

THIS PAPER WAS PREPARED BY WRITENET ON THE BASIS OF PUBLICLY AVAILABLE INFORMATION, ANALYSIS AND COMMENT. ALL SOURCES ARE CITED. THIS IS NOT, AND DOES NOT PURPORT TO BE, EITHER EXHAUSTIVE WITH REGARD TO CONDITIONS IN THE COUNTRY SURVEYED, OR CONCLUSIVE AS TO THE MERITS OF ANY PARTICULAR CLAIM TO REFUGEE STATUS OR ASYLUM. THE VIEWS EXPRESSED IN THIS PAPER ARE THOSE OF THE AUTHOR AND ARE NOT NECESSARILY THOSE OF UNHCR.

COLOMBIA: THE SILENT CRISIS OF INTERNAL DISPLACEMENT

By Patrick Costello - WRITENET

AUGUST 1996

WRITENET IS A NETWORK OF RESEARCHERS AND WRITERS ON
HUMAN RIGHTS, FORCED MIGRATION, ETHNIC AND POLITICAL CONFLICT.

WRITENET IS A SUBSIDIARY OF PRACTICAL MANAGEMENT (UK)

TABLE OF CONTENTS

1. INTRODUCTION

2. HISTORICAL BACKGROUND

2.1 Guerrilla Movements and Civil War

2.2 The Human Rights Crisis

2.3 Internal Displacement

3. REGIONS IN CONFLICT

3.1 The Magdalena Medio

3.2 Meta

3.3 South of Cesar and Norte de Santander

3.4 Urabá

4. POLITICAL CRISIS: THE RECORD OF PRESIDENT SAMPER

4.1 Ambitious Proposals

4.2 The Plan in Practice

5. CONCLUSIONS

6. BIBLIOGRAPHY

1. INTRODUCTION

Internal displacement in Colombia has been taking place over the last forty years.¹ However, the international media has paid little attention to the problem. Wire stories and newspaper articles on Colombia focus largely on the drugs issue and the political situation. Where the internal armed conflict is mentioned, the stories usually concern guerrilla attacks on infrastructure or the kidnapping of foreign nationals.²

Until 1995, there were no universally accepted figures on the scale of the problem. A year and a half of research by the Colombian Episcopal Conference, which made full use of the parish structures, culminated in a 1995 report which yielded a figure of 586,261 people displaced from conflict areas between 1985 and 1994 alone.³ The figure excludes migrations for economic and social reasons by using the following definition of an internally displaced person:

Every person who has been forced to migrate within the national territory, abandoning his place of residence or his customary occupation, because his life, physical integrity or freedom has been rendered vulnerable or is threatened due to the existence of any of the following man-caused situations: internal armed conflict, internal disturbances or tensions, widespread violence, massive violations of human rights or other circumstances originating from prior situations that can disturb or disturb drastically public order.⁴

The levels of internal displacement are continuing to rise. Despite expectations created by President Samper's human rights proposals which included a number of policies designed to tackle the problem of displacement, more than 25,000 people were forcibly displaced in the first nine months of President Samper's administration (July 1994 - March 1995) from only four regions of the country.⁵

The aim of this paper is to provide an analysis of the historical roots of the problem of internal displacement in Colombia and its current manifestations and consider its likely development in the light of the current political crisis and the intensifying internal armed conflict.

¹ United Nations, Economic and Social Council, *Report of the Representative of the Secretary-General, Mr. Francis Deng, Submitted Pursuant to Commission on Human Rights Resolution 1993/95. Addendum: Profiles in Displacement: Colombia*, E/CN.4/1995/50/Add. 1, 3 October 1994, para. 11

² See Writenet, *Latin America and the Caribbean: Review of Current Events*, 1 October 1994 - 31 August 1995, (UNHCR/CDR REFWORLD Databases) for examples of media stories already selected for their greater explanatory value.

³ *Exodo* [Bogotá], "A Chilling Diagnosis: People Displaced by Violence in Colombia Between 1985 and 1994", No.1 (July-August 1995), p. 16

⁴ United Nations, Economic and Social Council, 3 October 1994, para. 12

⁵ *Exodo* [Bogotá], "Political Violence Continues and Forced Displacement Increases", No. 1 (July-August 1995), pp. 4-5

2. HISTORICAL BACKGROUND

Colombia has a long history of political violence. Following the wars of independence from Spain, and the failure of Simon Bolívar's attempt to create a unitary Andean state in the region, the new Republic of Nueva Granada was formed in 1830. In a manner similar to that of the formation of Honduras in Central America, the new State was not a natural nation, but formed out of what remained following the secession of Ecuador and Venezuela. As a result, it was a poor and isolated country with little infrastructure and a geographical diversity which hindered the creation of national unity. The weakness of the State was enhanced by a tradition of federalism. The constitution of 1863 took federalism to its limits by leaving central government with no military or political powers except in foreign affairs.⁶ While the 1886 Constitution (in effect until 1991) reversed the more extreme federal tendencies, the weakness of central government was only mitigated by the nature of political party allegiances and patronage.⁷

While in the early years of independence most people lived in quasi-feudal circumstances, controlled by the local landowners (*caciques*) in semi-independent regions, political control rapidly coalesced into two large political parties that were aggregates of many of these landowners together with urban elites. The party elites were able to mobilize the thousands of peasants in the areas they controlled. The two parties, the Liberal Party (*Partido Liberal*) and Conservative Party (*Partido Conservador*) differed little in their political platforms apart from on the role of the Catholic Church. However, where peaceful political competition between the parties failed, violent confrontation erupted. During the nineteenth century, six civil wars took place, fought between all (or part) of one party against the other. This left a legacy of strong party identification since most families had lost members during one or other of the wars.⁸

This combination of a strong party system mediated through local *caciques* and a weak central government remained largely unchanged until the 1930s when it was challenged by the modernization of the economy. The coffee boom created the impetus for the construction of infrastructure (roads, railways), the beginnings of industrial development in the cities and a larger export-oriented agriculture sector. In turn, this generated migration, both into the cities and outwards from the Andean areas to the agricultural frontier by peasants in search of land. Peasant organizations and trade unions began to make powerful demands. New factions developed within the traditional parties which disagreed over the role which the State should play in the developing national economy. It was recognized by many politicians that the changing social situation was likely to strain traditional party allegiances unless the State was able to take a leading role in the process.⁹

Attempts to break with the traditional party elites to build support among the new social movements were stifled when Jorge Eliécer Gaitán, a popular Liberal party politician, who

⁶ J. Pearce, *Colombia: Inside the Labyrinth* (London: Latin America Bureau, 1990), pp. 15-17

