 6 and 15 attended school. By law, a primary education is universal, compulsory, and free. The Government covered the basic costs of primary education, although many families faced additional expenses such as matriculation fees, books, school supplies and transportation costs that were often prohibitive, especially for the rural poor." [2](p48)

**5.55** According to the USSD Report 2003, "Although many minors were forcibly recruited, a 2002 study by UNICEF found that 83 percent of child soldiers volunteered. Limited educational and economic opportunities and a desire for acceptance and camaraderie increased the appeal of service in armed groups. Nevertheless, many children found membership in guerrilla and paramilitary organizations difficult, and the MOD reported an increase in the number of minors deserting illegal armed groups." [2](p49)

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# **6. Human Rights**

## **6.A Human Rights Issues**

### **General**

**6.1** The USSD Report 2003 noted that "The Government's human rights record remained poor; however, there were significant improvements in some areas. An increasingly small percentage of total human rights abuses reported were attributed to security forces; however, some members of the security forces continued to commit serious abuses, including unlawful and extrajudicial killings. Some members of the security forces collaborated with the AUC terrorist group that committed serious abuses. Allegations of forced disappearances and kidnappings remained. Police, prison guards, and military forces mistreated detainees. Conditions in the overcrowded and underfunded prisons were harsh, and prisoners frequently relied on bribes for favorable treatment." [2](p2)

**6.2** According to Human Rights Watch, Essential Background, Overview of human rights issues in Colombia dated 26 January 2004, "New legislation approved in December 2003 gives the military the power to arrest, tap telephones, and carry out searches without warrants or any previous judicial order, taking Colombia a significant step backwards. It directly contravenes Colombia's international commitments as well as repeated recommendations made by the office of the U.N. High Commissioner for Human Rights. [19]

**6.3** According to Human Rights Watch (HRW) - Essential Background: Overview of human rights issues in Colombia - issued January 2004, "Colombia leads the Western hemisphere in reported human rights and international humanitarian law violations. In 2003, the government claimed as a success a decrease in the worst categories of political violence. These decreases are genuine; yet a close inspection reveals that they are due to many factors, among them the consolidation of control by illegal paramilitaries in some regions. So far, President Alvaro Uribe has failed to break continuing ties between units of the security forces and paramilitaries and has failed to ensure that the perpetrators of crime against humanity and serious human rights violations are brought to justice." [19](p1)

**6.4** The HRW Essential Background - January 2004 also states that "Guerrillas also commit serious violations, including massacres, selective killings, and indiscriminate attacks. In 2003, the Revolutionary Armed Forces of Colombia - People's Army (FARC-EP) continued to kidnap civilians and hold them hostage for financial or political gain." [19](p1) According to the HRW World Report 2003, "Colombia's internal war intensified in 2002 following the February 20 [2002] collapse of three years of formal talks between the Government and Colombia's largest guerrilla group." [5](p1)

**6.5** According to the Amnesty International Report covering events from January to December 2002, the breakdown of the peace talks in February 2002 resulted in a marked deterioration in the human rights situation. More than 500 people “disappeared” and more than 4,000 civilians were killed for political motives. Forced internal displacement continued to grow dramatically. Over 2,700 people were kidnapped, at least 1,500 of whom were kidnapped by guerrilla groups and paramilitary forces. The cycle of political violence was exacerbated by security policies of the new Government of Alvaro Uribe Velez, which took office in August [2002]. [16] The Human Rights Observatory in the Office of the Colombian Vice-President has produced figures showing human rights statistics in Colombia. The figures are attached. [58]

**6.6** The Amnesty International Report covering events from January to December 2002 goes on to state that "On 11 April [2002], the Constitutional Court ruled that the Defence and National Security Law, which accorded judicial police powers to the armed forces was unconstitutional. The new government of Alvaro Uribe declared a state of emergency on 11 August [2002]. This was followed on 9 September [2002] by Decree 2002 which again granted judicial police powers to the armed forces. Decree 2002 also gave the military special powers and restricted certain rights in designated security zones called Rehabilitation and Consolidation Zones. Foreigners wishing to enter these zones were required to seek prior authorization or risk expulsion from the country." [16]

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**6.7** The Amnesty International Report - covering events from January to December 2002 went on to say that "The main victims of violations of human rights and international humanitarian law continued to be the civilian population, including the internally displaced, peasant farmers, and members of the Afro-Colombian and indigenous communities living in conflict zones." [16]

**6.8** The USSD Report 2003, noted that "Internal armed conflict continued between the Government and terrorist groups, particularly the FARC [Revolutionary Armed Forces of Colombia], the National Liberation Army (ELN), and the AUC [United Self-Defence Forces of Colombia]. The conflict caused the deaths of between 3,000 and 4,000 civilians during the year [2003], including combat casualties, political murders, and forced disappearances." [2](p1)

**6.9** HRW, in their report, Essential background - January 2004 state that "Human Rights Watch continues to document links between paramilitary groups and units of the Colombian armed forces. Some government commanders promote, encourage, and protect paramilitaries, share intelligence, coordinate military operations and even share fighters with them. Although the Colombian government describes these ties as the result of the acts of individuals and not a matter of policy or even tolerance, the range of abuses clearly depend on the approval, collusion, and tolerance of high-ranking officers. " [19](p2)

**6.10** According to the HRW Essential Background - January 2004, "Under the leadership of Attorney General Luis Camilo Osorio, the ability of the Attorney General's Office to investigate and prosecute human rights abuses has deteriorated significantly. The deterioration is the product of several factors under the attorney general's control: a lack of support for prosecutors working

on difficult human rights cases: a failure to provide adequate and timely measures to protect justice officials whose lives are threatened: and the dismissal and forced resignation of veteran prosecutors and judicial investigators." According to the report "As a result, major human rights investigations that had gathered momentum during his predecessor's term have been severely undermined. The attorney general's handling of these cases is likely to encourage the common perception among military and paramilitary forces that human rights abuses are an acceptable form of warfare." [19](p2)

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**6.11** According to a HRW report "Colombia: Prosecution Problems Persist - Failure to File Charges Against General dated 11 March 2004 states "The failure to prosecute a top Colombian army general accused of working with illegal paramilitary groups shows continuing flaws in the Attorney General's office, Human Rights Watch said today. This week, Attorney General Luis Camilo Osorio announced that he would not file charges against general Rito Alejo del Rio. A cashiered army officer, Del Rio had been under investigation for alleged links to paramilitaries while he commanded the 17<sup>th</sup> Brigade, located in northern Colombia, between 1995 and 1997." The HRW Report noted that Jose Miguel Vivanco, executive director of the Americas Division of Human Rights Watch said that "The first thing that Attorney General Luis Camilo Osorio did upon assuming office in 2001 was fire the prosecutors who had gathered enough evidence to arrest Del Rio for these serious crimes." [40a]

**6.12** According to the USSD Report 2003, "The Human Rights Ombudsman's Office reported that only 2 percent of complaints it received about violations of human rights and international humanitarian law implicated members of the security forces. However, in violation of government and military policy, some members of the security forces violated human rights." [2](p26)

**6.13** As reported in the USSD Report 2003, "Although there continued to be incidents of collaboration between members of the security forces and paramilitaries, the military substantially increased its offensive actions against paramilitary groups. According to the Ministry of Defense, members of the security forces captured 3,166 during the year [2003], a 133 percent increase from 2002. They also killed 346 paramilitaries in combat over the year compared to 187 in 2002. Paramilitaries lost significantly more combatants per confrontation with the security forces than did the FARC or ELN." [2](27)

**6.14** According to the USSD Report 2003, "The FARC and ELN terrorists were responsible for a large percentage of civilian deaths attributable to the internal armed conflict. Early in the year [2003], during terrorist bombing campaigns, the number of abuses committed by FARC and ELN terrorists rose significantly; however, the rate of abuses declined over the year [2003] due to increased military pressure. The FARC and ELN announced that henceforth they would work together strategically and neither group would negotiate a peace agreement with the Uribe Government." [2](p3)

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## **Torture**

**6.15** According to the USSD Report 2003, "The Constitution and criminal law

explicitly prohibit torture, and cruel, inhuman, or degrading treatment or punishment; however, there were reports that the police, military, and prison guards sometimes mistreated and even tortured detainees. Members of the military and police accused of torture are tried in civilian, rather than military, courts" ... "In November [2003], the U.N. Committee against Torture expressed "concern over the large number of cases of torture and mistreatment allegedly committed in a generalized and habitual manner by state security forces and bodies...both in and out of armed operations." The Office of the Inspector General received 103 complaints of torture by state agents in 2002. The CCJ [Colombian Commission of Jurists] asserted that between July 2002 and June 2003 the security forces were responsible for at least 52 incidents of torture." [2](p15)

**6.16** The USSD Report 2003 noted that "The CCJ reported that paramilitaries were responsible for at least 123 cases of torture between July 2002 and June [2003]... Many victims of paramilitary killings often showed signs of torture; for example, in April [2003] authorities discovered a former paramilitary base in the village of Puerto Torres, Caqueta department, and found evidence that paramilitaries had dismembered and burned victims alive. Guerrillas also committed acts of torture. The CCJ reported 10 cases of torture by guerrillas between July 2002 and June [2003]; the bodies of many persons kidnapped and subsequently killed by guerillas showed signs of torture, and former guerrilla hostages reported severe deprivation, denial of medical attention, and physical and psychological torture during captivity... The MOD reported that guerrillas tortured, mutilated, and killed soldiers and police who surrendered." [2](p16) The USSD report 2003 also noted that "The Office of the Prosecutor General continued to investigate the deaths and disappearances of off-duty military and police personnel targeted by the FARC as part of its publicly announced "Pistol Plan"." [2](p11)

**6.17** According to the HRW Report - "You'll Learn Not to Cry" - Child Combatants in Colombia issued September 2003, "In the FARC-EP camps, children are sometimes made to watch the brutal torture of captured paramilitaries or suspected infiltrators, who may well be children themselves." [21](p94) From information gained from the children who were interviewed by HRW, HRW noted that "Although no children said that had participated directly in these atrocities, many witnessed them directly and some were forced to watch." [21](p95)

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## **Extrajudicial Killings**

**6.18** According to an Amnesty International Report - Colombia - Security at What Cost? The Government's Failure to Confront the Human Rights Crisis - dated 10 December 2002, "Four months on from Álvaro Uribe's inauguration as president on 7 August [2002], and 10 months since the breakdown of peace talks between the government and the main armed opposition group, the Revolutionary Armed Forces of Colombia, *Fuerzas Armadas Revolucionarias de Colombia* (FARC), on 20 February [2002], the evidence suggests that the armed conflict between the security forces in conjunction with the paramilitaries, and the guerrilla groups has intensified. This has resulted in a marked deterioration of the human rights crisis, and political

killings, displacements and other violations of human rights and IHL continue unabated. This cycle of political violence has been exacerbated by the security policies of the new government, which has failed to put human rights concerns at the centre of its agenda." [20](p1-2)

**6.19** The Amnesty International Report - Security at what Cost? The Government's Failure to Confront the Human Rights Crisis - dated 10 December 2002, states that "Despite ample evidence of military culpability in case after case of the gravest human rights violations, few members of the security forces have ever been brought to justice. Successive administrations have shown themselves to be unable or unwilling to impose the necessary controls on the military or to introduce effective measures to ensure that those responsible are held accountable before the law. The fact that those responsible for widespread political killings and "disappearances" are seldom punished has undermined public confidence in the administration of justice and the rule of law. The knowledge that crimes will go unpunished, and may even be rewarded, has contributed to the escalation of human rights violations." [20](p11)

**6.20** According to the USSD Report 2003, "Political and unlawful killings remained an extremely serious problem, and there were periodic reports that members of the security forces committed extrajudicial killings. The National Police registered 23,013 homicides during the year [2003], a 20 percent decrease from 2002. The Colombian Commission of Jurists (CCJ), a prominent local human rights nongovernmental organization (NGO) ... claimed there were at least 1,781 political murders and extrajudicial killings during the first 9 months of the year [2003]. The CCJ also asserted that at least 730 persons died in politically motivated massacres between July 2002 and June 2003. The Government's Presidential Program for Human Rights, however, reported that 430 persons died in massacres during the year [2003], a 38 percent decrease from the Program's 2002 figure. According to the CCJ, state security forces were responsible for at least 101 politically-motivated extrajudicial killings and 1 social cleansing killing during the first 9 months of the year [2003]." [2](p4)

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## **Disappearances**

**6.21** According to the USSD Report 2003, "The law specifically defines forced disappearance as a crime. The CCJ reported 260 cases of forced disappearance during the first 9 months of the year [2003], and accused the security forces of direct responsibility for 48 of these cases. For example, the CCJ alleged that on May 11 [2003] troops of the 6th Brigade surrounded the towns of Montoso and Aco, Tolima department, accused various members of the population of being guerrilla collaborators, and causing the disappearance of Jose Maximiliano Gomez. The Association of Families of Detained and Disappeared Persons (ASFADDES), which reported 785 forced disappearances during the first 9 months of the year [2003], claimed there have been more than 6,000 cases of forced disappearance since 1982. The U.N. Working Group on Enforced or Involuntary Disappearances reported that there have been at least 1,114 cases since 1981; 850 of these cases remained unresolved." [2](p12)



**6.22** Amnesty International issued an article - Fear for safety/possible "disappearance" on 3 June 2003, stated "Amnesty International is seriously concerned for the safety of indigenous and peasant farmer communities in Tame Municipality, department of Arauca, after over 800 community members were forcibly displaced in recent weeks. Two indigenous people, including a pregnant 16-year-old, have been killed and three indigenous men are thought to have "disappeared" in a wave of human rights violations committed by paramilitaries operating in collusion with the armed forces." [47c]

**6.23** An Amnesty International article - Fear for safety/possible "disappearances" of 3 June 2003 noted that " Amnesty International is concerned for the safety of Ronaldo Ramos Arboleda and José Joaquín Mosquera, two members of the Afro-Colombian peasant farmer communities in the Jiguamiandó River Basin, in Carmen del Darién municipality, Chocó department. They have not been seen since 30 May [2003], when they were reportedly abducted by army-backed paramilitaries." [47b]

**6.24** Another report by Amnesty International - Fear for safety/"disappearances" - 5 September 2003 stated that "In recent weeks army-backed paramilitaries in the city of Barrancabermeja, Santander department, reportedly issued a "death list" of 15 youths El Chico and Provivienda districts of the city, and forcibly abducted at least eight people. Their whereabouts are unknown. These threats and "disappearances" raise concerns for the safety of all inhabitants of these and other districts in Barrancabermeja. According to local sources, the paramilitary death list, targeting youths in the El Chico and Provivienda districts in northeast Barrancabermeja who are accused of links with guerrilla groups, began circulating in the area in August [2003]. There is no information on those named on the list. However, civilians living in Barrancabermeja have frequently been labeled subversive by the security forces and their paramilitary allies. In recent years paramilitaries have been able to operate unhindered in the city despite the fact that the city is heavily militarized and have committed serious human rights violations against civilians they accuse of being guerrilla collaborators." [47a]

## **Freedom of Speech and the Media**

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**6.25** The USSD Report 2003 noted that "The Constitution provides for freedom of speech and press and the Government generally respected these rights in practice. Individuals criticized the Government both publicly and in private, and the media expressed a wide spectrum of political viewpoints and often sharply criticized the Government, all without fear of Government reprisal. However, journalists regularly practiced self-censorship to avoid retaliation and harassment by criminals and members of illegal armed groups." [2](p32)

**6.26** According to the USSD Report 2003, "Several major newspapers and news magazines circulated nationally, and there were many influential regional publications. There were two major national radio networks and many national and regional television channels. The National Television Commission continued to oversee television programming, although it did not censor substantive content. Major international wire services, newspapers,

and television networks had a presence in the country and generally operated free of Government interference. The Government did not assert "national security" to suppress views that were merely politically embarrassing or objectionable on other grounds, although a ban on publication of evidence related to criminal investigations remained in effect." [2](p32)

**6.27** The CPJ Report - Attacks on the Press 2003 goes on to say that " Foreign correspondents have generally not been subjected to the kind of violence that regularly imperils Colombian journalists, but that changed in January [2003], when rebel fighters kidnapped two *Los Angeles Times* journalists. They were freed within days. Even though the abductions have not prevented correspondents from traveling to the country's most dangerous areas, some said they are taking greater precautions and talking to authorities before entering those regions. [48a](p3)

**6.28** A Report by the Committee to Protect Journalists (CPJ) - Attacks on the Press 2003 - Colombia - states that "Colombian journalists continued paying an extremely heavy price for practicing their profession amid a 40-year-old civil war pitting two major leftist guerrilla groups against the Colombian army and right-wing paramilitary forces. At least four journalists were killed in reprisal for their work in 2003, and CPJ continues to investigate the deaths of three others." ... " In 2003, Colombia was again featured on CPJ's list of the "World's Worst Places to Be a Journalist." [48a](p1)

## Journalists

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**6.29** According to the USSD Report 2003, "The security forces generally did not subject journalists to harassment, intimidation, or violence; however, there were exceptions, as well as reports of threats and violence against journalists by corrupt local officials. In March [2003], the Inter-American Press Association (IAPA) reported that members of the police and military had subjected journalists to arbitrary treatment in the departments of Antioquia, Arauca, and Cesar, as well as the city of Bogota. On April 7 [2003], hired paramilitaries murdered watchdog radio journalist Jose Emeterio Rivas, who had publicly accused Julio Cesar Ardila, mayor of Barrancabermeja, Santander department, of granting lucrative municipal contracts to paramilitaries on preferential terms. On July 16 [2003], prosecutors charged Ardila and three city councilmen with ordering the murder. On September 18 [2003], Ardila, who had been in hiding, surrendered to the authorities. On December 31 [2003], he was released for lack of evidence." [2](p33)

**6.30** The USSD Report 2003 noted that "During the year [2003], journalists were intimidated, threatened, kidnapped, and killed by members of illegal armed groups. According to information gathered by the International Federation of Journalists and the Colombia Foundation for Press Freedom, 7 media representatives were killed, 11 kidnapped, and at least 55 threatened with death during the year [2003]. Paramilitaries threatened, kidnapped, and murdered journalists." [2](p32-33)

**6.31** Amnesty International issued a Fear for safety/Death threats article on 28 November 2003 stated that " Amnesty International is seriously concerned for the safety of Adriana Cuéllar following death threats against her. Adriana



Cuéllar has been a journalist with the non-governmental human rights organization Corporación Colectivo de Abogados 'José Alvear Restrepo', 'José Alvear Restrepo' Lawyers' Collective since June [2003]. Between 2:13 and 2:22 pm on 24 November [2003], three messages were left on Adriana Cuéllar's answer phone at home. The messages contained threatening sentences such as: "big mouth son of a bitch..." "you are going to die", "we're going to sort you and your family out", ("hijueputa bocona..." , "te vas a morir", "nos las arreglaremos junto con su familia"). The following day on 25 November [2003], between 8:15 and 10:00 am, Adriana's home was robbed. Some valuables were stolen, and her personal documents searched. Earlier on 24 October [2003], Adriana Cuéllar, and a lawyer from the Colectivo, were filmed and photographed by unknown men who were near their office." [47d]

**6.32** A CPJ News Alert - Colombia: TV host attacked and tortured - dated 4 February 2004, stated "The Committee to Protect Journalists (CPJ) strongly condemns the recent violent attack against Colombian journalist and human rights activist Inés Peña, who was assaulted and tortured in the city of Barrancabermeja, Santander Department, last week. On January 28 [2004] at around 3 p.m., two armed men abducted the journalist while she was walking in downtown Barrancabermeja. Peña, 22, belongs to the youth chapter of the women rights' group Organización Femenina Popular, OFP (Women's Popular Organization) and hosts the "Cultura por la Vida" (Culture for Life) segment of "La Mohana" television show, broadcast by the privately owned Canal Enlace 10 from Barrancabermeja. According to CPJ sources, the assailants, who identified themselves as members of the paramilitary group United Self-Defense Forces of Colombia (AUC), pointed a gun at Peña and forced her into a car. They threatened Peña and physically abused her by shaving her hair and burning her feet with boiling water. The attackers told her to end her involvement with the television program. Yolanda Becerra, president of the Women's Popular Organization, told CPJ that in her weekly television segment, Peña speaks about young people who are affected by the Colombian civil war and constantly denounces human rights violations committed by armed groups. Becerra said the attack came in reprisal for Peña's journalistic work. She has been threatened in the past. The Barrancabermeja police have launched an investigation into the attack." [48c]