⁷ H.F. Kline, *Colombia: Democracy under Assault* (Boulder: Westview, 1995), p. 36

⁸ *Ibid.*, pp. 30-36

⁹ Pearce, pp. 27-47

fought the 1946 election calling for the overthrow of the bipartisan elite, was assassinated on 9 April 1948. The assassination triggered a ten year period known as *La Violencia* during which an estimated 200,000 people died. In the early years, the violence was largely party-organized with Conservative led government troops fighting against Liberal landowners who created peasant-guerrilla armies. However, some of the locally based Liberal guerrillas began to develop an independence from the landowners and ranchers who had armed them, and in many areas this created a kind of banditry in which local feuds and land struggles were resolved under the cover of party violence.¹⁰ An estimated two million peasants fled their lands, either to the towns or new agricultural areas during *La Violencia*.¹¹

The period of *La Violencia* created a number of the conditions for the internal armed conflict which still continues in Colombia. The nucleus of today's guerrilla movements was formed by Liberal guerrillas who refused to disarm.¹² Equally, the army more than doubled in size during the period and the initial inter-party violence was first resolved by recourse to a military government (1953-7), led by General Rojas Pinilla, during which time the army became a modern professional force.¹³

Despite the violence, the bipartisan elite emerged from the period of military rule and *La Violencia* largely unchanged. In 1958, the two parties created a National Front pact and reached a political agreement under which they undertook to alternate in the presidential office every four years and to share all legislative and administrative offices equally for 16 years. Thus the party system which had proved unable to respond to the challenges of urbanization and agricultural modernization in the first part of the century remained in control of Colombian politics.¹⁴ Following the end of the pact in 1974, the presidency ceased to rotate but cabinet positions continued to be offered to opposition members.¹⁵

As a result, the legitimacy of the political system was progressively eroded. On the one hand, voting became largely irrelevant since the results were decided between the parties on the basis of the National Front, leading to a growth in abstentionism, particularly in the urban areas where the party *caciques* had less influence.¹⁶ On the other hand, any attempt to challenge the Front was met by repression. Of the 44 years of government until 1994, 37 were spent under presidential declarations of a state of emergency or "internal disturbance". This allowed successive governments to suspend constitutional guarantees, rule by executive decree and grant the army broad powers to deal with perceived threats to public order.¹⁷

¹⁰ *Ibid.*, pp. 44-58

¹¹ United Nations, Economic and Social Council, 3 October 1994, para. 19

¹² *Ibid.*, para. 20

¹³ Pearce, pp. 59-60

¹⁴ Kline, pp. 47-52

¹⁵ Economist Intelligence Unit, *Country Profile: Colombia (1995-96)* (London, 1995), p. 3

¹⁶ Catholic Institute for International Relations, *Colombia: Image and Reality*, (London, March 1992), p. 12

¹⁷ Amnesty International, *Political Violence in Colombia: Myth and Reality*, AMR 23/01/94 (London, March 1994), p. 31

2.1 Guerrilla Movements and Civil War

Colombia's guerrilla movements emerged in the 1960s out of both the national circumstances created by the exclusiveness of the political system and the international context of the rise of guerrilla movements all over the continent following the Cuban revolution. A description of all of the groups and factions which have appeared over the last thirty years is beyond the scope of this paper, but Colombia's main guerrilla actors are detailed below:

Ejercito de Liberación Nacional (National Liberation Army - ELN). The ELN was founded in 1964 by a group of university students heavily influenced by the Cuban revolution. Support for the movement grew after it was joined by the radical priest Camilo Torres who had previously attempted to build a political movement uniting all opposition to the National Front. Following his death during his first military action in 1966, the ELN's military capacity grew. However, in 1973, the army mounted a huge counterinsurgency operation in the north-east of Antioquia in which 33,000 troops participated. Only 70 ELN members in the countryside survived the operation which left the organization in crisis for a decade.¹⁸

Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia - FARC). The FARC was created in 1966 following an army offensive against peasant communities who had settled land during *La Violencia*.¹⁹ These communities were organized by the Communist Party and maintained their own armed defence. The FARC remained closely tied to the Communist Party and grew by offering protection to peasant colonizers who were under threat from landowners and cattle ranchers. In a number of areas, the FARC took over the role of the absent State.²⁰

Ejercito Popular de Liberación (Popular Liberation Army - EPL). The EPL was a product of the Sino-Soviet split. Founded in 1967, it established a strong base of peasant support in an attempt to create a liberated zone in the northwest of the country. Like the ELN, it faced heavy repression in the early 1970s, and during the decade split into a number of factions from which it did not recover until the early 1980s.²¹

Movimiento 19 de Abril M-19 (19 April Movement M-19). M-19 was founded by former FARC and Communist Party members, together with radical activists from ANAPO (Alianza Nacional Popular - National Popular Alliance). ANAPO was a political movement established by General Rojas Pinilla, the former military President (1953-58), which challenged the National Front pact candidates in the 1970 presidential elections. Many of its activists believed that ANAPO was deprived of victory in the 19 April election through fraud. The public appearance of the M-19, in 1974, gave a new direction to guerrilla warfare in the 1970s. The rapid growth of its urban fronts was achieved by actions (such as the theft

¹⁸ Pearce, pp. 168-9

¹⁹ Catholic Institute for International Relations, pp. 12-13

²⁰ Pearce, pp. 167-8

²¹ *Ibid.*, pp. 169-70

of Bolívar's sword and the kidnapping of the U.S. Ambassador) which created publicity and support among poor urban shantytown dwellers.²²

The strategies used by the Government to counter the guerrilla insurgency have varied over the decades although they have always been guided by a doctrine of national security, under which all forms of social and political opposition are perceived as front organizations for guerrilla activity.²³ In the 1970s, mass arrests, the systematic use of torture in detention and trial by military tribunals were used in combination with massive military operations in rural areas controlled by guerrillas.²⁴ However, by the early 1980s, these policies had not only brought international condemnation but had failed to check the development of insurgent activity. By the end of 1983, the FARC had 27 fronts and the ELN had fourteen separate groups working in Bogotá alone.²⁵