**6.33** CPJ in their News Alert 2004 - Colombia: TV journalist murdered - dated 5 February 2004 states that " The Committee to Protect Journalists (CPJ) is investigating the murder of Oscar Alberto Polanco Herrera, a television journalist who was shot dead yesterday, February 4 [2004], in the town of Cartago, Valle del Cauca Department, 125 miles (200 kilometers) southwest of the capital, Bogotá. Authorities said that Polanco Herrera, director of the local news program "CNC Noticias" on Cable Unión de Occidente, was shot three times by two unidentified men on motorcycles in his office parking lot at 1 p.m. Police Colonel Jairo Salcedo said authorities do not have information on the gunmen or the possible motives for the killing. Polanco, 37, broadcast a daily, hour-long local news program. According to Polanco's friend and colleague Luis Ángel Murcia, a month-and-a-half ago, Polanco changed the format of his show and began using it as a forum to irreverently criticize local officials. Murcia told CPJ that despite the new format, Polanco's program maintained a close relationship with the mayor's office, and that Polanco himself was a personal friend to many local politicians. "Cartago is an

intolerant city with a long history of drug-trafficking and hired killers." Murcia told CPJ. "Currently this has reduced significantly, but the intolerance makes it easy to create enemies, and most problems are resolved with bullets." [48b]

**6.34** According to the CPJ - Attacks on the Press Report 2003, " On November 6 [2003], Colombia's House of Representatives passed an antiterrorism bill that would allow the army to conduct searches, tap telephones, and intercept private correspondence without a warrant in cases involving individuals suspected of terrorist links. A controversial clause that would have banned the media from revealing the names of detainees during the first 72 hours of arrest was eliminated during the debate in the lower house of Congress. On December 11 [2003], the Senate passed the bill, which at year's end [2003] was awaiting approval by the nation's Constitutional Court." [48a](p3)

**6.35** CPJ - Attacks on Press Freedom 2003 also noted that "The difficulties journalists face while covering the civil war encouraged the local press freedom organization Fundación para la Libertad de Prensa (FLIP) to publish a security manual aimed at keeping journalists safe from attacks by the armed factions involved in the conflict. The manual includes a map showing areas where each armed group holds sway and details of the different subgroups of the armed organizations: the leftist Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), and the right-wing paramilitary United Self-Defense Forces of Colombia (AUC)." [48a](p3-4)

**6.36** According to the USSD Report 2003, " Although the media generally did not practice self-censorship out of fear of government reprisal, national and international NGOs reported that media representatives regularly practiced self-censorship because of threats of violence. At least 7 journalists went into voluntary exile during the year [2003], joining 13 who left the country in 2002." [2](p32)

**6.37** According to the USSD Report 2003, " The Government did not restrict academic freedom. However, paramilitary groups and guerrillas maintained a presence on many university campuses to generate political support for their respective causes and undermine support for their adversaries through both violent and nonviolent means. Paramilitaries, for example, threatened university professors and students they suspected of leftist sympathies. For example, in April [2003], paramilitaries clandestinely distributed flyers on the campus of Francisco de Paula Santander University, in Cucuta, Norte de Santander department, that announced a social cleansing campaign targeting guerrilla sympathizers at the school." [2](p34)

**6.38** The USSD Report 2003 noted that "Guerrillas used university campuses to plan, prepare, and carry out terrorist attacks. On March 4 [2003], for example, police discovered 80 homemade explosive devices and a supply of ANFO--an explosive mix of ammonium nitrate and fuel oil--hidden in the biology lab of Bogota's Pedagogic University. On March 11 [2003], two medical students from the National University in Bogota detonated incendiary devices on Bogota's principal public bus system; investigators found guerrilla propaganda and other evidence at the students' residence connecting them to illegal student organizations linked to FARC urban militias. On April 29 [2003], the Prosecutor General's Office arrested and charged a FARC recruiter with

coordinating the attacks and providing the students with explosives training." [2](p34)

**6.39** As noted in the USSD Report 2003, "Both paramilitaries and guerrillas regularly threatened and murdered public school teachers, especially at the high school level. According to the National Teacher's Union (FECODE), 33 teachers were murdered, 2 forcibly disappeared, and 91 displaced during the first 9 months of the year [2003]. Paramilitaries were responsible for most of these abuses." [2](p34)

**6.40** An article in the Associated Press dated 23 August 2003 reported that "Suspected rebels killed a journalist and wounded another after a vehicle in which the reporters were traveling failed to stop at a rebel roadblock in southern Colombia, officials said. The reporters were traveling Friday [22 August 2003] in a jeep from the village of Puerto Caicedo to the town of Puerto Asis in Putumayo state, the Rev. Jairo Oblando, a parish priest in Puerto Asis, told RCN radio. Rebels from the Revolutionary Armed Forces of Colombia, or FARC, shot at the vehicle when it failed to stop, killing 25-year-old Carlos Benavidez, he said." [31c]

**6.41** A press release by the International Press Institute - 2003 "one of the bloodiest years" for journalists - 10 March 2004, stated that "In the Americas, where 17 journalists were killed, Colombia, with nine deaths, remains the most consistently dangerous country in the world to practise journalism." [52]

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## Freedom of Religion

**6.42** According to the USSD International Religious Freedom report 2003 - issued 18 December 2003, "The Constitution provides for freedom of religion, and the Government generally respects this right in practice. There is no state religion; however, the Roman Catholic Church retains a de facto privileged status. There was no change in the status of respect for religious freedom during the period covered by this report [January 2003 to 18 December 2003]. Paramilitaries occasionally targeted representatives and members of religious organizations. The Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) regularly targeted religious leaders and practitioners, killing, kidnapping, extorting, and inhibiting free religious expression. Illegal armed groups generally targeted religious leaders and practitioners for political, rather than religious, reasons; guerrillas committed the vast majority of these abuses." [27](p1)

**6.43** The USSD International Religious Freedom Report 2003 also noted that "Relations between the various faiths generally are amicable, although some indigenous leaders reportedly were intolerant of nonsyncretistic forms of worship." [27](p1)

**6.44** According to the USSD Report 2003, "Both paramilitaries and guerrillas harassed, threatened, and sometimes killed religious leaders and activists, although generally for political, rather than religious, reasons. The Presidential Program for Human Rights reported that illegal armed groups made numerous threats against priests and other religious workers, killed 7 priests,

and kidnapped 3 others." [2](p36)

**6.45** As reported in the Associated Press on 21 November 2003, "A Catholic priest who was missing for a week was found shot to death Friday [21 November 2003], while the army captured a suspected rebel who it says coordinated the kidnapping of eight foreign backpackers two months ago. The Rev. Jose Rubin Rodriguez was the second priest slain by suspected rebels during the past three weeks in the state of Arauca, an oil-rich northeastern region where rebels, government forces and right-wing paramilitary troops battle for control. Gen. Eduardo Morales, the deputy commander of the army, said it was unclear why the priests were shot, although clergymen regularly anger rebels by speaking out against guerrilla violence." [30a]

**6.46** For more detailed information on Freedom of Religion see the 2003 International Religious Freedom Report -

<http://www.state.gov/g/drl/rls/irf/2003/24484pf.htm> - source [27]

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## **Freedom of Assembly & Association**

**6.47** According to the USSD Report 2003, "The Constitution provides for freedom of peaceful assembly, and the Government generally respected this right in practice. The authorities normally did not interfere with public meetings and demonstrations and granted the required permits except when there was imminent danger to public order." [2](p35)

**6.48** The USSD Report 2003 reported that "There were large demonstrations on many occasions by citizens throughout the country, some to repudiate terrorist activities, and others to protest Government budget cuts and social policies. The authorities generally did not interfere. For example, on August 12 [2003], more than 500,000 public employees throughout the country went on strike and held large marches in major cities to protest Government-proposed budget cuts and free trade policies. The protest was generally peaceful; however, isolated protestors in Bogota's Plaza Bolivar threw rocks at police, who responded with tear gas. Following the October [2003] elections, accusations of fraud, vote buying, and other irregularities in a handful of regional elections sparked protests in several departments. In Malambo, Atlantico department, police had to transport ballots in an armored vehicle to prevent protestors from burning them." [2](p35)

**6.49** According to the USSD Report 2003, "The Constitution provides for freedom of association. The Government generally respected this right in practice. Legal organizations are free to associate with international groups in their field. However, membership in proscribed organizations such as the FARC, ELN, and AUC is a crime. Freedom of association was limited in practice by threats and acts of violence committed by illegal armed groups against labor unions and NGOs ..." [2](p36)

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## **Employment Rights**

**6.50** The USSD Report 2003 notes "The Constitution protects workers' right to

organize. Workers in large firms and public services were the most successful in organizing, but they represented only a small percentage of the workforce. High unemployment, a large informal economic sector, traditional antiunion attitudes, and violence against trade union leaders made organizing unions difficult." [2](p54)

**6.51** According to the USSD Report 2003, "The Constitution provides for the right to collective bargaining. Consistent with the decline in union membership, however, the number of workers covered by collective bargaining agreements fell. According to the ENS (National Labor College), 176,774 workers were employed under collective bargaining agreements during 2002, compared to 409,918 during the period 1994-1995 ... Paramilitaries threatened--and sometimes killed--union members who refused to renounce collective bargaining agreements." [2](p54)

**6.52** According to the USSD Report 2003, "The Government sets a uniform minimum wage every January that serves as a benchmark for wage bargaining. The monthly minimum wage, set by tripartite negotiations among representatives of business, organized labor, and the Government, was about \$117 (332,000 pesos). Because the minimum wage is based on the Government's target inflation rate, the minimum wage has not kept up with real inflation. The national minimum wage did not provide a decent standard of living for a worker and family. The Ministry of Social Protection estimated 17 percent of all workers received salaries below the poverty line. An estimated 70 percent of all workers earned wages that were insufficient to cover the costs of the Government's estimated low-income family shopping basket." [2](p57)

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## **Trade Unions and the Right to Strike**

**6.53** The USSD Report 2003 states that "The Constitution provides for the right to strike, except for members of the armed forces, police, and persons executing "essential public services" as defined by law. Before staging a legal strike, public sector unions must negotiate directly with management and accept mediation if they cannot reach an agreement. The law prohibits the use of strikebreakers. Legislation that prohibits public employees from striking is still in effect, although it is often overlooked. By law, public employees must accept binding arbitration if mediation fails; however, in practice, public service unions decide by membership vote whether or not to seek arbitration." [2](p55)

**6.54** The USSD Report 2003 noted that " Various high profile strikes occurred during the year [2003]. For example, on January 16 [2003], the National Oil Workers Union (USO) called a 1-day strike to protest the arrest of former USO President Hernando Hernandez, who was accused of rebellion and subversion for alleged ties to the ELN." [2](p55)

**6.55** According to the USSD Report 2003, "Labor leaders nationwide continued to be targets of attacks by illegal armed groups. According to the ENS [National Labour College], 6 union members were kidnapped, 4 disappeared, 295 were threatened with death, 20 survived attempts on their lives, and 80 were killed in 2003. By comparison, 161 union members were

killed in 2002. In the case of over 82 percent of murders of trade union members, the ENS was unable to determine which illegal armed group was responsible. Based on available information, the ENS attributed 15 percent of these crimes to paramilitaries. The United Workers Central (CUT), the country's largest and most left-leaning labor federation, claimed that paramilitaries were responsible for 77 percent of the murders of trade union members through September [2003] and that paramilitaries were especially aggressive in targeting members of the CUT." [2](p52)

**6.56** The USSD Report 2003 noted that "To improve the security of particularly vulnerable union leaders, the Government increased resources devoted to the Ministry of Interior and Justice's protection program for trade union leaders. During the year [2003], the program secured 30 union headquarters and residences and provided protection to 1,424 union members and activists, some of whom owed it their lives." [2](p53)

**6.57** According to the USSD Report 2003, "Unions are free to join international confederations without government restrictions and did so in practice." [2](p54)

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### **Forced or Bonded Labour**

**6.58** According to the USSD Report 2003, "The Constitution forbids slavery and any form of forced or compulsory labor, and this protection generally was enforced by the Government and respected in practice in the formal sector. Paramilitaries and guerrillas practiced forced conscription ... There were some reports that guerrillas and paramilitaries used forced labor, including child labor, in areas outside full government control." [2](p55)

**6.59** According to the HRW Report - Essential Background - Overview of human rights issues in Colombia - January 2004 - reporting on child recruitment notes that "Many join up for food or physical protection, to escape domestic violence, or because of promises of money. A few are coerced to join at gunpoint, or join out of fear. Others are street children with nowhere to go. Children as young as thirteen, or even younger, are trained to use assault rifles, grenades, and mortars. [19](p2)

**6.60** According to the HRW report - "You'll Learn Not to Cry" - Child Combatants in Colombia published in September 2003, "Forcible recruitment in Colombia is the exception rather than the rule. It rarely takes the form of a military press-gang operation in which villagers are herded together at gunpoint. More subtle pressures are usually involved. Often inducement and persuasion are backed by thinly veiled threats. Both the FARC-EP and the UC-ELN are credibly reported to resort on occasion to force to gain new recruits. The practice is far less common in the paramilitary forces, probably because they pay their fighters a wage and can recruit more easily." The report goes on to say that "Even though our sample sizes are not statistically significant, it was striking that out of the twenty children from the UC-ELN we interviewed, six told us that they were recruited by force. This suggests that the UC-ELN may resort to this practice with greater frequency than the FARC-EP." [21](p42)

## People Trafficking

**6.61** According to the USSD Report 2003, "The law prohibits trafficking in persons; however it remained a problem. The Criminal Code provides for prison sentences of between 10 and 15 years and fines of up to 1,000 times the monthly minimum wage. These penalties, which are even more severe than those for rape, can be increased by up to one-third if there are aggravating circumstances, such as trafficking of children under the age of 14. Additional charges of illegal detention, violation of the right to work in dignified conditions, and violation of personal freedom also may be brought against traffickers. Police actively investigated trafficking offenses and some traffickers were prosecuted. However, limited resources hindered prosecutions." [2](p58)

**6.62** According to the USSD Report 2003, "A Government advisory committee composed of representatives of the Presidency, the Ministry of Foreign Affairs, the Ministry of Interior and Justice, the DAS, the Office of the Inspector General, the Office of the Prosecutor General, and Interpol met every 2 months to discuss trafficking in persons. The committee prepared information campaigns, promoted information exchange between government entities, created trafficking hot lines for victims, and encouraged closer cooperation between the Government and Interpol." [2](p58-59)

## Freedom of Movement

**6.63** According to the USSD Report 2003, "The Constitution provides for the right to travel domestically and abroad, and the Government generally respected this right in practice; however, there were exceptions. In areas where counterinsurgency operations were underway, police and military officials sometimes imposed curfews or required civilians to obtain safe-conduct passes. Paramilitaries and guerrillas continued to establish illegal checkpoints on rural highways, although a larger and more visible government security presence along major highways cut kidnappings at illegal checkpoints by 43 percent and led to a major increase in intercity vehicular traffic." [2](p37)

**6.64** According to the USSD Report 2003, "The Social Solidarity Network (RSS), the Government's displaced persons service agency, registered nearly 173,000 new displaced persons during the year [2003], a decrease of 46 percent from 2002. The Consultancy for Human Rights and Displacement (CODHES), a human rights NGO specializing in displacement issues ... estimated that 230,000 persons were displaced during the year [2003], a 49 percent decrease from CODHES's figures for 2002. Various explanations were advanced to explain the sharp decline in displacements. The Government pointed to a larger state security presence throughout the country and a decrease in paramilitary violence related to the Government's ongoing negotiations with the country's largest paramilitary organization. CODHES and other NGOs asserted that instead of displacing peasants, paramilitaries and guerrillas were now forcibly preventing displacements." [2](p37-38)



**6.65** According to the Global IDP Database - Profile of Internal Displacement, Colombia - Compilation of the information available in the Global IDP - Database of the Norwegian Refugee Council (as of 4 February 2004), "Decree No. 2002 of 11 Sept 2002 undermines freedom of movement (2003). Freedom of movement restricted due to illegal checkpoints set up by armed groups; Decree No.2002 declared unconstitutional by the Constitutional Court on 25 Nov 2002 seeks to limit freedom of movement and residence in 'consolidation and rehabilitation zones'; Military allowed to carry arrests and violate private life without warrant in 'rehabilitation and consolidation zones'; The Decree takes measures to demand 'determinate persons' to communicate all their displacements outside of the 'zone' which is in violation of the principle of necessity and proportionality; The non-authorization of displacement in the zone of 'consolidation and rehabilitation' grants judicial powers to administrative authorities which is against the fundamental principles of the right to impartial judgment, including under the state of 'exception'." [35](p110-111)

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### **Overview of Colombian IDP registration System**

**6.66** According to the above-mentioned Global IDP Database "A person is considered displaced in Colombia if they have been forced to migrate within the national territory, abandoning their residency or economic activities, because their life, physical well-being, security, or personal freedom has been reduced or directly threatened. This can occur as a result of the internal armed conflict, internal disturbances or tensions, generalized violence, large-scale human rights violations, infractions of international human rights, or other circumstances emulating from the aforementioned situations that could disrupt public order. [...] In order for a person to be considered displaced, they must declare themselves as such before the System for Registration of the Displaced Population (SUR)." (Colombia Journal, 23 June 2003)" [35](p140)

**6.67** According to the same Global IDP Database "It is estimated that 49 per cent of the IDPs are female and 43 per cent are younger than 18 years of age. The registration of IDPs has improved significantly over the last three years, although registration remains problematic and IDP statistics are generally unreliable. The registration process is considered slow and cumbersome and a large number of IDPs are never registered. Other IDPs do not want to be registered as they fear stigmatization, many IDPs lack confidence in the government assistance programmes. It has been said that many urban poor, who were not necessarily displaced by the conflict, register as IDPs to have access to relief. There is no structured system of de-registration." [35](p141 - 142)

**6.68** According to the USSD report 2003, "The Social Solidarity Network (RSS), the Government's displaced persons service agency, registered nearly 173,000 new displaced persons during the year [2003], a decrease of 46 per cent from 2002. The Consultancy for Human Rights and Displacement (CODHES), a human rights NGO specializing in displacement issues ... estimated that 230,000 persons were displaced during the year [2003], a 49 per cent decrease from CODHES's figures for 2002. Various explanations were advanced to explain the sharp decline in displacements. The Government pointed to a larger state security presence throughout the



country and a decrease in paramilitary violence related to the Government's ongoing negotiations with the country's largest paramilitary organization. CODHES and other NGOs asserted that instead of displacing peasants, paramilitaries and guerrillas were now forcibly preventing displacements." [2](p37 - 38)

**6.69** The USSD Report 2003 noted that " The FARC and ELN discouraged IDPs from registering with the Government through force, intimidation, and disinformation, and guerrilla agents sometimes masqueraded as IDPs to sow doubt and discontent among the displaced population. The vast majority of IDPs were rural peasants who were displaced to large cities such as Bogota. According to the UNHCHR, 25 percent of IDPs were indigenous or Afro-Colombian." [2](p38)

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### **Emigration and asylum**

**6.70** According to the USSD Report 2003, "The Constitution provides for the right to asylum under terms established by law in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulment and granted refugee status or asylum. The country has a tradition of providing asylum dating from the 1920s. The Government reserves the right to determine eligibility for asylum, based upon its own assessment of the nature of an applicant's claim. According to the U.S. Committee for Refugees, 217 recognized refugees resided in the country at the end of the year [2003]. Eighteen persons applied for asylum during the year [2003]; 12 were approved, 4 rejected, and 2 were under review, along with 11 applications still pending from 2002." [2](p39)

**6.71** According to the International Office on Migration (IOM) Press Briefing Notes - 3 February 2004 - Colombia - IOM Study on Remittances to Colombia - "Remittances sent by Colombians working and living abroad are on the rise; from US\$538 million in 1999 to US\$2.4 billion in 2002, as indicated by the IMF's Annual Statistics Report. This increase reflects the growth of migration from Colombia in the past few years. According to the Colombian Ministry of Foreign Affairs, 10% of the population, or four million Colombians, are now living outside the country." [56]

**6.72** According to a Report by the International Crisis Group - ICG Latin America Report N°4 - Colombia's Humanitarian Crisis, 9 July 2003 "The number of Colombians who have crossed into the neighbouring states has sharply increased over the last two years. It is estimated that 100,000 sought protection, temporary or on a more prolonged basis, from the armed conflict between 2000 and 2002. Only a fraction, however, requested or received the status of refugees or asylum seekers." [6](p14)

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## 6.B Human Rights - Specific Groups

### Introduction

**6.73** According to the USSD Report 2003, "The Constitution specifically prohibits discrimination based on race, sex, disability, language, or social status; however, in practice, many of these provisions were not enforced." [2](p46)

**6.74** According to the USSD Report 2003 in relation to the AUC, "They also conducted kidnappings for ransom and committed "social cleansing" killings of homosexuals and other supposedly "undesirable" elements." [2](p3)