By the early 1980s, both Government and guerrillas had recognized the impossibility of a military victory by either side in the conflict.²⁶ The Conservative Party government of Belisario Betancur (1982-1986) heralded a change of government strategy. Since 1982, successive governments have attempted to promote peace negotiations with different guerrilla organizations. President Betancur announced the formation of a Peace Commission and an amnesty was granted to those in armed conflict for war-related crimes. Within two years, agreements had been signed with the FARC, M-19 and EPL under which a ceasefire was linked to a series of guarantees to facilitate the integration of former guerrillas into the democratic system and a programme of investment in rural areas affected by the conflict. However, by the end of 1985, the EPL and the M-19 were back in arms and the FARC resumed hostilities the following year.²⁷ The resistance of the army and the majority of traditional politicians to the process gave the President little room to manoeuvre and contributed to its failure.²⁸ The breakdown of the dialogue was dramatically illustrated on 6 November 1985, when the M-19 seized the Palace of Justice in Bogotá. In regaining control, the army attacked the Palace with tanks and rocket launchers, burning it down and leaving a hundred people dead including 11 of the 24 Supreme Court justices.²⁹

A more successful peace strategy was initiated by Betancur's successor, Liberal President Virgilio Barco (1986-90). Following a series of more flexible negotiations, the M-19 turned in its weapons and became a legal political party for the 1990 elections. The EPL negotiated

²² Kline, pp. 57-8

²³ NCOS (National Centrum voor Ontwikkelingssamenwerking), *Tras los pasos perdidos de la guerra sucia*, (Brussels, 1995), pp. 10-19

²⁴ NCOS (National Centrum voor Ontwikkelingssamenwerking), *El terrorismo de estado en Colombia*, (Brussels, 1992), p. 11

²⁵ Pearce, pp. 173-4

²⁶ J. Giraldo, "Conflicto Armado y Paramilitarismo en Colombia" in Coordinación Belga por Colombia, *Conferencia Europea sobre los Derechos Humanos en Colombia: Memoria* (Brussels: SAGO, June 1995), p. 84

²⁷ Kline, pp. 58-9

²⁸ Pearce, p. 175

²⁹ Kline, p. 59

a separate agreement with President Cesar Gaviria (1990-94) and demobilized in 1991, although a small dissident faction remained armed.³⁰ Most recently, in 1994 President Gaviria negotiated a peace agreement with a dissident faction of the ELN, the *Corriente de Renovación Socialista* (Socialist Renovation Current).³¹ The two largest guerrilla groups, the FARC and the ELN, have continued to fight, loosely coordinating together with the EPL dissidents for the purposes of negotiations in the *Coordinadora Nacional Guerrillera Simon Bolívar* (National Simon Bolivar Guerrilla Coordination - CNGSB). Their main demands are the purging of human rights violators from the armed forces, the dismantling of paramilitary groups (see below), national control over Colombia's natural resources and redistributive programmes in favour of the poor. Successive governments, in turn, demand an end to economic sabotage and kidnapping by the guerrillas.³²

2.2 The Human Rights Crisis

The period of peace negotiations beginning in 1982 was accompanied by an apparent reduction in the overt levels of repression by the Government and the army. However, the human rights situation has continued to deteriorate. For example, in the whole of the 1970s, there were around 1,000 political assassinations, while between 1988 and 1991 alone, the figure was closer to 6,500, this despite the conclusion of successful peace agreements during the period.³³ The reasons for this paradox become apparent by looking at the change in counterinsurgency strategies during the 1980s, as express e.g. in the following quote: "If limited conventional warfare entails too many risks, paramilitary techniques can prove a useful and sure way to apply force for political ends."³⁴ At this time, a series of paramilitary death squads appeared all over the country. These groups claimed responsibility for political assassinations and disappearances.³⁵

Law 48 of 1968 provided a legal basis for the formation of paramilitary "self-defence" squads by giving the armed forces the right to arm civilians and to create peasant self-defence groups. However, from the mid-1980s, these "self-defence" groups were increasingly linked to private armies formed by drug traffickers who had bought large areas of farmland in areas with a guerrilla presence. In many areas where the counterinsurgency interests of the military and the economic interests of the drug traffickers coincided, paramilitary operations were used to eliminate civilians suspected of supporting the guerrillas as well as peasant farmers impeding the extension of large farms. In addition, paramilitary "hit-squads" were sent to towns to assassinate trade union leaders, left wing political activists, members of human rights organizations and national political leaders.³⁶

³⁰ *Ibid.*, p. 59

³¹ Giraldo, p. 83

³² Catholic Institute for International Relations, pp. 29-30

³³ NCOS, *El terrorismo de estado*, pp. 11-12

³⁴ C. Lerche and A. Said, "La guerra en el mundo moderno", *Revista de Las Fuerzas Armadas* [Bogotá], 1987, quoted in NCOS, *Tras los pasos perdidos*, p. 19, note 46

³⁵ Amnesty International, *Political Violence in Colombia*, pp. 50-1

³⁶ Amnesty International, *Political Violence in Colombia*, p. 54

Successive governments and the armed forces have regularly denied any role in the development of paramilitary organizations into groups responsible for gross human rights violations. However, there is a good deal of evidence to suggest that paramilitary organizations not only collaborate extensively and jointly plan operations with the army but that their command structures involve extensive liaison with the army's high command and intelligence services.³⁷ In addition, in a number of cases, the names of paramilitary organizations have been used as a cover for clandestine operations by the army itself.³⁸

When looked at together with the documented abuses by guerrilla groups which have included the deliberate and arbitrary murder of civilians as well as kidnappings, the human rights record over the last ten years has been one of the worst in the hemisphere. Between June 1986 and June 1994, 25,491 Colombian civilians died in political and social violence. Of these deaths, 29 per cent were shown to be the responsibility of guerrilla movements while almost 70 per cent were committed by the army, police and paramilitary groups. The statistics include four presidential candidates, two ministers of justice and thousands of elected local politicians.³⁹ To take just one example of how directed the political repression has been, the Patriotic Union (*Unión Patriótica* - UP), founded in 1985 by demobilized FARC guerrillas, has suffered the murder of two presidential candidates, around twenty congressmen, dozens of mayors and deputies and around 2,500 of its leaders and members.⁴⁰

One of the more serious aspects of Colombia's human rights crisis is the almost total impunity enjoyed by those responsible:

Impunity is both the cause and the consequence of violence and, in particular, of human rights violations. Fear of further violence prevents victims and witnesses from taking legal action, while the absence of effective investigations and penalties leads government officials and other persons to believe their actions will go unpunished.⁴¹

The reasons for impunity are varied. First and foremost, the system of military justice has been used to protect soldiers who have committed violations against civilians. Cover-ups, partiality and the pressuring of witnesses appear to be standard practice and result in a high proportion of acquittals and suspension of proceedings.⁴² The civilian criminal justice system

³⁷ *Ibid.*, pp. 54-59

³⁸ NCOS, *Tras los pasos perdidos*, pp. 92-9

³⁹ A. Carrigan, "A Chronicle of Death Foretold: State-sponsored Violence in Colombia", *NACLA: Report on the Americas*, Vol. 27, No. 5 (March/April 1995), pp. 6-10