### Ethnic groups

**6.75** According to the Global IDP Database - Profile of Internal Displacement, Colombia, Compilation of the information available in the Global IDP - Database of the Norwegian Refugee Council (as of 4 February 2004), "There are approximately 80 distinct ethnic groups among the country's more than 800,000 indigenous inhabitants. These groups are concentrated in the Andes mountains, Pacific Coast lowlands, the Guajira peninsula, and Amazonas department. According to the National Organization of Colombia's Indigenous (ONIC), 93 percent of indigenous people live in rural areas; 25 percent are on reservations, and approximately 115,000 indigenous people are without land." [35](p84)

**6.76** According to the CIA - The World Factbook - Colombia - updated 18 December 2003, Colombia's main ethnic groups are "mestizo 58%, white 20%, mulatto 14%, black 4%, mixed black-Amerindian 3%, [and] Amerindian 1%." [3](p3)

**6.77** According to the USSD report 2003, "There were 4 indigenous Senators, two of whom occupied seats reserved for indigenous persons, and two indigenous members of the House of Representatives. There were no indigenous cabinet members and no indigenous persons on any of the nation's high courts. There was 1 Afro-Colombian Senator and there were 3 Afro-Colombian members of the House of Representatives. There were no Afro-Colombian cabinet ministers and no Afro-Colombians on any of the nation's high courts." [2](p41)

**6.78** According to the Global IDP Database - Profile of Internal Displacement, Colombia, Compilation of the information available in the Global IDP - Database of the Norwegian Refugee Council (as of 4 February 2004), "Forced displacement leads to the erosion of cultural control of indigenous territories and territorial Fragmentation; Forced displacement undermines indigenous autonomy, governance and jurisdiction [sic]; Armed blockades have led to isolation with serious repercussion on health and nutritional status of indigenous people; Agriculture and ancestral systems of production are being disrupted and tend to disappear; Family units and community cohesion are undermined and disintegrate due to dislocation; Ethno-educative processes and transmission of indigenous know-how to younger generations are disrupted." [35](p149)

**6.79** According to the USSD Report 2003, "By law, the indigenous groups have perpetual rights to their ancestral lands. Traditional Indian authority boards operated approximately 545 reservations, as municipal entities, with officials selected according to indigenous traditions. However, approximately 200 indigenous communities had no legal title to lands they claimed, and illegal armed groups often violently contested indigenous land ownership." [2](p50)

**6.80** According to the USSD Report 2003, "The Ministry of Interior and Justice, through the Office of Indigenous Affairs, is responsible for protecting the territorial, cultural, and traditional rights of indigenous persons. Ministry representatives resided in all regions of the country and worked with other governmental human rights organizations and NGOs to promote indigenous interests and investigate violations of indigenous rights." [2](p50)

**6.81** According to the Global IDP Database - Profile of Internal Displacement, Colombia, Compilation of the information available in the Global IDP - Database of the Norwegian Refugee Council (as of 4 February 2004), "The problem of displacement particularly affected the Afro-Colombian and indigenous communities. Attention should be drawn to the massive displacement of 4,000 Afro-Colombians from the municipality of Pie de Pato (Chocó) on 4 June [2001] following threats by paramilitary groups. It is striking that these incidents occurred less than a month after these communities had been granted collective title to their ancestral lands by the Government in accordance with Act No. 70 of 1993. The Afro-Colombians of Alto Naya (Valle del Cauca and Cauca) were also particularly badly affected by displacement. Displacement is also a problem for the Embera Katio community (Córdoba), whose situation is already critical, as described above. In many of these cases the influence of vested economic interests in the region cannot be discounted." [35](p85)

**6.82** According to the USSD Report 2003, "The law permits indigenous communities to educate their children in traditional dialects and in the observance of cultural and religious customs. Indigenous men are not subject to the national military draft." [2](p50)

**6.83** According to a Latin America Press report dated 24 June 2003, "Colombia's non-indigenous campesinos have frequently been dragged into the their nation's 39-year civil war by opposite sides, pressuring them to collaborate or, truthfully or not, accusing them of aiding their enemies. Now, the Bari increasingly find themselves in the same situation." [The guerrillas] tell us 'You collaborate with the paramilitaries,'" said a woman who attended the recent meeting. "But we're not with either side." The Bari also fear being drawn into the conflict in other ways. FARC forces often cross Bari territories when fleeing into Venezuela from the AUC and Colombian military" ... "Bari leaders fear the day they are caught in the crossfire. The Baris also refer to attempts to forcibly recruit their children as fighters." [31b]

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## Women

**6.84** The Committee on Elimination of Discrimination Against Women [CEDAW] takes up report of Colombia in their Press Release WOM/1095 issued 3 February 1999 stated that "While Colombian women played an enormous role in the daily life of the country, stark differences between the lives of men and women existed, according to a videotape produced by Colombia's Office of the National Director of Equity for Women, shown as part of that country's presentation to the Committee on the Elimination of Discrimination against Women." [25](p1)

**6.85** In their press release WOM/1095 issued 3 February 1999 CEDAW stated that "The 23-member expert body, which monitors compliance with the Convention on the Elimination of All Forms of Discrimination against Women, heard that although Colombian women were essential to the country's development and had made significant strides over the last few years, they still faced discrimination. The large majority of them lived under fair or extremely poor conditions, and they headed some 36 per cent of internally displaced families. In addition, there had been a 13 per cent increase in domestic violence against women from 1996 to 1997. Yet, change was promised through the achievement of general equality and social reconstruction." [25](p1)

**6.86** According to the USSD Report 2003, " The law prohibits domestic violence, including spousal abuse; however, it remained a serious problem. The Institute for Legal Medicine and Forensic Science reported 22,271 cases of domestic violence against women during the year [2003], but noted that only a small percentage of cases of domestic violence against women were brought to its attention. The law provides legal recourse for victims of domestic violence. Judicial authorities may remove an abuser from the household and oblige him to seek therapy or reeducation. According to the Ministry of Justice and Interior, 1,290 persons were criminally charged for domestic violence during the year [2003]; 256 were convicted. The law stipulates that the Government must provide victims of domestic violence with immediate protection from physical or psychological abuse." [2](p46)

**6.87** The USSD Report 2003 noted that "Through it [its] "Make Peace" program, the Colombian Family Welfare Institute (ICBF) provided safe houses and counseling for victims; however, its services were dwarfed by the magnitude of the problem. In addition to fulfilling traditional family counseling functions, the ICBF's 531 family ombudsmen were assigned a total of 18,686 new domestic violence cases through September [2003]. The Human Rights Ombudsman's Office conducted regional training workshops to promote the application of domestic violence statutes." [2](p46 - 47)

**6.88** The USSD Report 2003 also noted that "There are no legal and few practical restrictions on the participation of women and minorities in politics. There were 5 women--including the Minister of Foreign Affairs--in the 13-member cabinet, 11 women in the 102-member Senate, and 18 women in the 166-member House of Representatives. There were 2 women on the 23-member Supreme Court, 2 women on the 13-member Supreme Council of the Judiciary (CSJ), and 1 woman on the 9-member Constitutional Court. On October 2 [2003], Clara Inez Vargas began a 10-month term as the

Constitutional Court's first female president. A quota law requires that women be placed in at least 30 percent of nominated government posts, and the government must report to Congress each year on the percentage of women in high-level government positions." [2](p41)

**6.89** According to the USSD Report 2003, "The law prohibits rape and other forms of sexual violence, including by a spouse; however, it remained a serious problem. The Institute for Legal Medicine and Forensic Science reported 8,666 cases of suspected sex crimes, including rape, but noted that, like cases of domestic violence, only a small percentage of such crimes came to its attention. The Penal Code provides for sentences of between 4 and 40 years for crimes against sexual freedom and human dignity, including rape, sex with a minor, sexual abuse, induction into prostitution, and child pornography. The maximum sentence for violent sexual assault is 15 years; the minimum sentence is 8. For acts of spousal sexual violence, the law mandates sentences of 6 months to 2 years and denies probation or bail to offenders who disobey restraining orders. The ICBF [Colombian Family Welfare Institute] provided support to victims of sexual violence." [2](p47)

**6.90** According to the USSD Report 2003, "Prostitution, which is legal in designated "tolerance zones", was widespread and remained a serious problem exacerbated by a poor economy and internal displacement. Sex tourism existed to a limited extent, especially in coastal cities such as Cartagena and Barranquilla, where marriage and dating services were often fronts for sexual tourism. Trafficking in women for sexual exploitation continued to be a problem." [2](p47)

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### **Women as Heads of Displaced Households**

**6.91** According to the Information Network of the Americas Report - "Forced displacement and women as heads of displaced households in Colombia", dated 23 June 2003, "Given the difference in risks and opportunities that exists between men and women, it is important to distinguish between genders as heads of households. Men and women face different types of violence, and statistics show that women are less frequently subject to specific violent attacks. The vulnerability of households headed by women is based in part on a past lack of access to education, training, and employment opportunities, as well as discrimination in the job market. In addition, socioeconomic and political structures exclude women from playing an active role in the functions of their own communities." [22](p4-5)

**6.92** The above-mentioned report also noted that "Women are heads of approximately one third of the world's households, and this number is continually rising. In many cases, women assume this role after their husbands have been disappeared, murdered or persecuted. In some instances, however, women take on the position of head of the family because they have adapted better to the socio-economic conditions of running a household. The often horrific circumstances that lead to their rise to head of the family forces women to face not just the psychological traumas of desertion and loss, but also responsibility for the economic and social maintenance of the family. This situation continues to affect the displaced

family in their area of resettlement, where poverty increases as the women try to adapt to their new surroundings without the help of a husband." [22](p4-5)

**6.93** According to the same Network of the Americas report "Forced displacement has been a part of the Colombian social dynamic for decades. Although intensity and location have varied, the prime motivation for displacement has always been political violence. The first extreme period of forced displacement occurred during the era of bipartisan violence in the 1950s. But that period of forced displacement does not compare with the magnitude of the current situation in which the civilian population finds itself caught in the crossfire between leftist guerrillas, right-wing paramilitaries, and the armed agents of the state." [22](p1)

**6.94** The same Network of the Americas report stated that "According to existing research for 2000, approximately 46 percent of displaced people come from homes consisting of a mother, father and children. Nearly 25 percent of displaced households in Colombia do not have the husband present, of which almost 70 percent have a female as head. There are also cases in which the household consists of relatives outside of the nuclear family, which make up 7.33 percent of all households, homes with relatives but no husband (13.8 percent), single-person homes (2.43 percent), and other types of households (0.93 percent)." [22](p5)

**6.95** The Information of the Americas report also noted that "The Social Solidarity Network has made an effort to increase awareness about the situation of women as heads of households. To this end, the Network listed the genders of heads of households in its 2002 System for Registration of the Displaced Population (SUR) registries, and made these available to the general public. According to this registry, 21,394 homes headed by females were displaced in 2000, and 28,744 in 2001. By December 15, 2002, 30,203 homes with female heads had been displaced during that year, which represents 35.7 percent of all displaced households during that period. Of all the displaced families headed by women in Colombia since 1995 (84,726 households), 94.9 percent fled their homes between 2000 and 2002, which illustrates the dramatically deteriorating situation that has confronted Colombian women in just the past three years." [22](p5)

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## Children

**6.96** According to the USSD Report 2003, "The Constitution imposes an obligation on the family, society, and the state to protect children, foster their development, and ensure their ability to fully exercise their rights; however, these obligations were not completely fulfilled. The Children's Code describes these rights and establishes the services and programs designed to enforce the protection of minors. The ICBF oversees all Government child protection and welfare programs and also funds nongovernmental programs that benefit children." [2](p48)

**6.97** The USSD Report 2003 also noted that "The Constitution stipulates that the state must provide a free public education for children between the ages of 6 and 15; however, the National Department of Statistics (DANE) estimated

that only 75 percent of children between 6 and 15 attended school. By law, a primary education is universal, compulsory, and free. The Government covered the basic costs of primary education, although many families faced additional expenses such as matriculation fees, books, school supplies and transportation costs that were often prohibitive, especially for the rural poor. The law requires the Government to provide medical care to children. However, medical facilities were not universally available, especially in rural areas." [2](p48)

**6.98** According to the UNICEF Country Information website, in March 2004, At A Glance: Colombia - The Big Picture "Coverage in basic education is 92 per cent. The average number of school years completed rose from three to 3.7 years for girls and from 3.1 to 3.8 years for boys, between the beginning of the 1990's and 2000. Girls have lower repetition and withdrawal rates than boys. Some 87 per cent of the children receiving urban primary education are promoted to the next grade, while in rural areas this rate is 78 per cent. Pre-school coverage is still very low, despite the increase from 31.6 per cent in 1993 to 46.8 per cent in 2000. Indigenous and Afro-Colombian children living in rural areas have much lower access to education." [39](p1-2)

**6.99** The USSD Report 2003 noted that "Child abuse was a serious problem. The National Institute for Legal Medicine and Forensic Sciences reported 7,844 cases of child abuse during the year [2003]. According to the Association Against Child Abuse, less than 5 percent of child abuse cases are reported to government authorities. Although final statistics were unavailable for the year [2003], the National Institute for Legal Medicine and Forensic Sciences estimated that of the 8,666 cases of suspected sex crimes reported to it, 70 to 80 percent involved the sexual abuse of children, the vast majority under [sic] [of] them under 14. The ICBF estimated that 25,000 children were victims of sexual exploitation, and provided assistance, both directly and through other specialized agencies, to over 14,400 of them during the year [2003]." [2](p48)

**6.100** According to a Human Rights Watch [HRW] Report - A Briefing for the 4<sup>th</sup> UN Security Council Open Debate on Children and Armed Conflict - Colombia dated 16 January 2004, "The government continued its "soldier for a day" program to expose children to the army through recreational activities and visits to military facilities. In some regions, the national army also reportedly used children to encourage members of their families to desert armed groups. For example, in Arauca army personnel allegedly gave children fake Colombian banknotes with a message on the back inviting people to abandon armed groups. On 19 May 2003, the Attorney General requested the withdrawal of the "soldier for a day" program in Arauca, claiming that it was a risk to children's lives." [33](p1)

**6.101** As noted in the USSD Report 2003, "According to UNICEF, an estimated 35,000 adolescents worked as prostitutes, in spite of legislation prohibiting sex with minors and the employment of minors for prostitution. The ICBF provided assistance to 6,200 of the country's estimated 30,000 street children. Children were also trafficked for sexual exploitation ..." [2](p48)

**6.102** According to the UNICEF Country Information website, in March 2004,



At A Glance: Colombia - The Big Picture "More than 1 million children have been displaced in the last 15 years. Some 197 land mine victims were reported in 2001, of which 54 were children. A large number of combatants in illegal armed groups are under 18 years old." [39](2)

**6.103** According to the USSD report 2003 "Many traffickers were honest about the sexual nature of the work they offered, but lied about working conditions, clientele, and compensation. Others disguised their intent by portraying themselves as modeling agents, offering marriage brokerage services, or operating lottery or bingo scams with free trips as prizes. Recruiters reportedly loitered outside high schools, shopping malls, and parks to lure adolescents into accepting phantom jobs abroad. Most traffickers were well-organized and linked to narcotics or other criminal organizations." [2](p59)

**6.104** According to the USSD Report 2003 "The National Committee for the Eradication of Child Labor conducted training on legislation and enforcement for approximately 600 public officials in 7 departments and created an information system on child labor to better measure and understand the problem. The Government, the major labor federations, and media representatives published articles, broadcasted documentaries, and launched other outreach programs to delegitimize child labor. UNICEF continued a program to encourage children to leave the workforce and return to school. An ILO pilot project removed nearly 3,000 child workers from dangerous jobs in low-tech, open-pit mines in the municipalities of Muzo and Sogamoso, Boyaca department, and Nemocon, Cundinamarca department." [2](p57)

**6.105** The HRW Report - A Briefing for the 4<sup>th</sup> UN Security Council Open Debate on Children and Armed Conflict dated 16 January 2004 noted that "Non-state armed groups and paramilitaries continued to recruit and use children, including children under the age of fifteen, in different regions of Colombia such as Alto Naya and Tierradentro. According to a report published in September [2003] by Human Rights Watch, more than 11,000 children were fighting in irregular armies, including paramilitaries and urban militias. Children interviewed by Human Rights Watch said they joined when they were 14 or younger. Both girls and boys said they received military training at around age 13 and that participation in combat came soon afterwards." [33](p1)

**6.106** According to the UNICEF Country Information website, in March 2004, At A Glance: Colombia - The Big Picture "It is estimated that 6,000 to 7,000 children have been recruited by illegal armed groups. Government actions regarding released children are taken by the Colombian Institute for Family Welfare. UNICEF has been working for the release of children from all illegal groups through the church and other grassroots organizations and is supporting social reintegration of released children. Over 600 children have been released during the last three years. UNICEF is also promoting an integrated preventive approach focussing on two actions that should significantly reduce child recruitment: improving education quality and addressing the economic situation of families with children aged seven to 16." [39](p3)

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## Child Recruitment and Deployment



**6.107** According to a Human Rights Watch Report - A Briefing for the 4<sup>th</sup> UN Security Council Open Debate on Children and Armed Conflict dated 16 January 2004 "There were no indications of government forces recruiting under-18s as soldiers. However, reports emerged of children being used for intelligence work or as informants, sometimes in exchange for cash or gifts. On 19 May 2003 it was reported that members of the Colombian army offered 15,000 Colombian pesos to an 11-year-old boy for information about the Humanitarian Area "Esperanza de Dios", department of Chocó." [33](p1)

**6.108** According to a Human Rights Watch Report - "You'll Learn Not to Cry" - Child Combatants in Colombia - dated September 2003, "The AUC's spectacular growth is in part due to the recruitment of children tempted by AUC salaries, ranging between 900,000 and 1,200,000 pesos (approximately US \$366 to \$488) every three months, the frequency many children reported to Human Rights Watch that they were paid. Some AUC affiliates have held aggressive recruiting drives that include forcible enlistment. In May 2000, for example, the Southern Casanare Peasant Self-Defense Group was reported to have distributed leaflets calling up young people for "compulsory military service." In October 2000, paramilitaries belonging to this group abducted several youths in Puerto Gaitán, Meta, for military training. The same group has been alleged responsible for abducting young women for sexual purposes." [21](p27)

**6.109** The HRW Report - A Briefing for the 4<sup>th</sup> UN Security Council Open Debate on Children and Armed Conflict dated 16 January 2004 also noted that "Regulations of the *Fuerzas Armadas Revolucionarias de Colombia*, the Revolutionary Armed Forces of Colombia (FARC) stipulated that fifteen was the minimum age for recruitment but this standard was not respected. FARC members reportedly pressured indigenous people to become involved in the armed conflict and media reports in May [2003] and June [2003] indicated that the FARC had recruited adolescents from native Amazonian tribes in Brazil. According to the Colombian authorities a 10-year-old boy used by the FARC to deliver a bomb was killed on 17 April 2003 after the bicycle he rode up to a military checkpoint exploded. Female recruits in the FARC, who reportedly made up one third of their forces, were subjected to sexual harassment and forced to use birth control or have abortions if they became pregnant. In June 2003 a pregnant girl abandoned the FARC and, according to military sources, declared that she had been victim of sexual abuse." [33](p1)

**6.110** According to a Human Rights Watch Report - "You'll Learn Not to Cry" - Child Combatants in Colombia - dated September 2003, "The FARC-EP is Latin America's oldest guerrilla group. According to the U.S. State Department, FARC-EP guerrillas now count over 16,500 trained and armed fighters among their fighting force. That number is more than double the 1998 estimates of the group's size. Not included in this figure are the FARC-EP urban militias: known as Bolivarian militias (*milicias bolivarianos*) and popular militias (*milicias populares*). The Bolivarians alternate between civilian and military attire and receive military training. Members of popular militias dress in civilian clothes, often live at home, and engage in civilian activities even as they gather intelligence, sabotage, assassinate, kidnap, collect "taxes," obtain supplies, and recruit. They do not normally receive military training, and are usually provided with handguns rather than combat weapons. Together, the

FARC-EP's militias are believed to number about 10,000, bringing its total force to around 26,500." [21](p23)

**6.111** The HRW Report - A Briefing for the 4<sup>th</sup> UN Security Council Open Debate on Children and Armed Conflict Colombia dated 16 January 2004 also noted that "The *Ejército Nacional de Liberación*, National Liberation Army (ELN), also recruited children including in violation of their own internal regulations which put fifteen as the minimum recruitment age. Reports indicate that some indigenous families fled their homes to avoid recruitment by the ELN." [33](p2)

**6.112** According to a Human Rights Watch Report - "You'll Learn Not to Cry" - Child Combatants in Colombia - dated September 2003, "It is difficult to know precisely how many children the UC-ELN has in its ranks, since the number of children who have abandoned it or been captured is smaller than in the FARC-EP. Children's accounts suggest that some units are made up predominately of children whereas in other units the number of children is low. Overall, however, we estimate that at least one-third, or over 1,480, of the UC-ELN's fighters are children. This figure includes children from the UC-ELN's urban militias." [21](p25)

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### **Girls within the Irregular Armed Groups**

**6.113** According to a Human Rights Watch Report - "You'll Learn Not to Cry" - Child Combatants in Colombia - dated September 2003, "Girls are spared none of the hardships of guerrilla or paramilitary life. Their role is the same as that of boys: to fight and to kill. Like their male counterparts, they are taught to handle weapons, to collect intelligence, and to take part in military operations. Like all combatants, they frequently end up getting injured or killed." [21](p55)

**6.114** According to a Human Rights Watch Report - "You'll Learn Not to Cry" - Child Combatants in Colombia - dated September 2003, "Girls in the guerrilla forces have little chance of choosing to have children. Even guerrillas as young as twelve are required to use contraception, often by having an intrauterine device (IUD) inserted by guerrilla nurses. FARC-EP girls, moreover, are almost invariably made to have abortions if they get pregnant. While the UC-ELN seems more willing to tolerate pregnancies, it is clear that the possibility is, at the very least, strongly discouraged." (21)[p58]

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### **Child Employment**

**6.115** According to the USSD Report 2003, "The Constitution prohibits the employment of children under 14 in most occupations, and the Labor Code prohibits the granting of work permits to children under 18; however, child labor remained a significant problem, particularly in the informal sector. According to the National Department of Statistics (DANE), nearly 15 percent of children were employed. A National Committee for the Eradication of Child Labor, which included officials from the Ministries of Social Protection, Education, and Communications, as well as representatives of unions, employer associations, and NGOs, implemented the Government's Action

Plan to Eradicate Child Labor. The Action Plan includes specific goals and strategies to protect children by updating information on child labor, strengthening the education system, and actively searching for child workers and removing them from the workplace." [2](p56)

**6.116** Also reflected in the USSD Report 2003 is that "The 1989 decree that established the Minors Code prohibits the employment of children under 12. It also requires exceptional conditions and the express authorization of the Labor Ministry to employ children between 12 and 17. Children under 14 are prohibited from working, with the exception that those ages 12 and 13 may perform light work with the permission of their parents and appropriate labor authorities. Children ages 12 and 13 may work a maximum of 4 hours a day, children ages 14 and 15 a maximum of 6 hours a day, and children ages 16 and 17 a maximum of 8 hours a day. All child workers are prohibited from working at night or performing work where there is a risk of bodily harm or exposure to excessive heat, cold, or noise. Children are prohibited from working in a number of specific occupations, including mining and construction; however, these requirements largely were ignored in practice, and only 5 percent of working children possessed the required work permits." [2](p56)

**6.117** The USSD Report 2003, noted that "Although there were no reports of forced child labor in the formal economy, several thousand children were forced to serve as paramilitary or guerrilla combatants ..., prostitutes ..., or coca pickers." [2](p56-57)

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## Child Care Arrangements

**6.118** According to their website [ [www.icbf.gov.co/espanol/default.asp](http://www.icbf.gov.co/espanol/default.asp) ] "The Colombian Institute of Family Welfare -ICBF is a public establishment, with legal representation, administrative autonomy and autonomous resources, affiliated to the Ministry of Health. The ICBF main objective is to promote and to strengthen the integration and harmonious development of the family, to protect the children and to guarantee their rights. The ICBF is led and managed by a Board of Directors and a General Director who heads, organizes and carries out the welfare service. The decentralized ICBF structure is made up of the National Headquarters, 28 Regional Offices, 5 additional Department (State) Agencies, and 199 Zonal Centers at city levels." [34c]

**6.119** The ICBF website contains information on The Welfare Programs and Services Coordinated by the ICBF, which includes "Children's Homes". [34b]

**6.120** See <http://www.icbf.gov.co/espanol/default.asp> for more information on child care facilities. [34a]

## Homosexuals

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**6.121** According to the International Lesbian and Gay Association (ILGA) World Legal Survey - Colombia - dated 31 July 2000, "Consensual homosexual activity was decriminalised in 1980 with amendments to the Criminal Code, and there is a single age of consent (14 years). The new Constitution enacted

in 1991 prohibits the death penalty, forced disappearances, torture, and cruel, inhuman, and degrading treatment, and "guarantees" equal protection of the law, the right to "personal and family intimacy", rights to free expression, assembly and association, and the right to "the free development of one's personality." [24](p2)

**6.122** According to the ILGA the age of consent for heterosexual, same-sex male and same-sex female relationships is 14 years of age. [24]

**6.123** Speaking about unlawful and political killings by the AUC, The USSD Report 2003, noted that "They also conducted kidnappings for ransom and committed "social cleansing" killings of homosexuals and other supposedly "undesirable" elements." [2](p3)

**6.124** According to an article in the Associated Press, on 10 September 1998, "Schoolteacher homosexuality no longer grounds for dismissal" published on 10 September 1998 "Schoolteachers cannot be fired for revealing they are gay, Colombia's highest court has ruled. In a 5-4 vote Wednesday [9 September 1998], the Constitutional Court overturned as discriminatory a 1979 law which made a teacher's homosexuality grounds for dismissal. "Homosexuality is not contagious," said German Humberto Rincon, the lawyer who brought the suit before the court. No teachers had been fired under the 1979 law, but the court action was important to prevent that from happening, Rincon said. The decision applied to teachers from grade school through university—about 250,000 public school teachers in all. There are no reliable estimates of the homosexual population in this conservative and heavily Catholic nation, where homosexuality is generally kept hidden. Last week, a lesbian teacher wore a mask when testifying at hearings on the issue." [24](p5)

**6.125** According to an ILGA Press Release on 3 November 1999, "The 26<sup>th</sup> Branch of the Civilian Court of Bogota has just ruled that, within the next 24 hours, the main Social Security Institute must pay for the required medical attention of the same sex partner of a man already receiving Social Security disability benefits, and also provide medicines to continue his treatment ... The two Colombian men have been in a same sex relationship for the past five years. Both are living with HIV/AIDS and currently receive the so-called "Cocktail" or anti-retroviral HIV treatment. [23]

**6.126** Reporting on the Same Sex Partnership Bill, the Gay Australia website [www.gayaustralia.com.au/modules](http://www.gayaustralia.com.au/modules) dated 26/08/03 noted that "Conservative and religious forces victorious in pushing bill off the senate floor despite backing from three former Colombian presidents. A majority block of conservative senators and supporters of the Alvaro Uribe government voted tonight to block further debate and a vote on legislation that would have recognized same-sex partnerships in Colombia and extended certain rights afforded to married couples to same-sex couples including access to job benefits, insurance, pensions, social security, alimony and inheritance rights. Senator Piedad Cordoba, the lead sponsor of the bill vowed tonight to re-introduce the legislation in a future legislative session, for what would be a fourth time. This was the first time that the legislation had reached the senate floor. "God has not asked for inequality," senator Cordoba told El Tiempo tonight." [57]

## 6.C Human Rights - Other Issues

### Preview of Crime Figures

**6.127** The Colombian Government news agency published figures on kidnapping and crime. In September 2003 figures showed that for kidnapping, from January 2003 to August 2003, there was an overall reduction of 32 percent, compared with the same period in 2002. The biggest reduction in kidnapping came in August 2003, when it was down by 75 percent - 179 fewer cases than in August 2002 - with another 183 kidnapping cases being prevented. In 2003, up until September, state agencies managed to rescue 305 victims. Highway robbery was reduced by 8 percent, from 1,036 to 955 cases. Car thefts dropped 23 percent - 2,882 fewer cases and bank robberies decreased by 33 percent from 180 to 120 cases. [36]

**6.128** On 12 December 2003, the Director of the National Fund for Personal Freedom (Fondelibertad) announced that kidnappings for ransom were down 23 percent during 2003. There were 1,511 cases in 2002, and there were 1,160 in 2003. [50a]

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### Guerrilla & Paramilitary Activities and the Humanitarian situation

**6.129** According to a report in the Latin American Press - "Conflict Colombia" dated May 2002, "A Search for Peace", Section 2, "Colombia is characterised by some of the highest levels of social and political violence in the world. Since the 1960's, rebel groups have been battling the state in what they claim is a war to implement social, economic and political reforms. Today, the two largest guerrilla movements are the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). In recent years a right-wing paramilitary group, the United Self-Defence Forces of Colombia (AUC) has challenged the guerrilla's influence, defending the interests of large landholders and powerful economic groups and competing for territorial control." [7](p3)

**6.130** According to Section 1 of the Latin American Press report "The M-19, the Quintín Lame Guerrilla Movement and other, smaller groups joined the Simon Bolivar Guerrilla Co-ordinating Group (CGSB), which transcended the country's borders to include the armed Tupac Amaru Revolutionary Movement (MRTA) group in Peru and incipient movements in Ecuador (Alfaro Vive Carajo and the Montoneras Patria Libre). The CGSB's principles included national, anti-imperialist armed struggle, continuity of liberal thinking dating from the early 20<sup>th</sup> century, and Simón Bolívar's vision of a single South American nation with economic and political independence from the world's major powers, especially the United States. It also favored shared power and rejected unilateral leadership by a single social group." [7](p16)

**6.131** According to Section 1 of the May 2002 Latin American Press Report "Context of Violence in Colombia", Section 1, "In 1994, the FARC, which had developed greater military capacity, decided to pull out of the CGSB and

pursue its own political goals. In the following years, each of the guerrilla movements went its own way, although they continued to espouse the same objective: taking power and building a socialist society." [17](p16) ... "But while the guerrilla groups have not taken up arms against each other in recent years, the CGSB has grown politically fragmented since 1994." [7](p17)

**6.132** According to Section 4 of the May 2002 Latin American Press Report "Effects of the Violence and Anti-drug Policy" Section 4, "Many of the most dramatic human rights violations in Colombia involve massacres, forced disappearances and displacement of people who must flee their homes because of threats or violence." [7](p6)

**6.133** According to a Report by the International Crisis Group - ICG Latin America Report N°4 - Colombia's Humanitarian Crisis dated 9 July 2003 "Of Colombia's 32 departments, 30 are affected by landmines, an estimated 100,000 of which have been laid by the insurgents and the paramilitaries, indiscriminately maiming and killing soldiers and civilians alike. The numbers of missing persons and, despite a reduction in massacres, conflict-related killings are on the rise. Under-age youth are forced to join the irregular armed groups. Minorities, such as Afro and indigenous Colombians, are particularly vulnerable to pressure and violence. They live in rural regions rich in natural resources from which the state historically has been absent and where the paramilitaries and insurgents fiercely fight for control." [6](p1)

**6.134** According to the above-mentioned ICG Report "The Government of Alvaro Uribe is concentrating on internal security, political reform, economic revival and the fight against poverty and unemployment. The most significant departure, by far, from past administrations has been the single-minded determination to expand security by increasing the military and police. The Plan for National Development 2003-2006, which was submitted to Parliament in February 2003, and has since been approved, contemplates a broad spectrum of measures to be implemented in the areas of increasing the military and police. Although humanitarian emergency programs and social policies do not figure among its priorities, they are not left out, which reflects the Government's awareness of their importance." [6](p2)

**6.135** The Amnesty International Report on Colombia covering events January 2002 to December 2002 stated that "Paramilitary groups continued to spread and consolidate their presence throughout the country particularly in areas of heavy military presence. Paramilitaries operation in collusion with the security forces were responsible for the vast number of "disappearances" and killings of civilians." [16](p3)

**6.136** According to a Report by the International Crisis Group - ICG Latin America Report N°4 - COLOMBIA'S HUMANITARIAN CRISIS, 9 July 2003 "The Catholic Church, through the Pastoral Social, and the Colombian Red Cross are the most important non-governmental humanitarian actors in Colombia." [6](p19) According to a report in the Latin American Press - "Conflict Colombia" dated May 2002, Section 2, "The Catholic Church in Colombia has made peace, justice and defence of life its pastoral priorities, and the country's bishops have offered various proposals for a negotiated solution to the decades-old armed conflict. The Conference of Bishops has helped bring together

opposing parties, keeping open the possibility of dialogue, despite the fragility of the process and the unwillingness of the groups involved to give ground in the search for a peaceful solution." [7](p17) "Their defense of human rights places priests, religious and lay pastoral workers at risk." [7](p18)

**6.137** According to Section 2 of the same May 2002 report in the Latin American Press "Archbishop Alberto Giraldo, president of the Colombian Conference of Bishops, Apostolic Nuncio Bishop Beniamino Stella and Bishop Francisco Javier Múnera Correa, apostolic vicar of San Vicente de Caguán and Puerto Leguizamo, were also instrumental in efforts in January 2002 to salvage the peace talks between the government and the FARC. The talks finally broke down altogether a month later." [7](p18)

**6.138** According to Section 2 of the same May 2002 report in the Latin American Press "The Diocese of Quibdó has taken a strong stand on the armed conflict, speaking out against the violence, naming those responsible for atrocities and demanding that the rights, especially territorial rights, of indigenous and Afro-Colombian communities be respected. One priest and two lay church workers have paid for those convictions with their lives." [7](p18-19)

**6.139** According to Section 4 of the May 2002 report in the Latin American Press "Massacres of civilians have become a common strategy for Colombia's armed groups, especially the paramilitary United Self-Defense Forces of Colombia (AUC). The OHCHR blamed paramilitaries for 89 massacres in 2001 in which 527 people were killed. In an attempt to clean up its image, the AUC had cut back on massacres as a tactic, but the number rose again after the U.S. government included the group on its list of foreign terrorist groups in early September 2001. In the next two months, there were six massacres with a total of 78 victims." [7](p6)

**6.140** According to Section 4 of the same May 2002 report in the Latin American Press "According to the Colombian Commission Jurists, there were 161 massacres (the killing of three or more people at the same time and place) in the first nine months of 2001. Most were committed by right-wing paramilitaries. The average number of people killed in political violence increased from 20 a day in 2000 to 38 a day in 2001, according to the Center for Research and Popular Education (CINEP), a Jesuit think tank in Bogotá." [7](p3)

**6.141** According to Section 4 of the same report dated May 2002 in the Latin American Press "While a few government agencies, including the human rights unit of the national Prosecutor's Office, the Interior Ministry and the National Police, have set up protection programs that include protective equipment and sometimes bodyguards for people who have been threatened, critics say these often do not provide adequate protection and that government forces are slow to respond to threats. "To an outsider, government agencies and programs seem more than sufficient to ensure respect for human rights, but this isn't really the case, because some of the functionaries themselves are implicated in human rights violations, including extrajudicial executions," said Luis Guillermo Pérez, a lawyer with the José Alvear Restrepo Lawyers Collective, a Bogotá-based human rights organization. Because he has brought court cases against high-level officials,



military officers and paramilitaries accused of involvement in human rights violations, Pérez's name appears on lists of people sentenced to death by paramilitaries." [7](p4)

**6.142** An article in the BBC news dated 17 June 2003 states that "More than 10,000 peasants have joined the Colombian army as part of the government's drive to intensify its campaign against rebel groups. The new recruits will patrol remote areas of the country to reinforce security and public order. The scheme is part of a "soldiers for my town" programme launched by the government at the end of last year [2002]. It has attracted criticism from human rights groups, who say the peasants might commit abuses and become targets for the guerrillas." [29c]

**6.143** A BBC News article dated 20 June 2003 noted that "President Alvaro Uribe has unveiled plans to end almost 40 years of civil war in Colombia - including measures to combat the drugs trade, which fuels the conflict. President Uribe's long-awaited policy for defence and democratic security sets out to tackle left-wing guerrillas and right-wing paramilitaries that between them dominate about 40% of the country. "We want to end the war, not just diminish its intensity. We are going to achieve this by striking terrorist organisations on the military, economic and judicial field," said Defence Minister [now ex] Marta Lucia Ramirez on Sunday [29 June 2003], who was in the village of Orito in one of Colombia's most violent areas." [29d]

**6.144** An article in the Latin American Press dated 15 August 2003 reported that "Since hard-line President Alvaro Uribe came to power a year ago [2002] on promises to bring law and order to Colombia (LP, June, 2002), 1,650 illegal fighters have deserted - almost twice the number who did so in 1999, 2000, and 2001 combined. The flood of desertions is partly the result of the hammering illegal armed groups are taking from the country's US-backed military, which has grown stronger than ever in recent months through the addition of new soldiers. But it's also the product of an aggressive government-financed program designed to encourage combatants to surrender on promises that they'll receive fair treatment and help from the state to build new lives." [31d]

**6.145** The article in the Latin American Press dated 15 August 2003 also noted that "Persuading combatants to desert is not new in Colombia, but Uribe has made it a key strategy in his bid to tame the violence. Hopes that the president was making progress toward that goal soared in July [2003] when the government secured pledges from several paramilitary warlords to disarm. If the agreement holds, thousands of fighters from the United Self-Defense Forces of Colombia (AUC) will be removed from the conflict by 2005"... "While officials claim they're targeting both sides, more than 80 percent of those who have surrendered since Uribe took office in August 2002 were members of the two main rebel groups, the Revolutionary Armed Forces of Colombia (FARC) and the smaller ELN, according to the Defense Ministry." [28e]

**6.146** According to an article on Caracol Colombia web site dated 30 August 2003, "The surrender of a member of the FARC [Revolutionary Armed Forces of Colombia] armed group to a military unit in Magdalena Department brings the number of demobilized individuals that have joined the Alvaro Uribe Velez government's reinsertion programme to 2,000. Defence Minister Martha Licia Ramirez [ex-minister resigned in November 2003] said that over the course of

the current government 1,207 members of the illegal armed group, FARC, 377 from the ELN [National Liberation Army], 321 from Self-Defence Groups and 95 from other dissident organizations have turned themselves in." [28a]

**6.147** According to the US Government List of Foreign Terrorist Organizations updated August 2002, The AUC, FARC and ELN are on the United States' list of terrorist organisations. [26] A Reuters news article dated 5 April 2004 reported that the "European Union [EU] has put the Colombian Marxist rebel group ELN (National Liberation Army) on its blacklist of outlawed organisations" ... "The left-wing group FARC (Revolutionary Armed Forces of Colombia) and right-wing United Self-Defense Forces of Colombia) are already on the EU list." [46c]

**6.148** As reported in the Associated Press on 11 December 2003, "Colombia's Senate approved a divisive anti-terrorism bill Thursday [11 December 2003] giving the military sweeping powers to search homes, detain suspects without warrants and tap phones. The legislation, criticized by human rights groups, is part of President Alvaro Uribe's strategy to defeat a four-decade leftist insurgency and restore authority in the country's lawless provinces." [30d]

**6.149** According to the USSD Report 2003, "Guerrillas were responsible for a large percentage of civilian deaths related to the internal conflict. Combat between guerrillas and state security forces caused hundreds of civilian casualties... According to the Ministry of Defense, as of September 30 [2003], guerrillas, particularly the FARC, and to a lesser extent, the ELN, committed nearly 650 terrorist bombings. On February 7 [2003], for example, a FARC operative detonated a car bomb in the parking garage of Bogota's exclusive El Nogal social club, killing 35 civilians, including 6 children, and injuring 173 others." [2](p30)

**6.150** The USSD Report 2003 noted that "On February 15 [2003], the FARC detonated a large cache of explosives during a police raid on a house in Neiva, Huila department that killed 17 persons and injured 37 others. The home was located near the city airport's main runway, and officials believed the explosives were intended for use in an assassination attempt against the President, who arrived by air the following day. On March 5 [2003], the ELN detonated a car bomb in a crowded shopping district in Cucuta, Norte de Santander department, that killed 7 persons and injured 60 others. In January [2003], the FARC forced civilians to drive four cars loaded with explosives into military targets in Arauca department. The terrorists detonated the explosives by remote control, thereby killing the unwitting drivers. Guerrillas also detonated bombs attached to motorcycles, bicycles, animals, and human cadavers." [2](p30)

**6.151** According to the USSD Report 2003, "Although there continued to be incidents of collaboration between members of the security forces and paramilitaries, the military substantially increased its offensive actions against paramilitary groups. According to the Ministry of Defense, members of the security forces captured 3,166 during the year [2003], a 133 percent increase from 2002. They also killed 346 paramilitaries in combat over the year compared to 187 in 2002. Paramilitaries lost significantly more combatants per confrontation with the security forces than did the FARC or ELN." [2](p27-28)

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## Hostages for Prisoners negotiation