⁴⁰ L.G. Perez Casas, "Violaciones a los Derechos Humanos durante la Administración del Presidente Samper" in Coordinación Belga por Colombia, *Conferencia Europea sobre los Derechos Humanos en Colombia: Memoria* (Brussels: SAGO, June 1995), p. 52

⁴¹ United Nations, Economic and Social Council, *Joint Report of the Special Rapporteur on the Question of Torture, Mr. Nigel S. Rodley, and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Bacre Waly Ndiaye, Submitted Pursuant to Commission on Human Rights Resolutions 1994/37 and 1994/82*, E/CN.4/1995/111, 16 January 1995, para. 77

⁴² *Ibid.*, para. 87-8

is not functioning well either. The ordinary courts prosecute to conviction in only about one tenth of all cases of murder.⁴³ In part this is because the judiciary has also been a target of repression: between 1980 and 1989, 225 judges, magistrates and court workers were murdered.⁴⁴ It is also a consequence of the almost continuous state of emergency in Colombia which has allowed judicial guarantees to be suspended by presidential decrees in the interest of national security.

Hopes were raised for judicial reform and a strengthening of the rule of law after a referendum in 1990 backed constitutional reform by 89 per cent. President Gaviria, under pressure from both social movements and the judiciary itself, allowed elections for a Constituent Assembly to write a new Constitution.⁴⁵ The concurrent signing of peace agreements with the M-19 and their entry into the political arena through participation in the Constituent Assembly raised hopes for serious political reform. The judiciary was remodelled along U.S. lines by the 1991 Constitution and the new code of criminal procedure promulgated by Congress in the same year.⁴⁶

Nevertheless, the 1991 reforms failed to tackle impunity in Colombia. The Constituent Assembly did not discuss the question of military justice. In addition, the reforms permanently installed the Public Order Courts, renamed Regional Courts in the 1991 Code. These courts, designed to increase the prosecution and conviction rate of "terrorist" crimes, emerged out of modifications of judicial procedures by executive decrees during states of emergency.⁴⁷ They have been regularly used to prosecute not only suspected guerrillas and drug traffickers but also leaders of all forms of non-violent social and political protests, which have been characterized as "terrorist" offences. The anonymity of judges, prosecutors, criminal investigators and witnesses for the prosecution in Regional Court cases are serious obstacles to the exercise of rights to defence.⁴⁸

Most seriously for impunity, Decree 1810 of 1992 authorized members of the armed forces to act as judicial investigators in Regional Court trials. This formalized the practice of the system in areas where the army is effectively the only government presence, and continues to limit the possibility of cases being brought against military and paramilitary human rights violators.⁴⁹ In addition, it has been criticized by observers for providing legal legitimacy for human rights violations by the military acting as judicial investigators.⁵⁰

⁴³ *Ibid.*, para. 117

⁴⁴ Lawyers Committee for Human Rights, *Colombia: The Rule of Law under Attack* (New York, November 1989), p. 4

⁴⁵ Catholic Institute for International Relations, pp. 24-5

⁴⁶ Lawyers Committee for Human Rights, *Colombia: Public Order, Private Injustice* (New York: February 1994), pp 1-2

⁴⁷ *Ibid.*, p. 1

⁴⁸ United Nations, Economic and Social Council, *Joint Report*, para. 85

⁴⁹ Lawyers Committee for Human Rights, *Colombia*, pp. 10-11

⁵⁰ United Nations, Economic and Social Council, *Joint Report*, para. 86

2.3 Internal Displacement

The flight of more than half a million people over the last decade has been one of the most serious humanitarian consequences of the internal armed conflict and the state of impunity. According to the Episcopal Conference study, state security forces have been responsible for 26.50 per cent of forced displacement, paramilitary groups for 21.08 per cent and guerrilla groups for 31.87 per cent.⁵¹ The figures represent the forcible displacement of 2 per cent of the Colombian population in a ten year period.⁵²

In the confrontation between state and guerrilla forces, the peasants continue to be the main target of human rights abuses, followed by indigenous communities and workers' organizations. They are, consequently, the social sector most affected by displacement.⁵³

Displacement has been a by-product of armed confrontation, but in some cases it appears to be its direct aim. Almost all of the areas that have been the source of displaced people are rich in agriculture and/or natural resources. Peasants escaping violence have had to sell their land at a low price. Local landowners thus benefit from internal displacement as it allows them to expand their ranches. Equally, in areas rich in minerals, timber or petroleum, political violence and subsequent displacement has benefited the national and multinational investors for whom the exploitation of those resources is facilitated by the flight of peasants. Drug traffickers, seeking to launder money, bought an estimated one million hectares of prime agricultural or forest land during the second half of the 1980s. In a number of cases, massacres of innocent peasants were organized by the traffickers in order to promote the flight of the local population and the expansion of their properties.⁵⁴

Most of the displaced, fleeing from rural areas, arrive to try to settle in the cities. To the trauma of flight is added the precariousness of existence in the shanty towns. Colombia's cities are overcrowded, with 70 per cent of the total population. Despite consistent economic growth during the 1980s, the cities have experienced an increase in the levels of unemployment, in part reflecting the presence of these new arrivals. Many work in the "informal" sector while others remain unemployed. These difficult socio-economic circumstances are worsened by continuing political harassment. Some people have been followed from their place of origin and assassinated. Others have been murdered after creating organizations to demand basic rights for the displaced within the cities.⁵⁵ Shelters for the internally displaced have been threatened and, in some cases, forced to close down by paramilitary groups and the army.⁵⁶

⁵¹ Oficina Internacional de Derechos Humanos - Acción Colombia (OIDHACO), *Los derechos humanos en Colombia en 1995: violaciones a gran escala e impunidad* (Brussels, OIDHACO, February 1996), p. 5

⁵² *Exodo* [Bogotá], "A Chilling Diagnosis", p. 16

⁵³ A. Romero Medina, *Forced Displacement in Colombia: Causes and Effects* (London: CIIR, June 1992), p. 6

⁵⁴ *Ibid.*, pp. 8-10

⁵⁵ A. Romero Medina, *Colombia: Political Conflict and the Internally Displaced* (Bogotá: ILSA, 1994), pp. 5-6

⁵⁶ United Nations, Economic and Social Council, *Report of the Representative of the Secretary-General*, para. 69

Only 13,000 of the internally displaced identified by the Episcopal Conference have received humanitarian assistance.⁵⁷ In part, this is due to the fear of repression if people are identified as displaced. However, the failure of successive governments to develop an integral policy on displacement combined with governmental mistrust of small-scale NGO efforts in the field of assistance have contributed in large part. UN and other international organizations are also not working with the displaced in any organized manner.⁵⁸ In his 1994 report, UN Special Representative Francis Deng concluded that:

Projects for the provision of emergency humanitarian assistance, shelter, financial support, health care and psychological assistance during the post-displacement emergency phase, designed specifically for the displaced, need to be significantly enhanced.⁵⁹

3. REGIONS IN CONFLICT

It is difficult to understand the dynamics of armed conflict and displacement in Colombia at the level of national generalizations. One of the characteristics of the war is that in different regions of the country, different actors are involved. The four areas chosen for more detailed analysis are by no means the only regions where internal displacement is occurring but they are particularly serious ones. In the period from 7 August 1994 to 30 March 1995, representing the first nine months of the administration of President Samper, more than 25,000 people were forcibly displaced from these four regions alone.⁶⁰

3.1 The Magdalena Medio

This economically important region lies along the valley between the two main Andean mountain ranges of the country. In addition to the important ports along the route connecting the interior with the coast, the region has considerable agricultural potential and natural gas, oil and coal reserves. The rural areas were populated in a number of waves of migration, most recently in the 1950s when peasants fleeing *La Violencia* colonized large tracts of land. These migrants were vulnerable to pressure from cattle ranchers who eventually came to occupy 60 per cent of the agricultural land.⁶¹

Guerrilla activity in the region followed the peasant colonizations. The ELN and the FARC both established fronts building support among the new rural communities. In response to guerrilla harassment of local ranchers, the army established a permanent presence in the region and, in the 1980s, the population was organized into peasant self-defence groups.

⁵⁷ Oficina Internacional de Derechos Humanos - Acción Colombia, p. 5

⁵⁸ United Nations, Economic and Social Council, *Report of the Representative of the Secretary-General*, para. 86-107

⁵⁹ *Ibid.*, para. 118

⁶⁰ *Exodo* [Bogotá], "Political Violence Continues", p. 4

⁶¹ Pearce, pp. 240-4

However, the worst violence in the region followed the setting up of Muerte a Secuestradores (Death to Kidnappers - MAS), at a meeting in 1982 of ranchers, oil company representatives, army officers and local politicians and businessmen. The new organization initially targeted suspected guerrilla and communist sympathizers. Subsequently, it extended its influence throughout the region under the cover of the cattle ranchers' association, ACDEGAM (Asociación de Campesinos y Ganaderos del Magdalena Medio - Association of Peasants and Ranchers of the Magdalena Medio) and the assassinations included peasant organizers, trade unionists and also Liberal Party dissidents. A school for training paramilitary killers was set up in Puerto Boyacá which became a national centre of paramilitary activity.⁶²

At different times, paramilitary offensives have targeted different municipalities in the region. In the early 1990s, the focus was El Carmen de Chucurí and San Vicente de Chucurí, neighbouring municipalities with a strong history of support for both the ELN and the FARC. Civilians in these communities were given three choices: to cooperate with the paramilitaries, to abandon their farms and leave the area, or to die. Many peasants left the area.⁶³ More recently, the area of Sabana de Torres has been the target of paramilitary activity. While it has long been a conflict area, since December 1994 a strategy of "recovering" villages in the area has begun. There have been a number of selective assassinations, one forced disappearance and a number of battles between army and guerrilla forces in the region.⁶⁴

Many of those displaced from their rural homes arrive in the towns and, in particular, in Barrancabermeja. However, paramilitary activity has extended to these areas in attacks on shelters for the displaced such as the *Albergue Campesino* (Peasant Shelter) in Barrancabermeja itself which alone has sheltered over 2,000 peasants since it opened in 1989.⁶⁵

3.2 Meta

Meta is a large department stretching east from the edge of the Andean mountains. Conflict in the department has been determined by two main factors: the emeralds which make it an important part of the Colombian economy and the low levels of population which have contributed to areas of the department being guerrilla strongholds.

Along with Caquetá and Guaviare to the south, Meta was where the FARC developed its roots in the 1960s and 1970s among peasant colonizers as an organization defending peasants from landowners and the military.⁶⁶ When, as a consequence of the peace agreements in the early 1980s, the FARC set up Unión Patriótica (UP), there was already a strong base of support, built on twenty years of involvement in the department. However, the attacks on and

⁶² *Ibid.*, pp. 244-7

⁶³ Amnesty International, *Political Violence in Colombia*, pp. 59-64

⁶⁴ *Exodo* [Bogotá], "Political Violence Continues", pp. 8-9

⁶⁵ United Nations, Economic and Social Council, *Report of the Representative of the Secretary-General*, 3 October 1994, para. 69

⁶⁶ Pearce, pp. 167-8

killings of UP politicians in Meta have been particularly systematic, organized by well-trained paramilitary assassins with the support of the military.⁶⁷

The source of the military and paramilitary repression lies in the local economy. The military interest in containing and controlling areas where the local population support the FARC converges with the local economic interests in maintaining control over the population in an area of emeralds and drugs trafficking. Colombia produces around 55 per cent of the world's emeralds. In Meta, the major company which controls the production and export of emeralds is owned by Victor Carranza Niño, a man received by President Gaviria in 1992 as "the world's authority in emeralds".⁶⁸ Mr. Carranza is reportedly also a drug trafficker and over the last few years, human rights groups have denounced the growing control of paramilitary groups run and controlled by him.⁶⁹ In 1989, the Administrative Security Department (Departamento Administrativo de Seguridad - DAS), uncovered clandestine graves and a paramilitary training centre on several farms belonging to Mr. Carranza in Puerto Lopez. According to Court confessions, the murder of certain UP politicians occurred on the orders of Mr. Carranza and with the support of the local military brigade.⁷⁰

At the end of 1994, a new paramilitary offensive in the area of Alto Ariari resulted in a big increase in the number of murders and forced disappearances. Money was offered to local youths to kill suspected guerrilla members. Many of the victims were UP activists. The paramilitary group Serpiente Negra (Black Snake), controlled by Mr. Carranza, was held responsible by the local peasants. However, those who denounced the actions of the paramilitaries became in turn victims of the repression. In January 1995, FARC responded by beginning an operation of selective murders of suspected members of Serpiente Negra.⁷¹