**6.152** According to the International Crisis Group [ICG] - Latin America Briefing - Hostages for Prisoners: A way to peace in Colombia?, dated 8 March 2004, "In February 2004, the Revolutionary Armed Forces of Colombia (FARC), the major insurgent group, announced creation of a three-member negotiation commission and a "diplomatic offensive" aimed at obtaining the release of hundreds of its imprisoned members in exchange for about 60 military and political hostages it holds. This has raised hope among the relatives of hostages and kidnap victims that a "humanitarian exchange" could happen in the not too distant future." [8](p1)

**6.153** The above-mentioned ICG Report - Hostages for Prisoners - dated 8 March 2004, states that "According to official figures, there were 2,200 kidnap victims in 2003, compared to 1,039 in 1996. The number has decreased slightly every year since the peak of 3,706 in 2000. During 2003, 915 victims were liberated, 575 are still held, 399 have been rescued, 203 were abandoned by the kidnapers when state security forces were about to attempt rescues, 71 died in captivity and 37 escaped. Additional hostages, believed to number in the hundreds, are held from previous years. Figures for kidnaps tend to be easily accessible whereas those for releases or victims remaining in captivity are more difficult since families do not easily admit to the government or NGOs that they have paid ransom. In 2003, extortive abductions were 67 per cent of all cases, abductions of members of the armed forces or police 1 per cent, and political abductions less than 3 per cent. Foreigners were 1.32 per cent of victims in 2003, a number that has declined considerably over the past six years. However, they bring disproportionately large financial gains to the insurgents. Even though international companies have allegedly adopted a "no pay" policy, a recent report suggests they have generally broken their own rule." [8](p2)

**6.154** The above-mentioned ICG report - Hostages for Prisoners - dated 8 March 2004 also notes that "The Pastrana administration signed the first "humanitarian exchange accord" with the FARC on 2 June 2001 in San Vicente del Caguan, the first written document mentioning international humanitarian law (IHL) -- as protecting the ill and injured -- in the context of such a swap. Fifteen FARC members were exchanged for 42 soldiers and policemen. Ill health was the justification for the releases, and the document clearly stipulated that for this reason, the liberated FARC members would not go back to fighting. The ICRC played an important logistical role. The FARC released another 242 individuals on 28 June 2001 in Macarena (Meta), a zone cleared of government troops for the period of the exchange." [8](p3)

**6.155** The ICG report - Hostages for Prisoners dated 8 March 2004 states that "The FARC has taken the initiative on a hostages/prisoners swap. In February 2004, it announced a "diplomatic offensive" and published a statement through *Noticia Uno* appointing Simon Trinidad its representative and asking the government to appoint an interlocutor. The insurgents replaced Trinidad when he himself was arrested with Fabian Ramirez, Carlos Antonio Lozada and Felipe Rincon. The FARC's demands are direct negotiations about a swap with the government and demilitarisation of the southern departments of Putumayo and Caqueta. It seeks 300 or more of its people in prison. Its list of

persons whom it could be willing to exchange (*intercambiables*) includes twenty politicians, 35 soldiers, and three Americans. It has not referred to the many more civilian abduction victims it holds." [8](p4)

**6.156** An article in the BBC Monitoring dated 13 March 2004, reported that FARC spokesman Reyes said that the FARC were willing and open to the proposal of a prisoner exchange. An agreement could be signed as soon as the government adopts the same objective. Reyes commented that currently the FARC had no party with whom they could talk to regarding such an agreement. He warned that should the war or the refusal to reach an agreement continue, it would be difficult to honour FARC's proposal to release the hostages quickly. [53]

**6.157** The BBC Monitoring article dated 13 March goes on to say that "Interior Minister Sabas Pretelt de la Vega has said there will be no humanitarian exchange until the FARC [Revolutionary Armed Forces of Colombia] suspend hostilities, while FARC spokesman Raul Reyes has rejected France's proposal to welcome FARC rebels into French territory. In addition, Juan Carlos Lecompte [husband of the kidnapped former presidential candidate Ingrid Betancourt] has fled the country saying he has received death threats." [53]

**6.158** A Reuters report on 7 November 2003 reporting on the capture of three US Defence Department contractors' capture by the FARC in February 2003 noted that "Thomas Howes, Marc Gonsalves and Keith Stansell were captured by the Revolutionary Armed Forces of Colombia in February [2003] when their light aircraft crashed on a southern Colombian jungle hillside while on a mission spying out drug crops. The rebels, a 17,000-strong group known by the Spanish initials FARC, say the three civilians are CIA agents and have put them on a list of politicians and soldiers they want to swap for guerrillas held in government jails. They killed two other crew members who survived the crash - a Colombian army sergeant and a U.S. Vietnam veteran." [46a]

**6.159** According to an article in the BBC News dated 9 March 2004, "Rebels from the Revolutionary Armed Forces of Colombia (Farc) hold many politicians and security officials. Meanwhile, the husband of kidnapped presidential candidate Ingrid Betancourt has fled Colombia after receiving death threats. Mrs Betancourt, a French citizen, was kidnapped by Farc rebels two years ago... The politician is the Farc's trump card in their proposed prisoner exchange. Because of her French citizenship, France had offered to take any guerrillas released from prison so they could not join the fighting again. But the Farc, while thanking the French, refused their offer, insisting that any guerrillas freed must be allowed to stay in their homeland." [29q]

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## **Persons Targeted by Guerrilla and Paramilitary Organisations**

**6.160** According to the Global IDP Database - Profile of Internal Displacement: Colombia Compilation of the information available in the Global IDP Database of the Norwegian Refugee Council (as of 4 February 2004), Victims of displacement: social activists (2002) - "Violence and threats have forcibly displaced labor union members, political activists such as members of

the Union Patriótica, members of human rights organizations, teachers and journalists; Protection programs set up by the Colombian government have proved insufficient to counter the continuing campaign of intimidation, harassment and attacks against human rights defenders; 2,900 teachers were forcibly displaced and 82 teachers and school employees were killed during 2002 twice as much than during 2001; 80% of trade unionists assassinated in the world each year are Colombians; The worst-affected unions have been those that represent educational, health, municipal and departmental workers; From 1995 to 1997, in the Department of Antioquia alone, 686 teachers were forced to abandon their work posts to be relocated elsewhere." [35](p85)

**6.161** According to a report in the Latin American Press - "Conflict Colombia" dated May 2002, Section 4, "To an outsider, government agencies and programs seem more than sufficient to ensure respect for human rights, but this isn't really the case, because some of the functionaries themselves are implicated in human rights violations, including extrajudicial executions," said Luis Guillermo Pérez, a lawyer with the José Alvear Restrepo Lawyers Collective, a Bogotá-based human rights organization. Because he has brought court cases against high-level officials, military officers and paramilitaries accused of involvement in human rights violations, Pérez's name appears on lists of people sentenced to death by paramilitaries." [7](p4)

**6.162** A Report by the Committee to Protect Journalists (CPJ) - Attacks on the Press 2003 - Colombia - states that "In 2003, Colombia was again featured on CPJ's list of the "World's Worst Places to Be a Journalist." [48a](p1) According to the USSD Report 2003, "A number of journalists were killed, and journalists continued to work in an atmosphere of threats and intimidation, in some instances from local officials in alliance with terrorist groups, but primarily from terrorist groups." [2](p2)

**6.163** According to a report in the Latin American Press - "Conflict Colombia" dated May 2002, Section 4, "Politically moderate university professors and students are increasingly being targeted by both the left and the right, according to human rights monitors. The FARC claimed responsibility for a bombing at the University of Antioquia in late 1998, saying that elements in the university were supporting paramilitaries and providing them with information about student activists. Paramilitaries also have their eye on the campus, claiming it is a center of guerrilla activity." [7](p5)

**6.164** According to a report in the Latin American Press - "Conflict Colombia" dated May 2002, Section 4, "Labor union representatives are also key targets, especially for paramilitaries. In 2001, 147 union leaders or members were murdered, according to the United Workers Central (CUT), which represents the majority of Colombian unions. At least 112 were killed in 2000." [7](p5) According to the USSD Report 2003, "Labor leaders and activists continued to be victims of high levels of violence; however, the number of union leaders killed during the year [2003] declined significantly." [2](p4)

**6.165** As reported in the Latin American Press - "Conflict Colombia" dated May 2002, Section 4, "According to the Office of the U.N. High Commissioner for Human Rights (OHCHR), the unions most affected were those representing education, health and local government workers. Among the regions most

affected by attacks on labor leaders and activists were the departments of Valle del Cauca, Antioquia, Cesar and Santander. These are also among the areas most affected by paramilitary activities." [7](p5)

**6.166** The Latin American Press - "Conflict Colombia" dated May 2002, Section 4 reported that "Indigenous leaders are also targeted. The National Indigenous Organization of Colombia (ONIC) has reported that an average of four indigenous leaders are killed every month. "Attacks on these leaders particularly weaken the internal organization and under-mine the leadership of their communities and jeopardize their very survival as communities," according to a March 2002 report by the OHCHR. The OHCHR and other international organizations have called particular attention to human rights violations against indigenous Colombians and those of African descent, which range from assassination of leaders to environmental damage and wholesale displacement of communities." [7](p6)

**6.167** According to the USSD Report 2003, "AUC terrorists regularly threatened and attacked human rights workers and journalists who criticized their illegal activities." [2](p3-4) The Latin American Press - "Conflict Colombia" dated May 2002, Section 4 reported "Since 1999, an average of one human rights worker has been killed every month. Constant death threats and murders have led many community human rights committees to disband, especially in districts where armed groups operate. In the first 10 months of 2001, 13 human rights defenders were killed, according to U.S.-based Human Rights Watch." [7](p6) The USSD Report 2003 reported that "According to the CCJ, 16 human rights activists were killed during the year [2003]. The CCJ attributed most of these killings to paramilitaries. In October [2003], for example, leaders of the paramilitary Central Bolivar Bloc released a public letter accusing regional NGOs of acting as mouthpieces for leftist guerrillas. On October 17 [2003], paramilitary gunmen murdered Esperanza Amaris Miranda, a human rights activist with the Popular Women's Organization (OPF), one of the groups mentioned in the letter." [2](p44)

**6.168** The Latin American Press - "Conflict Colombia" dated May 2002, Section 2 reported that "Their defense of human rights places priests, religious and lay pastoral workers at risk. One of the most recent victims was Archbishop Isaiás Duarte Cancino of the southwestern city of Cali, who was murdered on March 16, 2002. Just days before the March 10 congressional elections, Duarte accused some candidates of having financed their campaigns with drug money." [7](p18)

**6.169** According to the USSD Report 2003, "The FARC also continued to threaten and commit acts of violence against incumbent government officials... Nine mayors and 75 city council members were murdered during the year [2003]. Scores of local officials from throughout the country resigned because of threats from the FARC. For example, on March 31 [2003], three mayors from Norte de Santander department resigned because of specific FARC threats. The Office of the Human Rights Ombudsman reported that at least 300 mayors conducted business from regional capitals via telephone and messenger because they were not safe in their own towns." (p40-41)

**6.170** An article in the BBC News on 8 October 2003, reported that "Left-wing

rebels in Colombia have killed two mayors in the southeastern state of Cauca ... The state governor said four mayors were called to Monday's [6 October 2003] meeting by rebels from the Revolutionary Armed Forces of Colombia (FARC) in a secret mountainous hideout to explain their alleged ties to right-wing paramilitaries. Witnesses say the mayor of Bolivar, Orlando Hoyos, was killed by rebels as he tried to escape." [29e]

**6.171** According to the USSD report 2003, " Nine mayors and 75 city council members were murdered during the year [2003]." [2](p40-41)

**6.172** The La FM text website reported on BBC Monitoring on 21 March 2004 that "An elite unit of Colombian army troops rescued safe and sound the former mayor of the southwestern city of Riofrio, Dairo Perez Betancourt, who was kidnapped on 13 March [2004] by leftist FARC [Revolutionary Armed Forces of Colombia] rebels, military sources reported [on] Sunday [21 March][2004]. The former official was freed by the special anti-kidnapping force in a rural area of Valle del Cauca province, 450 km (some 280 miles) southwest of Bogota, a source from the unit said. Insurgents of the Revolutionary Armed Forces of Colombia (FARC) were demanding a 74,000-dollar ransom for the former mayor of Riofrio, which is near the provincial capital of Cali, the source added." [49a]

**6.173** The USSD Report 2003 noted that "The FARC and ELN also kidnapped politicians, prominent citizens, and members of the security forces to use as political pawns in a prisoner exchange." [2](p19)

**6.174** An article in the BBC Monitoring dated 13 March 2004, reported that "Interior Minister Sabas Pretelt de la Vega has said there will be no humanitarian exchange until the FARC [Revolutionary Armed Forces of Colombia] suspend hostilities, while FARC spokesman Raul Reyes has rejected France's proposal to welcome FARC rebels into French territory. In addition, Juan Carlos Lecompte [husband of the kidnapped former presidential candidate Ingrid Betancourt] has fled the country saying he has received death threats." [53]

**6.175** According to La FM text website as reported in BBC Monitoring on 15 March 2004 " FARC [Revolutionary Armed Forces of Colombia] leader Luis Edgar Devia Silva, alias "Raul Reyes", said that for a prisoner exchange to be possible, it is essential to demilitarize several Colombian municipalities, because, without demilitarization, there will be no releases and because the FARC "do not trust any officials of this government." In an interview with Noticias UNO [TV channel], Reyes [said] that the FARC would barter from among a group of 60 political figures, including former presidential candidate Ingrid Betancourt, as well as members of the security forces and three US citizens, who, he said, are CIA agents." [54]

**6.176** According to a report in the Latin American Press - "Conflict Colombia" dated May 2002, Section 4 "With wealthy Colombians abandoning the country and foreigners taking greater precautions, kidnappers go "fishing for miracles," setting up roadblocks and using portable computers to check captives' identity, to see who is likely to bring a large sum. There have also been reports of guerrilla groups paying criminal gangs for hostages, then



charging ransom." [7](p4)

**6.177** According to a Report by the International Crisis Group - ICG Latin America Report N°4 - Colombia's Humanitarian Crisis dated 9 July 2003 "Travellers on highways are regularly abducted or have their vehicles seized and burned. Trucks transporting international food aid are stopped by the irregular armed groups, and medical missions are not allowed access to the displaced and highly vulnerable civilian population." [6](p1)

**6.178** As reported in the CNN.com news on 18 February 2004, "Leftist rebels killed two truck drivers who refused to stop at an illegal roadblock on a major highway in central Colombia, police said Wednesday [18 February 2004]. Members of the Revolutionary Armed Forces of Colombia, or FARC, set up the roadblock Tuesday [17 February 2004] afternoon to rob those traveling on the highway connecting Bogota, the capital, to Medellin, Colombia's second-largest city, police said. The rebels started shooting when the truck drivers sped past them, wounding five other civilians whose vehicles had been detained at the roadblock." [30k]

**6.179** According to the Human Rights Watch report 2003, "Government programs meant to help defenders, trade unionists, and even witnesses to human rights crimes were overwhelmed and plagued with internal problems as well as serious questions about their security. Overall, both witnesses and the prosecutors who investigate human rights cases reported continuing threats against them." [19](p1-2)

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## FARC

**6.180** According to the US Government List of Foreign Terrorist Organizations updated August 2002, The AUC, FARC and ELN are on the United States' list of terrorist organisations. [26] A Reuters news article dated 5 April 2004 reported that the "European Union [EU] has put the Colombian Marxist rebel group ELN (National Liberation Army) on its blacklist of outlawed organisations" ... "The left-wing group FARC (Revolutionary Armed Forces of Colombia) and right-wing United Self-Defense Forces of Colombia) are already on the EU list." [46c]

**6.181** According to RCN television text web site, Bogota, Tokyo, Japan, 23 March as transcribed in BBC Monitoring "The Japanese government has included the guerrillas of the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), as well as the Colombian United Self-Defence Groups (AUC) on its list of organizations linked to terrorism." [55]

**6.182** According to a Human Rights Watch Report - "You'll Learn Not to Cry" - Child Combatants in Colombia - dated September 2003, "The FARC-EP is Latin America's oldest guerrilla group. According to the U.S. State Department, FARC-EP guerrillas now count over 16,500 trained and armed fighters among their fighting force. That number is more than double the 1998 estimates of the group's size. Not included in this figure are the FARC-EP urban militias: known as Bolivarian militias (*milicias bolivarianas*) and popular

militias (*milicias populares*). The Bolivarians alternate between civilian and military attire and receive military training. Members of popular militias dress in civilian clothes, often live at home, and engage in civilian activities even as they gather intelligence, sabotage, assassinate, kidnap, collect "taxes," obtain supplies, and recruit. They do not normally receive military training, and are usually provided with handguns rather than combat weapons. Together, the FARC-EP's militias are believed to number about 10,000, bringing its total force to around 26,500." [21](p23)

**6.183** According to a report in the Latin American Press - "Conflict Colombia" dated May 2002, Section 1 "The Revolutionary Armed Forces of Colombia (FARC), Colombia's largest guerrilla group, were officially founded as a political military organization in 1964, although they have their roots in campesino self-defense committees formed in the 1940s. The FARC, which originated in rural areas and are rooted in Marxist ideology, made agrarian reform one of their main objectives, along with abandonment of the neoliberal economic policies implemented by Colombian administrations beginning in the 1980s, rejection of the external debt and construction of a more equitable state. According to FARC documents, the group's agrarian policy would "change the basis of Colombia's rural social structure, confiscating property from large landowners and turning it over at no cost to the campesino [peasant] farmers who work it or want to work it." [7](p16)

**6.184** According to a report in the Latin American Press - "Conflict Colombia" dated May 2002, Section 1, "They [FARC] mainly control territory in southwestern Colombia, where major navigable rivers and untapped petroleum reserves are located, and where there is intensive livestock raising and production of coca, cocaine paste and refined cocaine. To demonstrate their willingness to enter the political arena, in April 2000 the FARC launched the Bolivarian Movement for the New Colombia, which they said offered an alternative to the country's traditional parties. The movement remains clandestine, so its members will not suffer the same fate as those of the leftist Patriotic Union (UP), which was formed in 1985. The FARC's political wing participated in the UP, which virtually disappeared toward the end of 1992, after more than 3,000 of its members were assassinated by right-wing paramilitaries or death squads. "The Bolivarian Movement is similar to the UP, except that it is clandestine, so they don't kill it the way they did the UP," Marulanda [leader of FARC] has said. " [7](p16-17)

**6.185** According to the USSD Report 2003, "The FARC and ELN terrorists were responsible for a large percentage of civilian deaths attributable to the internal armed conflict. Early in the year [2003], during terrorist bombing campaigns, the number of abuses committed by FARC and ELN terrorists rose significantly; however, the rate of abuses declined over the year due to increased military pressure. The FARC and ELN announced that henceforth they would work together strategically and neither group would negotiate a peace agreement with the Uribe Government. Both terrorist forces engaged in a concerted campaign to destabilize municipal governments by killing urban officials and threatening to execute others." [2](p3)

**6.186** According to a BBC News article dated 25 June 2003 "Colombian guerrillas have ambushed a military patrol, killing 13 troops and wounding

another eight, in the province of Bolivar. Five rebels were also killed in the attack. The government of Alvaro Uribe has taken the offensive against the rebels, who control some 40% of the country, but they refuse to be cowed and are fighting back" ... "The northern province of Bolivar, where the attack took place, is one of the zones designated by the government for reconquest from the warring factions." [29b]

**6.187** In a BBC News article dated 15 October 2003 it was reported that "One of Colombia's most powerful rebel leaders has called on army officers to meet him for talks on ways to end the 39-year civil war. Manuel Marulanda, of the left-wing Revolutionary Armed Forces of Colombia (FARC), said it was time that the rebels and the army began serious negotiations. The guerrilla leader, known as "Tirofijo" or Sure-shot, made the call in an open letter to army colonels" .... "A similar letter to the army high command five months ago received no response." [29m]

**6.188** The Associated Press dated 22 October 2003 reported that "Colombian military officials said they had dealt a major blow to the nation's rebels by killing a guerrilla commander accused of kidnapping three U.S. military contractors and carrying out a string of assassinations and bombings. Edgar Gustavo Navarro, the No. 2 leader of an elite unit of the Revolutionary Armed Forces of Colombia, or FARC, was killed during a gunfight Sunday [19 October 2003] with 10 other rebels, Army Gen. Hector Martinez said" ... "Navarro is accused of being behind a car bombing that killed 12 people, the assassination of an army general and the kidnapping of at least half a dozen politicians, including that of former presidential candidate Ingrid Betancourt, who holds dual Colombian and French citizenship." (See section on "Hostages for Prisoners Negotiations") [30g]

**6.189** The Associated Press dated 30 November 2003 reported that "Colombia's main rebel group warned Saturday [29 November 2003] that U.S. military personnel aiding government troops will face attack. Paul Reyes, a commander and spokesman of the Revolutionary Armed Forces of Colombia, known as FARC, issued the threat barely two weeks after a rebel grenade attack on two Bogota brewpubs killed one person and wounded 72, including four Americans" ... "Reyes criticized the Americans for "training and aiding government forces in counterinsurgency tactics and actions" in Colombia." [30f]

**6.190** The BBC News dated 16 December 2003 reported that "Colombia's secret police have captured a man they insist is a top guerrilla commander in the capital, Bogota. Wilmer Antonio Marin is accused of being a senior commander in the FARC" ... "He is believed to be responsible for the bombing of the El Nogal nightclub in February this year [2003] which killed 35 and wounded over 160." [29n]

**6.191** According to the Associated Press dated 31 December 2003, "Leftist rebels attacked a village controlled by right-wing paramilitaries in northern Colombia, killing fighters and a villager, police said Wednesday [31 December 2003]. The assault Tuesday [30 December 2003] in Pozo Azul in Bolivar state was one of a series of attacks on villages controlled by the paramilitaries, said police commander Col. Jesus Gomez. Rebels also attacked two other villages, Monterrey and Pueblo, but no deaths were immediately reported." [30h]

**6.192** According to an article in the Latin American Press dated 12 February

2004, "The capture in Ecuador of a Colombian guerrilla leader, the first joint intelligence operation between the two countries and the United States, and troops mobilizations at the border have drawn Ecuador directly into Colombia's internal conflict." [31e] An Associated Press report dated 3 January 2004 states that "Colombian President Alvaro Uribe on Saturday [3 January 2004] praised the capture of top rebel leader Simon Trinidad as evidence that the country's four-decade leftist insurgency can be defeated on the battlefield." [30i]

**6.193** As reported in the BBC News dated 10 January 2004, "Ricardo Palmera - better known as Simon Trinidad - was flown to Combita prison about 100 kilometres (60 miles) north of the capital, Bogota, on Saturday [10 January 2004]. A concrete and steel complex, Combita houses drug barons and top rebels as well as murderers and rapists. Mr Palmera, a commander of Colombia's main leftist rebel group, was arrested in Ecuador on 2 January [2004]. Mr Palmera is the most senior member of the FARC (Revolutionary Armed Forces of Colombia) to be captured in four decades of civil war. He was a member of the group's 22-strong body in charge of the rebel army and played a key role in failed talks with the government in 2002." [29o]

**6.194** According to a Reuters report dated 8 January 2004 "Simon Trinidad, one of the most important Colombian Marxist guerrillas ever caught, has pointed out he has family ties to both the attorney general and the inspector general, his lawyer Oscar Emilio Silva told local television this week. Silva himself accepted the job of defending Trinidad despite the fact that his brother was kidnapped by the Revolutionary Armed Forces of Colombia two years ago, and has not been heard of since." [46b]

**6.195** According to an article in CNN.com dated 6 January 2004, "Simon Trinidad, the most senior guerrilla leader ever captured in Colombia's civil war, denied accusations of murder, kidnapping and theft but intends to plead guilty to charges of fomenting rebellion, his lawyer said Tuesday [6 January 2004]. Lawyer Oscar Emilio Silva said prosecutors had wrongfully identified his client as a member of the general staff of the 16,000-strong leftist Revolutionary Armed Forces of Colombia, or FARC, Colombia's largest rebel army. Trinidad, who was captured Friday [2 January 2004] in neighboring Ecuador where he had undergone medical checkups, faces dozens of counts of murder, kidnapping and rebellion. He could be sentenced up to 60 years in prison if convicted." [30j]

**6.196** According to the Associated Press article dated 8 March 2004, "The most senior Colombian rebel ever captured pleaded guilty Monday [8 March 2004] to a charge of rebellion but said he was innocent of murder and kidnapping as his trial began via an unprecedented video hookup. Ricardo Palmera, alias Simon Trinidad, entered his pleas in the two-way link from his maximum-security jail ... "I assume full responsibility for my association with the FARC as an act of rebellion against the state," Palmera told judges from Combita prison. "I dedicated myself primarily to political and educational activities." The charge of rebellion carries a penalty of nearly seven years in prison." [30m]

**6.197** According to a transcript of a Colombian Caracol TV broadcast on BBC

Monitoring dated 26 January 2004, "The Colombian army has just reported that at least 150 families have been kidnapped by the FARC [Revolutionary Armed Forces of Colombia] in La Union-Penella, a town in southern Cauqueta Department. All the troops found when they arrived in the town was a cemetery for the guerrillas... According to Gen Carreno, all of these men and women who are buried here, each with their headstones and their names perfectly carved on them, are guerrillas who have fallen in the constant combat with the armed forces. Gen. Carreno also said that when the troops entered the town they found a ghost town. The general has reported that between 140 and 150 families have been practically kidnapped or forcefully coerced to leave by the FARC, who have taken them, somewhere, to parts unknown, because of the presence of the troops." [28b]

**6.198** According to an article in the Associated Press dated 17 February 2004, "Colombian authorities are stepping up their campaign to capture or kill the country's top rebel commanders, placing ads in the country's main airports offering millions of dollars in rewards for information, officials said Tuesday [17 February 2004]. Frustrated with their inability to capture more than one guerrilla leader in four decades of civil war, authorities have already distributed more than a million leaflets and run ads on local television channels urging people to come forward. This week, the Defense Ministry launched the second phase of a campaign dubbed "Energize Colombia Against Terrorism," broadcasting ads on special screens set up in airports across the country. The campaign is aimed at getting Colombians to identify suspects and report rebel movements in the countryside. Topping the most wanted list is Manuel Marulanda, the founder and leader of Latin America's biggest rebel group, the Revolutionary Armed Forces of Colombia, or FARC. Also included are FARC commanders Luis Suarez and Alfonso Cano." [30f]

**6.199** According to an article in the BBC News dated 18 February 2004 "The leader of the rebel Revolutionary Armed Forces of Colombia (Farc) has cancer and will die within six months, according to a noted local journalist. Pedro Marin, alias Manuel Marulanda, has led the FARC for over 50 years. Respected Colombian journalist Patricia Lara said the 73-year-old had terminal prostate cancer, citing "very reliable sources" close to the Farc. The news has prompted speculation about who will succeed him, and how it will affect the 40-year civil conflict. Ms Lara - former editor-in-chief of the weekly Cambio magazine - said the leader had been very sick for several months and sought hospital treatment in neighbouring Brazil at the end of last year [2003]." [29p]

**6.200** An article in the Associated Press dated 19 February 2004 reported that "Colombia's armed forces chief on Thursday [19 February 2004] urged Colombia's top rebel commander, who reportedly is dying of prostate cancer, to surrender. Gen. Carlos Alberto Ospina told a news conference that the military is unable to confirm a magazine report that Manuel "Sureshot" Marulanda, 73, is expected to live only a few more months." [30n]

**6.201** The Associated Press reported on 11 March 2004, "Colombian police captured the commander of an urban guerrilla unit accused of murdering the ex-president of Congress' Peace Commission and six others, the Bogota police chief said Thursday [11 March 2004]. Eladio Diaz Artunduaga, a leader

of the Revolutionary Armed Forces of Colombia, or FARC, was picked up last week in the rundown Bogota suburb of Soacha, Gen. Hector Garcia said. Authorities waited to verify Artunduaga's identity before making his arrest public. He faces numerous counts of terrorism, rebellion, homicide and money laundering, Garcia told reporters. Artunduaga is also believed to have ordered the murder of former Congressman and leader of Colombia's Liberal Party, Diego Turbay Cote, his mother and five others on highway near Puerto Rico, 190 miles southeast of Bogota, in December 2000. Some 50 FARC fighters forced Cote's convoy to stop and shot them by the side of the road." [30r]

**6.202** As reported in the Associated Press dated 17 March 2004, "Police captured a top rebel commander who was allegedly recruiting youths to carry out suicide attacks against President Alvaro Uribe and other officials, Colombia's secret police chief said Wednesday [17 March 2004]. Luis Hipolito Ospina, a senior member of the leftist Revolutionary Armed Forces of Colombia, or FARC, was arrested Tuesday [16 March 2004] in the capital, Bogota, said Jorge Noguera. He said Ospina, who reportedly speaks Arabic, German and English and has traveled extensively abroad, was trying to indoctrinate 22 youths as suicide commandos. "He was preparing young people to kill themselves ... including in possible attacks against the president," Noguera told reporters. Noguera did not present evidence to back up the claim." [30q]

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## ELN

**6.203** According to the US Government List of Foreign Terrorist Organizations updated August 2002, the AUC, FARC and ELN are on the United States' list of terrorist organisations. [26] A Reuters news article dated 5 April 2004 reported that the "European Union [EU] has put the Colombian Marxist rebel group ELN (National Liberation Army) on its blacklist of outlawed organisations" ... "The left-wing group FARC (Revolutionary Armed Forces of Colombia) and right-wing United Self-Defense Forces of Colombia) are already on the EU list." [46c]

**6.204** According to RCN television text web site, Bogota on 23 March 2004 as transcribed in BBC Monitoring "The Japanese government has included the guerrillas of the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), as well as the Colombian United Self-Defence Groups (AUC) on its list of organizations linked to terrorism." [55]

**6.205** According to a Human Rights Watch Report - "You'll Learn Not to Cry" - Child Combatants in Colombia - dated September 2003, "The UC-ELN is a relatively small and regional group compared to the FARC-EP, yet its influence in areas where it maintains a military presence can be dramatic. A five-member Central Command consisting of the chiefs of the group's military forces is the ruling body of the UC-ELN. Although the Central Command takes political and military decisions, field commanders are believed to act with much greater autonomy than they do in the FARC-EP. The UC-ELN's military leader is currently Nicolás Rodríguez Bautista, alias "Gabino." The UC-ELN has its stronghold in the Middle Magdalena region, and also operates in the departments of Bolívar, Nariño, Cauca, Antioquia, Valle, and the region bordering Venezuela. It has been under strong pressure in recent years from

encroachments by paramilitaries into territory formerly under its influence. Unlike the FARC-EP and the AUC, which continue to grow, the UC-ELN's membership peaked in the late 1990s at about 5,000 and has since reportedly shrunk to about 4,500. In 2000, according to Antonio García, a top UC-ELN military commander, the group had forty-three fronts in rural areas, ten urban fronts, and twenty-two mobile companies deployed in various parts of the country. [21](p25)

**6.206** According to a report in the Latin American Press - "Conflict Colombia" dated May 2002, Section 1 "Born in 1964 and inspired by the success of the Cuban Revolution, the National Liberation Army (ELN) calls itself a political-military insurgent group. It mainly operates in the northeastern part of the country and the Orinoco River basin, an area where petroleum, cotton, coffee, coca and opium poppies are produced. With 5,000 members, the group's military capacity has diminished since the 1998 death of its emblematic commander, Manuel Pérez, but the ELN remains the country's second-largest guerrilla force. It claims that it aims to build a new country with a social order based on economic justice, without exclusion or discrimination, where the nation's wealth is based on development and the welfare of all." [7](p17)

**6.207** According to the USSD Report 2003, "The FARC and ELN terrorists were responsible for a large percentage of civilian deaths attributable to the internal armed conflict. Early in the year [2003], during terrorist bombing campaigns, the number of abuses committed by FARC and ELN terrorists rose significantly; however, the rate of abuses declined over the year [2003] due to increased military pressure. The FARC and ELN announced that henceforth they would work together strategically and neither group would negotiate a peace agreement with the Uribe Government." [2](p3)

**6.208** According to the USSD Report 2003, "One of the largest categories of kidnapping victims was children, 201 of whom were kidnapped by mid-October [2003]. In February [2003], for example, the ELN kidnapped a captured EPL guerrilla's infant to pressure the former insurgent not to cooperate with the authorities. On February 21 [2003], the military rescued the child and arrested the guerrilla who cared for the infant." [2](p13-14)

**6.209** According to the USSD Report 2003, "The FARC and ELN also committed numerous politically motivated kidnappings. On September 14 [2003], for example, the ELN kidnapped eight foreign tourists in the mountainous Sierra Nevada region of Magdalena department. Rather than demanding a ransom, the ELN used negotiations over the hostages' release to demand political concessions. All hostages were released by December 22 [2003], in return for a Roman Catholic Church-sponsored study of economic and social conditions in the Sierra Nevada region." [2](p14)

**6.210** According to the Radio Cadena Nacional audio web site and transcribed in BBC Monitoring on 24 March 2004, "The "Northern Front" of the National Liberation Army (ELN) has proposed holding regional talks with an eye to a future meeting with the government. That is what the rebel faction expressed in a statement sent to radio stations and newspapers in the city of Cartagena (Bolívar Department). This kind of meeting would facilitate a political way out of the armed conflict in the country, the rebels - from an ELN



faction which operates in the Caribbean coast - pointed out in their proposal. The governor of Bolivar Department, Libardo Simanca, proffered his region for any future talks, although he warned, "only when" they are authorized by President Alvaro Uribe Velez. Up to now, the ELN, as well as the Revolutionary Armed Forces of Colombia (FARC) have insisted on a number of occasions that they would never have any kind of rapprochement with the Uribe government in order to sign peace agreements." [50b]

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## AUC

**6.211** According to the US Government List of Foreign Terrorist Organizations updated August 2002, The AUC, FARC and ELN are on the United States' list of terrorist organisations. [26] A Reuters news article dated 5 April 2004 reported that the "European Union [EU] has put the Colombian Marxist rebel group ELN (National Liberation Army) on its blacklist of outlawed organisations" ... "The left-wing group FARC (Revolutionary Armed Forces of Colombia) and right-wing United Self-Defense Forces of Colombia) are already on the EU list." [46c]

**6.212** According to RCN television text web site, Bogota, Tokyo, Japan, 23 March as transcribed in BBC Monitoring "The Japanese government has included the guerrillas of the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), as well as the Colombian United Self-Defence Groups (AUC) on its list of organizations linked to terrorism." [55]

**6.213** According to a Human Rights Watch Report - "You'll Learn Not to Cry" - Child Combatants in Colombia - dated September 2003, "There are at least ten groups loosely allied under the name United Self-Defense Groups of Colombia (Autodefensas Unidas de Colombia, AUC). In addition, there are several independent groups that never accepted AUC leadership or have split from the AUC publicly, among them the Medellín-based "Metro Block." AUC leaders claim that the group currently has 11,000 armed members. Its units operate throughout Colombia, including the major cities of Bogotá, Medellín, and Cali. Within the paramilitary alliance, the largest single group is the ACCU, which emerged in northeastern Colombia in 1994. Paramilitary "self defense" groups have a history in Colombia almost as long as the guerrilla groups they were formed to oppose. They have used and continue to use terror directed at what they perceive as the guerrilla's civilian support networks. Often, targets are civilians guilty of nothing more than inhabiting areas where guerrillas are active." [21](p26)

**6.214** The USSD Report 2003 noted that "Paramilitaries were responsible for numerous violations of international humanitarian law and human rights. There were approximately 12,000 paramilitary combatants in the country, the largest and most influential group of which was the United Self-Defense Forces of Colombia (AUC), a terrorist organization. The AUC operated as a loose confederation of disparate paramilitary groups, the largest of which was the United Self-Defense Forces of Cordoba and Uraba (ACCU), led by the principal organizers of the AUC, Carlos Castano and Salvatore Mancuso. Other important paramilitary organizations included the Cacique Nutibara Bloc (BCN), the Central Bolivar Bloc (BCB), and the Middle Magdalena Bloc

(BMM)." [2](p27-28)

**6.215** According to a report in the Latin American Press - "Conflict Colombia" dated May 2002, Section 1, "Paramilitary forces operate in 25 percent of Colombia, mainly along the Venezuelan border and in the central Magdalena River basin, although since late 2000 they also have pushed into the southern department of Putumayo to challenge control by the Revolutionary Armed Forces of Colombia (FARC). Grouped under the umbrella of the United Self-Defense Forces of Colombia (AUC), which for years was officially headed by Carlos Castaño, the group's objective is military combat against armed insurgents." [7](p21)

**6.216** According to a report in the Latin American Press - "Conflict Colombia" dated May 2002, Section 1, "Although the military helped start many paramilitary organizations, it has been unable to control them. In the late 1980s, drug traffickers also used paramilitary groups in attacks against campesinos whom they accused of supporting guerrillas, as well as against government officials, politicians and judges who supported extradition of drug traffickers to the United States." [7](p21)

**6.217** According to a report in the Latin American Press - "Conflict Colombia" dated May 2002, Section 1, "The AUC seek political recognition in order to take part in peace talks with the government and demonstrate that the demobilization of paramilitary forces is a political issue. They say that their government platform addresses such issues as agrarian reform, economic development, energy policy, decentralization, the environment, drug trafficking and human rights. They have declared themselves enemies of drug trafficking, which they call the greatest source of violence in the country, and accuse the FARC of being "the world's biggest drug-trafficking organization." Nevertheless, AUC forces are financed with protection money and income from 30,000 hectares of coca crops in the department of Norte de Santander. They also charge a "tax" on cocaine paste and the transportation of drugs in the areas under their control." [7](p22)

**6.218** As reported by the ACAN news agency on 27 January 2004, "Anti-terrorist police [have] destroyed a militia camp belonging to right-wing paramilitaries in northwestern Colombia and arrested 10 combatants, the institution said here [on] Monday [26 January]. The operation against a unit of the United Self-Defence Forces of Colombia, or AUC, took place in a mountainous area near Santuario, in the province of Antioquia, the police communique said. Members of the Attorney-General's Office also took part in the raid in which 37 rifles, a rocket-launcher with a surface-to-air missile, munitions, supplies, camouflage fatigues and two vehicles were seized. The 13,000-member AUC, which was founded 22 years ago to combat leftist guerrillas, is currently engaged in peace negotiations with President Alvaro Uribe's administration to possibly dismantle the armed group by the end of 2005." [49c]

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## **The Disarmament Process**

**6.219** According to an article in the Associated Press dated 21 July 2003,

"Colombia's government has endorsed a plan to not send right-wing paramilitary leaders to jail for their insurgency violence if they follow through on promises to disarm, the nation's peace commissioner said. Luis Carlos Restrepo told reporters Friday [18 July 2003] that the government is planning alternative ways for the outlawed fighters to pay for their crimes, such as financial compensations to families of their victims. Congress must still approve the plan. "For those who have committed crimes against humanity, we are looking for punishment that is not jail, where they can make amends for the damage they've done," Restrepo said." [30c]

**6.220** The Associated Press reported on 22 July 2003 that "Feared paramilitary chief Carlos Castano - whose right-wing forces are accused of bloody massacres - urged all Colombians to forgive each other to end nearly four decades of civil war. In an interview broadcast Monday [21 July 2003] on Caracol television, Castano fell short of an apology but accepted that there were "regrettable excesses" in his group's fight against leftist guerrillas. "I am a victim of the violence," Castano said, citing the murder of his father by leftist rebels. "I too demand justice." "But I cannot continue in this vicious circle, where I kill you, you kill me, because where will we end up? If in 22 years I have been unable to change hardly anything, then right now I am thinking of opting for something different than force - a gesture of peace." Castano has entered peace talks with the Colombian government and promised to disarm his 13,000 troops by the end of 2005." [30b]

**6.221** As reported by the Associated Press on 28 July 2003, "Paramilitary chief Carlos Castano has acknowledged that his forces pillaged, committed massacres, extorted money and dealt drugs, but claimed those acts were "inevitable excesses"... Castano claimed that his outlawed right-wing militia group "prevented the guerrillas from taking over the nation."" [31a]

**6.222** As reported by the Associated Press on 4 August 2003, "A leader of Colombia's outlawed paramilitary groups made his first-ever TV appearance Monday [4 August 2003], saying he wants to meet with U.S. officials about drug-trafficking charges against him and another militia leader. Salvatore Mancuso, the military chief of the United Self-Defense Forces of Colombia, known as the AUC, is charged by a U.S. federal court with exporting 17 tons of cocaine into the United States and Europe. Two other militia members, including founding AUC member Carlos Castano, are also wanted by the United States on drug charges. In an interview broadcast on RCN Television, Mancuso - whose group has begun peace talks with the Colombian government - asked the U.S. State Department to send a commission to Colombia for talks to "clear up the cases" against the paramilitary commanders. A U.S. Embassy spokesman dismissed the request, noting that U.S. Undersecretary of State Marc Grossman, during a visit to Bogota last week, said the United States has no intention of dropping extradition requests for the indicted AUC leaders." [30e]

**6.223** According to a Human Rights Watch Report, Colombia: 'Checkbook Impunity' for Murderers dated 14 September 2003, " Colombian President Alvaro Uribe has presented a bill to his Congress that would allow paramilitary members who have committed atrocities to skip prison for a fee. Among them are men the United States has identified as terrorists for their willingness to massacre Colombian civilians. Washington's response should be unequivocal.