Documentation of human rights abuses in the region and humanitarian work with people displaced from areas of paramilitary activity has been largely left to the Civic Human Rights Committee, the only non-governmental human rights group in the region. In turn, the Civic Committee has itself faced repression: in the four years following its formation in December 1991, it suffered the assassination of four leaders, three disappearances, the forced displacement of 25 members and the forced resignation of most of its members. Following the testimony of its director in a human rights conference in Brussels in February 1995, the repression against the organization worsened, and eventually the office in the state capital of Villavicencio was forced to close and the remaining staff had to leave Meta and reopen the office in Bogotá.⁷² Members have since continued to receive death threats.⁷³

⁶⁷ *Ibid.*, p. 262

⁶⁸ Oficina Internacional de Derechos Humanos - Acción Colombia, p. 7

⁶⁹ *Exodo* [Bogotá], "Political Violence Continues", p. 6

⁷⁰ Oficina Internacional de Derechos Humanos - Acción Colombia, p. 7

⁷¹ *Actualidad Colombiana* [Bogotá], "Meta: Recrudece Accionar Paramilitar", No. 169 (22 December 1994 - 24 January 1995)

⁷² *Actualidad Colombiana* [Bogotá], "SOS por el Comité de Derechos Humanos del Meta", No. 174 (22 March - 4 April 1995)

⁷³ Amnesty International, *Urgent Action*, AMR 23/07/96 (London, 1 February 1996) (Electronic Format)

3.3 South of Cesar and Norte de Santander

These departments, located in the northeast of Colombia, contain extensive areas of fertile land. As in the Magdalena Medio, small farmers have come under increasing pressure from a process of land concentration by large landowners, cattle-ranchers and drug traffickers. The difficulties have been exacerbated by lack of state investment. The FARC and the ELN have a number of units operating in the region, but a distinguishing characteristic here is the emergence of a strong network of civic and popular organizations. These arose out of demonstrations and strikes in 1988 and 1989 and work with trade unions in an attempt to put forward an alternative model of economic development.⁷⁴

The guerrilla presence has brought increasing militarization to the region. One of the army's specialized counterinsurgency units known as mobile brigades (*brigadas móviles*), was deployed in the region in 1992-3 and has its command headquarters in Ocaña, the departmental capital of Norte de Santander. In addition, several other military units operate in the region under the command of Santander's Fifth Brigade. The military strategy has been characterized by targeting those sectors suspected of being linked to the guerrillas, that is, members of civic and popular organizations and peasant farmers.⁷⁵

Paramilitary groups also operate in this region, especially in Ocaña itself and in the rural municipalities of San Martín, San Alberto and Aguachica.⁷⁶ In the rural areas, paramilitary groups have forced peasant farmers to flee the land of larger landowners just as it has become due for distribution under land reform schemes.⁷⁷ However, the region is one where paramilitary activity under the control of local economic interests and military activity have become so closely linked as to be at times indistinguishable. The following is an example of the kind of incident occurring in the region:

On 15 January 1995, forty gunmen entered the village of Puerto Patiño and arrested nine men. Although one of them was released, the whereabouts of another is still unknown and the bodies of the rest appeared in subsequent days. Some of the gunmen were in military uniform while the rest were in plain clothes. The following month, the local police commander in Aguachica stated that the paramilitary groups operating in the area were sponsored by the commander of the Aguachica military base, Major Jorge Alberto Lázaro Vergel.⁷⁸ It has since emerged that the paramilitary group suspected of responsibility for the Puerto Patiño massacre operates with the direct support of Major Vergel and of his three landowning brothers who have large investments in the area.⁷⁹

⁷⁴ Amnesty International, *Colombia: Political Violence in Norte de Santander and South of Cesar Department Escalates*, AMR 23/37/95 (London, August 1995), p. 1

⁷⁵ *Ibid.*, pp. 1-6

⁷⁶ *Exodo* [Bogotá], "Political Violence Continues", p. 5

⁷⁷ Amnesty International, *Colombia*, p. 9

⁷⁸ *Ibid.*, pp. 7-8

⁷⁹ *Exodo* [Bogotá], "Political Violence Continues", p. 5

In such circumstances, the distinction between what is military activity directed towards counterinsurgency and what is paramilitary activity directed towards agrarian counter-reform has blurred to such an extent that it begins to lose its meaning. The effect, however, in terms of violence and the displacement of people, is clear. Between January and September 1995, seven massacres claimed the lives of thirty citizens in Cesar department.⁸⁰ In the space of one year, 514 people fled from the region to Bogotá from three municipalities alone.⁸¹

3.4 Urabá

Urabá has suffered the worst of both the violence and the consequent forced displacement in recent years. In only the six months between November 1994 and May 1995 more than 20,000 displaced people arrived at the region's principal urban centres, leaving whole villages deserted.⁸² This strategic region, with around 300 km of coast along the Atlantic ocean and a frontier with Panama, includes parts of the northern departments of Antioquía, Córdoba and Chocó. In addition to ranching, the buying of land by drug traffickers and subsistence agriculture⁸³, the south of the region contains the banana plantations which provide Colombia's second largest export.⁸⁴

Historically, conflict in Urabá developed out of union struggles in the banana plantations. Centred on only four municipalities (Apartadó, Turbo, Carepa and Chigorodó), the fruit was first planted in the 1960s and rapidly attracted impoverished peasants from neighbouring areas searching for work. The population rose from 32,320 in 1964 to 336,930 in 1986. Poor conditions on the plantations gave rise to a long struggle for unionization during the 1970s during which workers were dismissed, union leaders were murdered and the army was called in when strikes were called. The repression turned the area into fertile ground for guerrilla organizations with both the EPL and the FARC moving into the region and demanding protection money from plantation owners and ranchers.⁸⁵

A new phase of the conflict developed following the peace agreements of the 1980s and early 1990s. The UP had developed a political base in Urabá, winning mayors' elections for four municipalities in 1992. However, the demobilized EPL, which formed a political movement called Esperanza, Paz y Libertad (Hope, Peace and Freedom), entered into conflict with the UP and the FARC. A further conflict within the left emerged out of the dissident faction of the EPL who refused to demobilize in 1991 and which began to attack demobilized guerrillas. In 1993, a group called Comandos Populares (Popular Commandos) appeared as a

⁸⁰ United States, Department of State, *Country Reports on Human Rights Practices for 1995 - Colombia*, (Washington D.C.: U.S. Government Printing Office, 1996) (Electronic Format)

⁸¹ *Ibid.*, p. 6

⁸² Grupo de Apoyo a Organizaciones de Desplazados, *Urabá: El mayor exodo de los ultimos años* (Bogotá, June 1995), p. 18

⁸³ *Ibid.*, p. 3

⁸⁴ Pearce, p. 250

⁸⁵ *Ibid.*, pp. 251-3

paramilitary group set up to defend members of Esperanza, Paz y Libertad from attacks by the dissident EPL faction.⁸⁶