If Colombia is serious about human rights and wants to continue receiving millions in aid, it cannot allow known criminals to escape justice by, in effect, writing a check. Currently, Colombia receives the third-largest amount of U.S. military aid, after Israel and Egypt, and is slated to receive more than \$700 million in 2004. This is how Colombia's peace commissioner described the bill in an interview: "Rather than serving time in a prison, there are alternative sentences, and the individuals will be allowed to pay reparations." [40b]

**6.224** The Associated Press reported on 9 November 2003 that "Two right-wing paramilitary factions said they would join peace talks with the government but demanded the government scrap any arrest warrants pending against them. The Central Bolivar Block and the Conquerers of Arauca, whose combined forces total at least 4,500 fighters, told government Peace Commissioner Luis Carlos Restrepo on Saturday that they would join other paramilitary factions in the peace process with a view toward demobilization. The outlawed paramilitary groups have been waging war against leftist rebels. Some of the groups have financed themselves through drug trafficking, and some members are accused of committing massacres in a dirty war against suspected rebel collaborators" ... "The government, which has been accused of being too soft on the right-wing militias while mounting a crackdown on leftist rebels, presented a bill in August [2003] that would allow indicted paramilitary members who disarm to avoid prison by instead paying reparations to victims and their families." [30v]

**6.225** A report by the Associated Press dated 14 November 2003 stated that "A faction of Colombia's right-wing paramilitary army has agreed to demobilize, the first of the outlawed militia groups to do so, authorities said Friday [14 November 2003]. The 800 members of the Cacique Nutibara block of the United Self Defense Forces of Colombia will lay down their arms Nov. 25 in a statement. The paramilitary umbrella group is known by its initials in Spanish as the AUC. In a statement sent to The Associated Press, top AUC commanders Carlos Costano and Salvatore Mancuso said the move underscores the intent of the entire 12,000-strong group to demobilize by the end of 2005, which it pledged to do last July [2003]." [30u]

**6.226** According to the Associated Press article dated 7 December 2003, "Tired of war and wanting to return to their farms, a group of 160 Colombian paramilitary fighters handed over their weapons on Sunday [7 December 2003], becoming the second faction of outlawed right-wing militias to do so in less than two weeks. "We don't want to continue the war, nor do we want our children to do have to do so. We want to live in peace," said Ruvinder Becoche, the commander of the Self-Defense Forces of Cauca. The militia fighters laid down their shotguns, machetes and explosives on a table as government officials and journalists looked on. President Uribe has been pursuing a twin strategy of waging war on the two leftist rebel groups while negotiating the demobilization of Colombia's 12,000-strong paramilitary forces. The paramilitaries emerged in the 1980s to combat leftist rebels. On Nov. 25 [2003], some 855 paramilitary combatants disarmed in Colombia's second largest city, Medellin. They were urban fighters who allegedly trafficked in drugs and committed extortion and murder. Most of the factions are part of a paramilitary umbrella group, called the United Self-Defense Forces of Colombia, that has pledged to disarm within two years if its leaders

do not face lengthy prison terms." [30t]

**6.227** According to an article in the Associated Press dated 20 January 2004, "A former leader of Colombia's outlawed anti-rebel fighters delivered an unprecedented address to Congress Tuesday [20 January 2004], calling for legislation to protect all paramilitaries who put down their arms. Giovanni Marin said the legislation was necessary to prevent the current peace process between the government and the right-wing paramilitary group from derailing. Marin was a leader of a paramilitary unit, whose 870 fighters demobilized last November [2003]. It was the first unit of the United Self-Defense Forces of Colombia, or AUC, to quit fighting. The AUC has promised to disarm all its estimated 12,000 fighters by 2006." [30s]

**6.228** The Washington Post reported on 26 January 2004 that "The Organization of American States [OAS] has agreed to monitor the disarmament of Colombia's paramilitary forces, lending significant international support to a peace process that has proved highly divisive. OAS Secretary General Cesar Gaviria, a former Colombian president, agreed in weekend talks with President Alvaro Uribe to send representatives here to verify a paramilitary cease-fire and help disarm the fighters following a negotiated agreement between the government and the militia" ... "But Gaviria's decision, made without consulting the 35 nations that make up the OAS, has angered some diplomats and human rights officials here who said it bestows international legitimacy on a process that remains a work in progress. Essential questions such as how paramilitary leaders would be punished, including those accused of massacring civilians, have yet to be resolved." [45]

**6.229** According to an article dated 16 February 2004, in the Associated Press "Right-wing paramilitary fighters should be required to gather in special zones to keep them from violating a cease-fire, the government's peace commissioner said Monday [16 February 2004]. The outlawed paramilitary groups, said to number about 12,000 fighters, have killed about 600 people in the last year, even though most of the groups declared a unilateral cease-fire against leftist rebels in December 2002, according to the United Nations, ... the Roman Catholic Church and human rights groups." [30w]

**6.230** As reported by the ACAN news agency on 5 March 2004 "A spokesman for a small Colombian paramilitary group announced on television [on] Thursday [4 March] that they were "ready" to lay down their arms. One of the commanders of the Centauros Bloc of the Capital Front, a 400-member rightist paramilitary group operating in central Colombia near Bogota and in the eastern plains, announced in an interview on RCN-Television's programme "La Noche" ["The Night"] that they were ready to demobilize. The group is part of the much larger United Colombian Self-Defence Forces (AUC), which has been declared a terrorist organization by Washington. The AUC has primarily battled leftist guerrillas but has also fought the Colombian army. "We are ready for the process of standing down, because as the state begins to exercise sovereignty and (provide) security, we have nothing to do anymore," said the unidentified paramilitary officer. He added that "what is really delaying the demobilization... [ellipsis as received] are simply logistical matters."" [49b]

**6.231** Bogota El Tiempo newspaper reported on 10 March [2004] that "Bogota specialized Judge Julio Roberto Ballen has convicted AUC [Colombian United Self-Defence Groups] leader Carlos Castano and sentenced him to 38 years in prison for masterminding the August 1999 murder of humorist and reporter Jaime Garzon. The conviction was based on Garzon's fears that Castano would kill him, plus testimony from people close to Garzon. At the same time Ballen exonerated Juan Pablo Ortiz Agudelo, 'Bochas,' and Edilberto Antonio Sierra Ayala, who had been charged as the perpetrators of the crime, stating that the evidence against them was trumped up. Castano has denied being responsible for Garzon's murder. The Attorney General's Office also recommended acquitting Ortiz and Sierra, but it felt that the evidence in the case was not sufficient to substantiate Castano's conviction. The Office of the Prosecutor General has also expressed the position that Castano was not the only person behind the killing and that further investigation needs to be done." [51a]

**6.232** Bogota El Tiempo on 13 March [2004] prints an editorial which says that "Although the conviction of paramilitary leader Carlos Castano, for the 1999 murder of humorist Jaime Garzon, came as no surprise, the exoneration of the two perpetrators was unexpected. First the editorial notes that it is "incredible" that Juan Pablo Ortiz Agudelo ('Bochas') and Edilberto Antonio Sierra Ayala, would have spent 50 and 30 months, respectively, in custody, before this ruling was made. Further darkening the scenario, apparently false testimony was used in an attempt to frame the two men. Editorial says that the DAS [Administrative Department of Security] and the Office of the Prosecutor General owe the public an explanation of why they pursued an investigation that incriminated the two men, rather than following other leads." [51b]

**6.233** According to an Associated Press article dated 26 March 2004, "Peace talks with a paramilitary umbrella group — the United Self-Defense Forces of Colombia, have reached a critical moment, with paramilitary chieftains rejecting a government demand they start withdrawing from their strongholds as a first step toward total disarmament." [300]

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## **Treatment of Non-Governmental Organisations**

**6.234** According to the USSD Report 2003, "A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their opinions on human rights conditions in the country. Over 60,000 human rights and civil society NGOs were registered in the country, although most existed only on paper." [2](p41)

**6.235** The USSD Report 2003, also noted that "Local human rights NGOs had an influence that far exceeded their membership or resources. By sharing information among themselves and disseminating it to international human rights organizations and the media, they raised the country's human rights profile and contributed to significant levels of international attention." [2](p42)

**6.236** According to the USSD Report 2003, "The Government generally did not interfere with the work of international human rights and humanitarian NGOs. Representatives of international human rights groups visited the

country and held meetings with local human rights groups and individuals in various regions of the country without Government interference. These international delegations sometimes received active Government protection. The larger international NGOs, such as AI [Amnesty International], Human Rights Watch, and the Washington Office on Latin America (WOLA), devoted equal attention to government forces, guerrillas, and paramilitaries; however, they held the Government to a higher standard and criticized it not only for direct violations of human rights, but also for high levels of impunity and failure to completely sever links between the military and paramilitaries." [2](p44-45)

**6.237** The USSD Report 2003 states that "The Government cooperated with international governmental organizations. The United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the International Labor Organization (ILO), the United Nations High Commissioner for Human Rights (UNHCHR), and the International Committee of the Red Cross (ICRC) had an active presence in the country and were allowed to carry out their work without government interference." [2](p45)

**6.238** The USSD Report 2003 noted that "The Government, through the Ministry of Interior and Justice and the DAS, allocated approximately \$ 14,100,000 (36.65 billion pesos) to its program for the protection of human rights activists and other vulnerable populations. The Government provided protection to over 3,000 human rights activists during the year [2003] and bulletproofed 15 additional offices and residences. Requests for protection increased by 7 percent, a significant decline from the 106 percent increase registered in 2002. Nevertheless, human rights groups continued to complain that the protection program was inadequate." [2](p44)

**6.239** The Latin American Press - "Conflict Colombia" dated May 2002, Section 4 reported "Since 1999, an average of one human rights worker has been killed every month. Constant death threats and murders have led many community human rights committees to disband, especially in districts where armed groups operate. In the first 10 months of 2001, 13 human rights defenders were killed, according to U.S.-based Human Rights Watch." [7](p6)  
The USSD Report 2003 reported that "According to the CCJ, 16 human rights activists were killed during the year [2003]. The CCJ attributed most of these killings to paramilitaries. " [2](p44)

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## **Internally Displaced Persons (IDPs)**

**6.240** The USSD Report 2003 noted that "Violence and instability displaced approximately 100,000 civilians from their homes in the first half of the year. The total number of internally displaced persons may have exceeded 2.0 million, including 800,000 children." [2](p2)

**6.241** The USSD Report 2003 noted that, "According to UNHCR, 74 percent of all internally displaced persons were women and children ... The Human Rights Ombudsman's Office estimated that only 15 percent of displaced children attended school. Displaced children were especially vulnerable to physical abuse, sexual exploitation, and recruitment by criminals." [2](p49)



**6.242** According to the USSD report 2003, "Although some persons voluntarily displaced for economic reasons, most IDPs were forcibly displaced by paramilitaries or guerrillas, who used forced displacement to gain control over strategic or economically valuable territory and weaken their opponents' base of support." [2](p38)

**6.243** As reflected in the USSD Report 2003 "The Government was unable to provide sufficient humanitarian assistance to the displaced, despite statutes and court rulings requiring it to do so. Many IDPs lived in unhygienic conditions with little access to health care and educational or employment opportunities. Government assistance for the displaced was provided principally through the Social Solidarity Network (RSS), the Colombian Family Welfare Institute (ICBF), and the Ministry of Social Protection. However, the ICRC and various NGOs provided most humanitarian assistance to the displaced, who generally received assistance for only 90 days. In May [2003], the UNHCR and the Government reached agreement on a program to help refugees and IDPs. Under the terms of the agreement, the UNHCR will work with the Senate and its human rights commission on promoting and implementing legislation to help the displaced." [2](p38)

**6.244** According to the Global IDP Database - Profile of Internal Displacement: Colombia Compilation of the information available in the Global IDP Database of the Norwegian Refugee Council (as of 4 February 2004), "Colombia has historically been marked by political and social violence. In this century, the phenomena of political, economic, social and cultural exclusion led to the peasants' campaigns of the 1930s and 1940s, and, later on, to a long period of violence between the two traditional parties, the Liberals and the Conservatives. In 1957, by means of a constitutional reform, a system of alternation and parity between these parties was established. This meant that other political sectors were deprived of any share in power. From the 1960s onwards, a guerrilla movement came to prominence and its origins can in part be explained by the context of the polarization and cold war prevailing at that time. In order to deal with this rebellious movement, the State involved groups of armed civilians in its counterinsurgency activities, and with the passage of time these groups became a new source of disturbances of law and order. In the 1970s, the drug trafficking phenomenon came to the fore and, spreading to broad sections of Colombian society, gave rise to new forms of criminality and corruption." [35](p13)

**6.245** According to the same Global IDP Database "Continuing a disturbing trend from 2000, the average number of victims of political violence and deaths in combat has risen. This violence is increasingly urban and involves attacks on elected officials and government investigators as well as community leaders, human rights defenders, indigenous leaders, journalists and trade unionists. Colombians continue to flee their homes and even their country in record numbers, facing hunger, the elements, and disease in desperate efforts to save themselves and their families." [35](p14)

**6.246** The same Global IDP Database noted that "Drug trafficking, in its various complex dimensions, continued to be one of the negative factors bound up with the armed conflict. The production and marketing of narcotics

is a substantial source of revenue for the various illegal armed groups, while generating violence in areas where the plants are grown and social confrontation between many communities. It also gives rise, directly and indirectly, to many enforced displacements and is a major factor in corruption in administrative affairs." [35](p15-16)

**6.247** The BBC reported on 5 February 2004 that "A senior UN official has said Colombia is facing the world's worst humanitarian crisis outside Africa. The Assistant UN High Commissioner for Refugees, Kamel Morjane, said the situation was only worse in the Democratic of Congo and Sudan. Between two and three million people have been forced from their homes in Colombia's 39-year civil war." [29a]

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### **Living Conditions of the IDPs**

**6.248** According to the USSD Report 2003, "The Government was unable to provide sufficient humanitarian assistance to the displaced, despite statutes and court rulings requiring it to do so. Many IDPs lived in unhygienic conditions with little access to health care and educational or employment opportunities. Government assistance for the displaced was provided principally through the Social Solidarity Network (RSS), the Colombian Family Welfare Institute (ICBF), and the Ministry of Social Protection. However, the ICRC and various NGOs provided most humanitarian assistance to the displaced, who generally received assistance for only 90 days. In May [2003], the UNHCR and the Government reached agreement on a program to help refugees and IDPs. Under the terms of the agreement, the UNHCR will work with the Senate and its human rights commission on promoting and implementing legislation to help the displaced." [2](p38)

**6.249** According to the Global IDP Database - Profile of Internal Displacement: Colombia Compilation of the information available in the Global IDP Database of the Norwegian Refugee Council (as of 4 February 2004) "IDPs in Colombia suffer from inadequate food intake due to lack of income rather than access to food; IDPs are in a worst state of indigence than the urban poor along whom they live; Before displacement most people produced what they consumed, after displacement they are constrained to purchase 80% of their food from the market; IDPs have a caloric intake of 43%, thus 57% below the norm and protein intake is also deficient leading to illnesses (chronic diarrhoea and respiratory problems) and incapacitating deficiencies; One fourth of IDP children are at risk of malnutrition and 41% of IDP households fall under high nutritional vulnerability; Displaced babies are breast-fed in average 2.3 months after which they are given cereals, pulses and fruits which increases the risk of illness." [35](p116)

**6.250** According to the above-mentioned report on the Global IDP Database "Internally displaced persons are considered especially vulnerable to HIV/AIDS due to the breakdown of family structures and living conditions that take place during the process of displacement, including poverty, exploitation, discrimination, separation from families and social networks, and little or no access to health services." [35](p118)

**6.251** According to the same report on the Global IDP Database "Recently the National Health Institute carried out a survey to determine the epidemiological profile of Nelson Mandela, in Cartagena, a shantytown settlement with an large number of arrivals. [...] Environmental health is awful and people have hardly any access to public services, they are exposed to disease-carrier vectors and environmental poisonous substances and live in places where the geological risk is high. All group ages show a high prevalence to illness: only 7% of the children and 33% of the adult population had been healthy during the two weeks prior to the survey. 57% of children mortality rates between August and November 2000 could have been prevented. 60% of the population included in the survey presented different stages of clinical depression. The study shows that, amongst the displaced population, emotional disorders and somatic complaints are high." (González Bustelo, December 2001, ch. 10 sect. 3)" [35](p120-121)

**6.252** The report on the Global IDP Database also mentioned "49% of IDPs have inadequate services while the proportion is 6 percent among the urban poor; Before displacement, 54% of IDPs in Bogotá owned a house after displacement, in Bogotá the percentage dropped to 0,8%; 68% of IDPs in Bogotá rent shelter while 91% owed or rented accommodation before being displaced (2002); Displaced sheltered in shantytowns compete with local populations over scarce resources, are deprived from basic rights and services and discriminated on the basis of alleged connection with guerrillas; Local authorities impose discriminatory housing measures to deter IDPs from seeking refuge in their municipalities; Displaced in urban areas settle in marginal neighbourhoods (or barrios), often on private properties from which they face the risk of being evicted; The shelters are built of wood, cardboard, mud and sticks by the displaced or made available to the newcomers by the community; Barrios [marginal neighbourhoods] lack access to basic services (electricity, water, sanitation, transportation) and are exposed to landslides due to heavy rain." [35](p125-126)

**6.253** According to the same report on the Global IDP Database "Teachers are among the workers most often affected by violence-related displacement (2003). 290,000 children were forced to leave school due to the forced displacement of 2,900 teachers; 82 teachers and school employees were killed in 2002 twice as much as during 2001; Over 100 schools were destroyed in attacks by armed groups; Threats, murders and displacement overwhelmingly targeted at teachers is another worrying factor hampering the delivery of education." [35](p131)

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### **Colombia conflict spilling over its borders**

**6.254** According to the Global IDP Database - Profile of Internal Displacement: Colombia Compilation of the information available in the Global IDP Database of the Norwegian Refugee Council (as of 4 February 2004), approximately 20,727 people were displaced along Colombia's borders in 2003 and 47,375 in 2002. 600 indigenous Panameans who fled to Boca de Cupe, previously displaced from Paya after 4 indigenous Emberá leaders were massacred by paramilitaries. [35](p22)

**6.255** The Global IDP Database Report - 4 February 2004 goes on to say that "Venezuelan president ordered bombing raids against Colombian irregular forces on Venezuelan territory (Mar 2003); Between 200 and 600 Venezuelan civilians and indigenous Bari fled to Rio de Oro in north-western Venezuela following paramilitary incursions (Mar 2003); Brazil deployed 28 thousand men in permanent alert along its northern border with Colombia in September 2002; Venezuela added 7 thousands soldiers to the 20 thousands already deployed along its border with Colombia in August 2002; Peru also considerably militarized its border by setting point of vigilance, military and police costs; Equator [Ecuador] had a permanent contingent of 15 thousand men along its border with Colombia (as of Nov 2002), 3 times higher than during the war with Peru; Asylum policies of neighbouring countries towards Colombians seeking protection are increasingly restrictive; While the majority of asylum requests in Equator [Ecuador] were solicited between September and October 2002, acceptance declined to 18.3% compared to 30% at the beginning of the year; Clashes between guerrilla and paramilitaries and attacks on civilians continue unabated along Colombia's borders." [35](p23)

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## **Border areas**

**6.256** The Global IDP Database Report - 4 February 2004 notes that "According to reports from UNHCR's partners in the area, 472 Panamanian indigenous people, including 324 children, fled in search of protection to Boca de Cupe in the Central Darien region of Panama this week after their villages were attacked by Colombian paramilitaries." (UNHCR, 24 January 2003)."  
[35](p23)

**6.257** According to an International Crisis Group Report: Colombia and its Neighbours: "The Tentacles of Instability" - 3 April 2003 "Colombia, immersed in a long internal armed conflict fuelled by an immense illegal drug industry, wants more political, law enforcement and military support from its neighbours. Historically, its borders have been porous, poorly patrolled, and politically neglected. The government's increased military pressure on the guerrillas has produced a violent backlash in cities, including those in the newly created Rehabilitation and Consolidation Zones (RCZs), without establishing firmer control of the borders. Now, not only do its neighbours fear the spreading instability inherent in the unabated violence of the conflict, but they also face internal conditions that threaten their own stability. To differing degrees, all of Colombia's five neighbours have imminent political and economic crises." [15](p1)