Thus, one aspect of the violence in recent years in Urabá has been the conflicts within the armed left which have affected not only members of the movements themselves but also local government workers and the banana unionists and workers who have been caught up in the political disputes. Political leaders and activists of unions and social movements seen to be the social base of the different armed factions have been the victims. Despite attempts to negotiate consensus within both the banana unions and in municipalities, this violence shows little sign of abating. For example, on 14 February 1996, alleged FARC guerrillas attacked a bus full of banana workers, killing 11 people and wounding one. The victims were said to be members of Esperanza, Paz y Libertad.⁸⁷

The violence is not confined to internecine disputes, however. Since the end of 1994, a clearly defined paramilitary strategy has been implemented in order to regain control over territories historically controlled by the EPL in the north of Urabá. This area has remained the centre of operations for the dissident faction. There is also evidence that an additional reason behind the paramilitary offensive in this coastal area has been the extension of territory in order to facilitate illegal activities such as the shipping of drugs and the importing of arms.⁸⁸ The paramilitary groups which, as in other regions, work together with the army, are financed by drug traffickers, ranchers and landowners. There are two paramilitary structures at work here: one, financed by Fidel Castaño Gil⁸⁹, is largely composed of professional ex-soldiers. These paramilitary organizations act as the advance parties which enter an area to displace the guerrillas and their social base. The second, the so-called *autodefensas campesinos* (peasant self-defence groups), are largely locally recruited and occupy territories which have already been cleared.⁹⁰

Paramilitary activity has been responsible for much of the displacement from the region in the last two years. To give just one example, 900 members of the Zenú indigenous community, living in the village of El Volao, were forced to abandon their community following a wave of assassinations in late 1994, one of which involved the death of the indigenous governor, José Elías Suárez.⁹¹ The assassinations were a result of a territorial dispute between the EPL and paramilitary groups over who would control a region constituted as an indigenous reserve in 1987.⁹²

⁸⁶ Grupo de Apoyo a Organizaciones de Desplazados, pp. 8-9, 14-15

⁸⁷ *Weekly News Update on the Americas* [New York], "Colombia: New Massacre in Urabá as Peace Efforts Flounder", No. 316 (18 February 1996) (Electronic Format)

⁸⁸ Grupo de Apoyo a Organizaciones de Desplazados, pp. 8-9, 12

⁸⁹ Fidel Castaño Gil is a drug trafficker who has provided financial and logistical support to paramilitary groups in a number of regions of Colombia. See NCOS, *Tras los pasos perdidos*, p. 86

⁹⁰ Grupo de Apoyo a Organizaciones de Desplazados, pp. 9-10

⁹¹ CINEP (Centro de Investigación y Educación Popular), *Los Derechos Humanos en el primer año del gobierno de Samper* (Bogotá, November 1995), p. 7

⁹² Grupo de Apoyo a Organizaciones de Desplazados, pp. 5-6

In the last few months, as the paramilitary operation has secured control over the northern part of the region, it has spread southwards into the banana region. Assassinations of suspected guerrilla sympathizers have provoked, in turn, guerrilla massacres of suspected paramilitaries. Over the last twelve months, there have been fifteen such massacres, causing the death of 157 people and the further flight of civilians to the urban centres.⁹³

4. POLITICAL CRISIS: THE RECORD OF PRESIDENT SAMPER

On 19 June 1994, Ernesto Samper Pizano of the Liberal Party won the presidency in a second round poll against his Conservative Party rival, Mr. Pastrano Arango. Like previous presidential elections, it was characterized by abstentionism: around 67 per cent of the electorate failed to vote in the first round.⁹⁴ However, the new Government outlined a programme which appeared to prioritize human rights, the peace process and economic measures to help remove the causes of conflict.

4.1 Ambitious Proposals

Perhaps the most significant step forward on human rights took place on 31 January 1995 when President Samper publicly backed a Government report acknowledging the role of police, judges and members of the military in the murder of 107 people between 1988 and 1991 in Trujillo. The murders were committed by paramilitary groups but the report pointed to the role of soldiers in two of the killings and the failure of the judicial and police authorities to investigate the murders.⁹⁵ This was an unprecedented step since previous governments had always denied state responsibility for violence. It was the first occasion that the Government had conducted a public investigation of military involvement in human rights abuses.⁹⁶ In addition to the Trujillo report, a special commission submitted a draft proposal for penal reform, designed to confront the impunity of members of the security forces. The Government also announced the formation of a special task force to combat paramilitary groups and several paramilitary leaders were arrested.⁹⁷

In November 1994, President Samper declared that he wanted to hold peace talks with the guerrillas.⁹⁸ The offer differed from previous failed approaches as the Government was prepared to negotiate without the precondition of a guerrilla ceasefire and Mr. Samper had appointed a High Commissioner for Peace to take forward the Government proposals.⁹⁹ Hopes for successful negotiations were high as both the FARC and the ELN seemed initially

⁹³ Amnesty International, *Urgent Action*, AMR 23/25/96 (London, 9 May 1996) (Electronic Format)

⁹⁴ Economist Intelligence Unit, *Country Profile*, p. 4

⁹⁵ Associated Press, "Colombia Accepts Responsibility for not Preventing Murders", 31 January 1995

⁹⁶ Economist Intelligence Unit, *Country Report: Colombia, 1st Quarter 1995* (London, 1995), p. 8

⁹⁷ United States, Department of State

⁹⁸ Associated Press, Andrew Selsky, "Colombian President Announces Peace Initiative", 17 November 1994

⁹⁹ CINEP, p. 23

willing to enter into negotiations.¹⁰⁰ Secret negotiations between the High Commissioner for Peace, Carlos Holmes Trujillo, and members of FARC and the ELN yielded few results during 1995. However, they did create tension within the Government as Conservative members of the cabinet, members of the military and business leaders put pressure on Mr. Samper not to negotiate without a prior ceasefire.¹⁰¹

In addition to the direct steps taken to try to tackle the violence in the country, the new Government's development plan was based on increasing social spending, improving infrastructure and revitalizing the agricultural sector. The aim, to generate 1.5 million new jobs during his term of office, was to be achieved through increasing social spending from 9 to 15 per cent of GDP. A successful policy would have done much to both mitigate some of the causes of violence in the rural areas and to improve the conditions for the displaced in the cities.¹⁰²