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## **Ecuador**

**6.258** According to the above-mentioned April 2003 report by the ICG "Ecuador's border is particularly vulnerable to drug and arms trafficking and related offences because it is adjacent to the Colombian departments of Putumayo and Nariño, home to 37 per cent of the total coca cultivation in the country. Furthermore, Putumayo, and increasingly Nariño, has been at the centre of the aerial crop-spraying eradication strategy of Plan Colombia, and paramilitaries and the FARC are fiercely disputing control of coca crops. Cocaine base is smuggled into Ecuador from Putumayo on the eastern side of

the Andes and transported back to Colombia via Nariño, west of the Andes, for refinement. Refined cocaine and heroine are smuggled into Ecuador for international distribution from the country's Pacific ports, such as Guayaquil and Esmeraldas. Colombian military authorities claim that almost 50 per cent of the ammunition that enters Colombia is from Ecuador." [15](p8)

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## Venezuela

**6.259** According to the same April 2003 ICG Report "Colombia and Venezuela share a long common history, more than 2,000 kilometres of mostly unpopulated and remote border and intense human and economic interchange. Each is the largest trading partner of the other. Differences over a number of pending border issues, including delimitation of marine and submarine areas, have occasionally been used for political purposes in both. The FARC, ELN and paramilitaries are active along this frontier, where significant coca and opium poppy crops are grown, and strategic petroleum resources are found. As the U.S. trains Colombian troops to protect the major Caño Limón-Coveñas oil pipeline and challenge guerrilla control of the Arauca region, the levels of violence and displacement in the Colombian departments opposite Venezuela are rising." [15](p12)

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## Panama

**6.260** The April 2003 ICG Report also mentioned that "The 225-kilometre border with Colombia runs across the mountainous jungle region of Darién and has long been a primary security concern. Following the defeat of the army in 1989 and its abolition in 1994, Panama has only a police force, the Panamanian Public Forces (PPF), albeit one with small naval and air components. The PPF, which is subordinate to the ministry of government and justice, lacks the capacity to patrol the eastern border effectively. Despite these concerns and the intensification of the Colombian conflict, security has not been a policy priority for Panamanian governments during the 1990s since the U.S. military presence in the Canal Zone was perceived both to provide protection and inhibit an indigenous defence structure." [15](p16-17)

**6.261** The same April 2003 ICG Report noted that "However, Panama remains vulnerable to incursions of irregular armed groups and drug and arms traffickers from Colombia. The latest in a long series of incidents was the killing of four civilians by Colombian paramilitary on 18 January 2003. The attack led some 600 people to flee villages and seek refuge in Boca de Cupé, a small town close to the Colombian border but with a police station. According to press and NGO reports, the paramilitaries accused their victims of collaboration with the FARC, which also roams the area. This is a familiar justification for massacres of civilians committed by the paramilitary forces inside Colombia." [15](p17)

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## Peru

**6.262** According to the same April 2003 ICG report "Faced with its own stark

internal challenges, the possibility of a direct spillover of the Colombian conflict is not a primary concern for Peru. An opinion poll, conducted during the visit of U.S. President Bush in March 2002, showed that for the inhabitants of Lima, economic issues were much more significant. However, one aspect of that conflict, its links to drug trafficking, does concern Peruvians, who suspect that a major reason for a rise in coca and opium poppy cultivation in 2002 is the increased pressure the Uribe administration has put on that activity inside Colombia." [15](p19)

**6.263** The above-mentioned April 2003 ICG Report also noted that "However, the authorities believe the rugged 1,600-kilometre border is a natural buffer zone in which Colombian armed groups will find operations very difficult. During the last months of 2002, the Toledo and Uribe administrations have broadened their security cooperation. In November 2002, the foreign ministers activated a Mechanism for Security and Judicial Cooperation, contemplating bilateral cooperation against terrorism, drugs, corruption and arms trafficking. In addition, Peru and Colombia signed agreements on river and air interdiction and police cooperation. In October 2002, defence ministers created the Bilateral Defence Working Group to coordinate security cooperation at the highest level. The high commands of the armed forces are to meet annually. Indeed, bilateral military cooperation is the best among Colombia's neighbours. This reflects considerable improvement from the days when the Fujimori administration tried to discredit Colombia in order to present itself to the U.S. as a more reliable regional ally, and Vladimiro Montesinos, Fujimori's security advisor and intelligence chief, was involved in arms sales to the FARC." [15](p19)

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## **Brazil**

**6.264** The April 2003 ICG Report also mentioned "The rain forest makes it difficult to monitor the border. Brazilian planes fly into Colombia to pick up drugs in the largely unpopulated departments of Guainía, Vichada and Vaupés in eastern Colombia, which are often exchanged for weapons, stimulating an illegal arms trade in Brazil. According to the Brazilian federal police, refined cocaine that enters Brazil by air is distributed in European and U.S. markets, while drugs intended for consumption within Brazil enter by boat along the network of rivers that connect the countries. The United Nations Office for Drug Control and Crime Prevention (UNDCP) has also identified trafficking routes between Brazil and central and southern Africa. Brazil has become the second largest consumer of cocaine in the hemisphere. The government sees a clear link between the dramatic increase in crime rates in Brazil's major cities and the drug and arms trade with Colombia. But this concern is relatively recent. Brazil long thought the rain forest was a sufficient barrier to force arms and drug smugglers to keep to easier routes." [15](p23)

**6.265** The April 2003 ICG report noted that "While the rain forest has been shown not to be impenetrable, the authorities still consider that it imposes drastic logistical limits on any attempt by illegal armed groups, drug traffickers or even regular armed forces to use the Amazon region. They are relatively relaxed, therefore, about the prospect that Colombia's conflict could be exported significantly onto Brazilian territory. Thus, the Cardoso government

operated throughout 2002 on the assumption that while the conflict inside Colombia was deteriorating, it was not spilling over. Brazilian analysts interpreted the bomb attacks in Bogotá that punctuated Uribe's inauguration and the strong presence of the FARC in Medellín and Cali at that time as an internalisation of the conflict, in the face of which Brazil ought to maintain formal diplomatic support while distancing itself from any more direct involvement. This attitude was rationalised by the foreign ministry as giving Brazil a better chance to be of help to both sides if serious negotiations eventually were to begin on new terms. [15](p24)

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# Annexes

## Annex A Chronology of Events

**1525** First permanent Spanish settlement at Santa Marta by Rodrigo de Bastidas

**1810** Colombia declares its independence from Spanish rule

**1819** Republic of Gran Colombia (embracing the present republics of Venezuela, Colombia, Panama and Ecuador) is proclaimed following successful campaign waged by Simon Bolivar in the early 1800s.

**1829** Venezuela breaks away from the Republic

**1830** Ecuador breaks away from the Republic and the Republic dissolves, with its member states, except Panama, becoming independent nations. Remaining provinces are named Nueva (New) Granada.

**1836** Nueva Granada restores its name to Colombia Much of the 19th Century was characterised by political instability and violent struggle between Liberal and Conservative Parties, culminating in the War of the Thousand Days (1899-1902).

**1903** Panama, with US assistance, breaks away from Colombia

**1903** to mid-1940s Colombia enjoys relative tranquility, including implementation of 'New Deal' type reforms under President Adolfo Lopez Pumarejo (1934-38)

**1946** Conservatives return to power

**1948** Assassination of popular Liberal leader, Jorge Eliecer Gaitan, provokes serious rioting in Bogotá. Several thousand are killed.

**1948-58** Conflict between Liberal and Conservative Party supporters spreads to rural areas. As many as 200,000 are killed during this period, known as 'La Violencia'.

**1957** Colombia's only military dictator during the 20th Century, General Rojas Pinilla, is ousted after four years in power

**1958** Liberal and Conservative parties agree power-sharing arrangement (National Front) which formally runs until 1974

### Recent History

**Mid-1960s** Colombia's two main guerrilla groups, the Revolutionary Armed Forces of Colombia (FARC) and National Liberation Army (ELN), are established

**1974** M-19 guerrilla group is formed

**1978** Cesar Turbay (Liberal) elected President. He conducts tough counter-insurgency campaign

**1980s** Medellin and Cali drug cartels consolidate their control of the drugs trade. Paramilitary groups emerge as a significant force.

**1982** Belisario Betancur (Conservative) becomes President. Takes first serious steps towards a negotiated settlement of guerrilla conflicts.

**1984** Campaign against drug trafficking stepped up following the assassination of justice minister.

**1985** FARC establishes political party, Patriotic Union (UP), but paramilitary death squads kill many hundreds of its members over the next decade. M-19 takes over Palace of Justice in Bogota; army recaptures building, but over 100

are killed including 11 senior judges.

**1986** The Liberals win presidential elections by record margin.

**1986** Right-wing paramilitary groups begin murder campaign against UP politicians, amid continuing violence by left-wing groups and death squads run by drugs cartels.

**1989-90** Big increase in drug-related violence. Medellin Cartel, opposed to extradition, assassinates Luis Carlos Galan, favourite to win Liberal Party presidential nomination in 1990 and kills 200 policemen in Medellin. President Barco (1986-90) appeals to international community for support in his struggle against narco-traffickers.

**1990** After long and difficult negotiations, M-19 guerrillas demobilise and establish a democratic political movement

**1991** Constituent Assembly (with former-guerrillas well represented) drafts new constitution.

**1991** New Constitution legalises divorce, prohibits the extradition of Colombians wanted for trial in other countries and guarantees indigenous peoples' democratic rights, but without addressing their territorial claims.

**1991-92** Various rounds of peace talks between government of President Gaviria (1990-94) and FARC and ELN guerrillas fail to make headway

**1993** Pablo Escobar, infamous head of Medellin drug cartel, killed by police in Medellin

**1994-1998** Administration of President Samper (Liberal) dogged by drug-related corruption scandals. But progress is made in dismantling Cali-drug cartel. FARC and ELN guerrillas show little interest in negotiating with Samper government.

**1998** Andres Pastrana (Conservative, but standing as an independent) wins Presidential elections

**1998** Pastrana grants FARC a safe haven the size of Switzerland in the south-east to help move peace talks along. The zone is off-limits to the army.

**1999** Peace talks formally launched but proceed in a stop-start fashion. Pastrana and FARC leader Marulanda meet.

**2001** The FARC return to peace talks after a meeting between Pastrana and Marulanda.

**2001** FARC rebels free 359 police and troops in exchange for 14 captured rebels. FARC accused of using safe haven to re-arm, prepare attacks and conduct drug trade.

**2002** President Pastrana breaks off three-year old peace talks with FARC, and terminates their demilitarised zone. Peace talks with ELN break down and attempts to restart them stall.

**2002** Alvaro Uribe (dissident Liberal, standing for independent Primero Colombia Movement) wins Presidential elections. Inaugurated 7 August.

**2003** US special forces deploy in eastern province of Arauca - USA's first direct involvement in the civil war. US forces aim to train Colombian troops and protect key oil pipeline.

**2003** Guerrillas execute Antioquia state governor Guillermo Gaviria and nine other hostages after a failed rescue attempt.

**2003** Many of President Uribe's planned austerity measures and political reforms rejected by voters in referendum. Three ministers, national police chief resign.

**2003** November - Some 800 fighters from right-wing United Self-Defence Forces of Colombia (AUC) disarm. AUC says its 13,000 paramilitaries will disarm by end of 2005.

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## Annex B (i)

### Political Organisations

**Alianza Democratica-M-19 (AD-M-19):** f. 1990; alliance of centre-left groups (including factions of Union Patriótica, Colombia Unida, Frente Popular and Socialismo Democrático) which supported the M-19 campaign for elections to the National Constituent Assembly in December 1990; Leader DIEGO MONTANA CUELLAR.

**Alianza Nacional Popular (ANAPO):** f. 1971 by supporters of Gen. Gustavo Rojas Pinilla; populist party; Leader MARIA EuGENIA ROJAS DE MORENO DIAZ.

**Democracia Cristiana:** f. 1964; Christian Democrat party; 10,000 members; President: JUAN A. POLO FIGUEROA; Sec.-Gen. DIEGO ARANGO OSORIO.

**Frente Social y Político:** f. 2001; left-wing; Presidential Candidate LUIS EDUARDO GARZON.

**Frente por la Unidad del Pueblo (FUP):** extreme left-wing front comprising socialists and Maoists.

**Movimiento 19 de Abril (M.19):** f.1970 by followers of Gen. Gustavo Rojas Pinilla and dissident factions from the FARC (see below); left-wing urban guerrilla group, until formally constituted as a political party in Oct. 1989; Leaders ANTONIO NAVARRO WOLFF, OTTY PATINO.

**Movimiento Colombia Unida (CU):** left- wing group allied to the UP; Leader ADALBERTO CARVAJAL.

**Movimiento Nacional Conservador (MNC):** Sec.- Gen. JUAN PABLO CEPERA MARQUEZ.

**Movimiento Nacional Progresista (MNP):** Sec.-Gen. EDUARDO AISAMAK LEON BELTRAN.

**Movimiento Obrero Independiente Revolucionario (MOIR):** left-wing workers' movement; Maoist; Leader HECTOR V ALENGA.

**Movimiento de Salvacion Nacional MSN):** f. 1990; split from the Partido Conservador Colombiano.

**Movimiento Unitario Metapolítico (MUM):** f. 1985; populist-occultist party; Leader REGINA BETANCOURT DE LISKA.

**Mujeres para la Democracia:** f. 1991; women's party; Leader ANGELA CUEVAS DE DOLMETSCH.

**Partido Conservador Colombiano (PCC):** f. 1849; 2.9m. members; President: CARLOS HOLGUIN SARDI; Sec.-Gen. HUMBERTO ZULUAGA MONEDERO.

**Partido Liberal Colombiano (PL):** f. 1815; divided into two factions, the official group (HERNANDO DURAN LUSSAN, MIGUEL PINEDO) and the independent group, Nuevo Liberalismo (New Liberalism, led by Dr ALBERTO SANTOFIMIO

BOTERO, ERNESTO SAMPER PIZANO, EDUARDO MESTRE); President LUIS FERNANDO JARAMILLO.

**Partido Nacional Cristiano (PNC):** President LINO LEAL COLLAZOS.

**Unidad Democratica de la Izquierda (Democratic Unity of the Left):** f. 1982; left-wing coalition incorporating the following parties:

**Firmes:** democratic party.

**Partido Comunista Colombiano (PC):** f. 1930; Marxist-Leninist party; Sec.-Gen. ALVARO VASQUEZ DEL REAL.

**Partido Socialista de los Trabajadores (PST):** workers' socialist party; Leader MARIA SOCORRO RAMIREZ.

**Union Patriotica (UP):** f. 1985; Marxist party formed by the FARC (see below); obtained legal status in 1986; Pres. ERNAN PASTRANA; Exec. Sec. OVIDIO SALINAS. Since 1999, the UP faded from any position of political significance, and have not featured as being active in any news reports.

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## Annex B (ii)

### Active guerrilla groups and illegal organisations

**Autodefensas Campesinas de Cordoba y Uraba (ACCU):** right-wing paramilitary org; Leaders CARLOS CASTANO, SALVATORE MANCUSO.

**Autodefensas Unidas de Colombia (AUC):** right-wing paramilitary org; 10,000 members.

**Ejercito de Liberacion Nacional (ELN):** Castroite guerrilla movement; f. 1965; 3,500 members; political status recognised by the Govt in 1998; Leaders NICOLAS ROGRIGUEZ BAUTISTA, ANTONIO GARCIA; factions include:

**Corriente de Renovacion Socialists (CRS):** (ceased hostilities in December 1993).

**Frente Simon Bolivar:** ceased hostilities in December 1985.

**Frente Antonio Narino:** ceased hostilities in December 1985.

**Frente Domingo Lain:** formed splinter group in October 1993; armed wing.

**Ejercito Popular de Liberacion (EPL):** Maoist guerrilla movement; f. 1969; splinter group from Communist Party; abandoned armed struggle in March 1991; joined the political mainstream as the **Partido de Esperanza, Paz y Libertad (EPL)**; Leader FRANCISCO CARABALLO.

**Frente Popular de Liberacion Nacional (FPLN):** f. 1994 by dissident members of the ELN and the EPL.

**Fuerzas Armadas Revolucionarias de Colombia (FARC):** formerly military wing of the Communist Party; composed of 39 armed fronts and about 17,000 members; political status recognised by the Govt in 1998; Leader MANUEL MARULANDA VELEZ (alias TIROFIJO).

**Movimiento de Autodefensa Obrera (MAO):** workers' self-defence movement; Trotskyite; Leader ADELAIDA ABADIA REY.

**Movimiento de Restauracion Nacional (MORENA):** right-wing; Leader ARMANDO VALENZUELA RUIZ.

**Muerte a Secuestradores- (MAS - Death to Kidnappers):** right-wing paramilitary organisation; funded by drugs dealers.

**Nuevo Frente Revolucionario del Pueblo:** f. 1986; faction of M-19; active in Cundinamarca region.

**Partido Revolucionario de Trabajadores (PRT):** left-wing; abandoned its armed struggle in 1991 and announced its intention to join the political mainstream as part of the Alianza Democratica.

**Patria Libre:** f. 1985; left-wing guerrilla movement.

In late 1985 the **M-19**, the **Comando Ricardo Franco-Frente Sur** and the **Comando Quintin Lame** (an indigenous organisation active in the department of Cauca) announced the formation of a united front, the **Coordinadora Guerrillera Nacional (CGN)**. In 1986 the **CGN** participated in joint campaigns with the **Movimiento Revolucionario Tupac Amaru (Peru)** and the **Alfaro Vive Carajo (Ecuador)**. The alliance operated under the name of **Batallon America**. In late 1987 six guerrilla groups, including the **ELN**, the **FARC** and the **M-19**, formed a joint front, to be known as the **Coordinadora Guerrillera Simon Bolivar (CGSB)** and subsequently as the **Coordinadora Nacional Guerrillera Simon Bolivar (CNGSB)**.

[1](p288-289)

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## Annex C

### Prominent People

**BETANCOURT Ingrid** - Former Presidential candidate kidnapped by the FARC two years ago. Mrs Betancourt, a French citizen, was kidnapped by FARC rebels two years ago. The politician is the FARC's trump card in their proposed prisoner exchange, because of her French citizenship. [29q]

**BAUTISTA RODRIGUEZ Nicolás** - The current UC-ELN's military leader - alias "Gabino." [21](p25)

**CASTANO Carlos** - Together with Salvatore Mancuso are the principle organisers of the AUC. [2](p27-28)

**GARZÓN EDUARDO Luis** -The representative of the Democratic Pole became mayor of Bogota and took office on 1 January 2004 and will remain Mayor until 31 December 2006. He was a presidential candidate for Frente Social y Politico a left-wing party in the 2002 elections. [1](p287)[42]

**MANCUSO Salvatore** - Together with Carlos Castano are the principle organisers of the AUC. [2](p27-28)

**MARULANDA VELEZ Manuel** - the legendary mastermind of the Revolutionary Armed Forces of Colombia (FARC) -- is the world's oldest guerrilla leader. He was born on May 13, 1928 (a date that has been disputed), in a coffee-growing region of west-central Colombia to a peasant family that gave him the name Pedro Antonio Marin. [44] A local journalist reported in February 2004 that Marulanda has cancer and will die within six months. He is apparently been very sick for several months and sought hospital treatment in Brazil. [29p]

**NAVARRO GUSTAVO Edgar** - No. 2 leader of an elite unit of the Revolutionary Armed Forces of Colombia, or FARC, was killed during a gunfight Sunday [19 October 2003] with 10 other rebels. He is accused of being behind a car bombing that killed 12 people, the assassination of an army general and the kidnapping of at least half a dozen politicians, including that of former presidential candidate Ingrid Betancourt. [30q]

**PALMERA Ricardo** - better known as Simon Trinidad - a commander of Colombia's main leftist rebel group, FARC. He is the most senior member of the FARC to have been captured. He was arrested in Ecuador on 2 January [2004]. He was a member of the group's 22-strong body in charge of the rebel army and played a key role in failed talks with the government in 2002. [29o]

**PASTRANA ARANGO Andres -1998 - 2002** - He became Colombia's new president on June 21, 1998, inspired cautious hope for a peaceful resolution to more than three decades of leftist guerrilla warfare. Backed by the Conservative Party, Pastrana won over 50% of the vote in a second-round runoff to defeat Liberal candidate Horacio Serpa Uribe. [43]

**SANTOS Calderón Francisco** - Vice President of Colombia since 2002. 41

years old, was elected Vice President of Colombia on the same national ballot as Colombian President Alvaro Uribe Vélez in May 2002. [41]

**URIBE VELEZ Alvaro** - Took office as President on 7 August 2002 - Present - A tough right-winger whose political life has been dominated by the desire to rid the country of the rebels who killed his father 20 years ago. He scored a landslide victory in May 2002 with his promise to tackle the Marxist guerrillas who have waged a four decades-long war on the state. [29]

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## Annex D

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