4.2 The Plan in Practice

Since 1988, Colombian and international NGOs, the United Nations, the Organization of American States and the European Union have all investigated and documented concrete evidence of a systematic, institutionalized abuse [of human rights].... The factual record of government actions and decisions throughout this period highlights a Colombian reality: the dissonance between the Government's human rights rhetoric and its incapacity, or unwillingness, to hold its own agents responsible for chronic violations.¹⁰³

It is a matter for debate whether President Samper's government was genuinely committed at the outset to the implementation of the reforms. The record is certainly ambiguous. As early as September 1994, the Government vetoed a law which would have criminalized forced disappearance and introduced laws which strengthened the powers of military tribunals. More serious, considering the Government's stated position on paramilitary violence, was the Government initiative in December 1994 to launch a programme of private rural self-defence organizations to be coordinated by the army.¹⁰⁴ Many observers criticized this action as the means to legitimize paramilitary groups in Colombia.¹⁰⁵

¹⁰⁰ Economist Intelligence Unit, *Country Report: Colombia, 1st Quarter 1995*, p. 4

¹⁰¹ Economist Intelligence Unit, *Country Report: Colombia, 4th Quarter 1995*, (London, 1995), p. 11-12

¹⁰² Economist Intelligence Unit, *Country Profile*, p. 9

¹⁰³ Lawyers Committee for Human Rights, *The Situation of Human Rights in Colombia: Written Submission to the UN Commission on Human Rights 52nd Session* (New York, 2 February 1996) (Electronic Format)

¹⁰⁴ Oficina Internacional de Derechos Humanos - Acción Colombia, p. 17

¹⁰⁵ United Nations General Assembly, *Report on Internally Displaced Persons Prepared by the Representative of the Secretary-General, Mr. Francis Deng, in Accordance with Paragraph 16 of Commission on Human Rights Resolution 1995/57 of 3 March 1995 and Economic and Social Council Decision 1995/273 of 25 July 1995, A/50/558 Annex, 20 October 1995 [Colombia Section]*

What is clear, however, is that even if the intentions of the Government were the stated ones, by the end of 1995, within eighteen months of taking office, the tentative steps towards dialogue with the guerrillas had ceased and paramilitary violence, particularly in Urabá, was on the increase. New paramilitary groups had appeared. The development plan looked unlikely to pass Congress and the President himself looked likely to have to resign. As in the early 1980s, the powerful economic and military interests opposed to negotiations with the guerrillas proved able to prevent the implementation of policies which threatened their power bases. There were two additional factors which left the Samper presidency in crisis: the allegations that the presidential campaign had received drug money and the consequent pressure from the U.S.¹⁰⁶

Charges that Mr. Samper's presidential campaign received money from Cali drug traffickers first appeared at the time of his inauguration. However, paradoxically, it was the Government's success in arresting leading members of the Cali organization which provided information linking the drug traffickers to campaign treasurer Santiago Medina, who was arrested on 26 July 1995. Testimony, in turn, from Mr. Medina, implicated President Samper's defence minister, Fernando Botero, who had managed the election campaign. He resigned on 2 August and was arrested on 15 August for questioning. As the Attorney-General's office continued its investigation, President Samper's own involvement became a matter for public speculation.¹⁰⁷

The day after Mr. Botero's arrest, President Samper acceded to pressure from business and military leaders and declared a state of "internal disturbance" or emergency, citing a generalized climate of violence and insecurity.¹⁰⁸ This had a double effect. Firstly it ended the small steps made towards peace negotiations. The High Commissioner for Peace, Carlos Holmes Trujillo, left his job in July and was not replaced following the declaration.¹⁰⁹ Secondly, it further restricted the limited ability of citizens and human rights groups to prosecute human rights violators within the security forces.¹¹⁰ Despite the judgement by the Constitutional Court on 18 October, that the declaration was without grounds, a second state of emergency was declared on 2 November following the assassination of Alvaro Gómez Hurtado, a leading Conservative politician.¹¹¹

The Samper presidency was further weakened by the actions of the United States. On 1 March 1996, the U.S. decertified Colombia. Under a 1986 law, the U.S. Government is required to certify that countries considered producers or trans-shipment points for drugs entering the U.S. are making sufficient efforts to combat the traffic. Decertification brings an automatic cut in bilateral aid and requires the U.S. to vote against fresh loans for the country in international financial institutions. It also gives the President the power to revoke trade

¹⁰⁶ Economist Intelligence Unit, *Country Report*, pp. 1, 11-12

¹⁰⁷ *Notisur* [Albuquerque], "Colombia: Drug Scandal Brings Resignation of Defence Minister as President Ernesto Samper Imposes State of Emergency", Vol. 5, No. 32 (25 August 1995) (Electronic Format)

¹⁰⁸ Oficina Internacional de Derechos Humanos - Acción Colombia, p. 11

¹⁰⁹ Economist Intelligence Unit, *Country Report*, p. 12

¹¹⁰ Lawyers Committee for Human Rights, *The Situation of Human Rights in Colombia*

¹¹¹ Oficina Internacional de Derechos Humanos - Acción Colombia, pp. 11-14

privileges. Decertification thus has the potential to damage Colombia's trade with its largest trading partner. The action was held by many critics to be a direct response to the alleged involvement of drug money in President Samper's election campaign.¹¹² The previous month, charges were presented to the Colombian Congress alleging that President Samper had accepted between US\$5 million and US\$7 million for his election fund from the Cali traffickers.¹¹³

As the congressional investigation began, calls for President Samper's resignation became more frequent. Retired General José Joaquín Matallana, a former chief of staff, stated openly that he favoured a "technical coup" to place a military-civilian junta in charge while fresh elections were prepared.¹¹⁴ The guerrillas were by now reluctant to enter into any peace negotiations with what they called an "illegitimate government".¹¹⁵ Taking advantage of the crisis of governability, both the FARC and the ELN stepped up their levels of activity. Most notably, on 8 and 9 April 1996, an armed strike was called. On the first day alone, guerrillas killed 22 people and injured 25, most of them civilians. Buses were burned, a bridge destroyed and an oil pipeline damaged.¹¹⁶ Escalation of paramilitary and guerrilla violence in Antioquia, Cesar, Putamayo and Sucre led Amnesty International to state its fears of "a major deterioration in an already critical human rights situation within the country".¹¹⁷

To date, President Samper has survived. On 12 June 1996, the lower house of Congress exonerated him of all of the charges.¹¹⁸ However, the decision, far from resolving the political crisis, opens the way to a potentially dangerous polarization of Colombian politics of the kind which led to *La Violencia*. Days before the decision, more than 4,000 business leaders met in Bogotá to demand the resignation of the President. Following the announcement, Andres Pastrana, Mr. Samper's Conservative Party rival in the 1994 elections, denounced the decision, implying that the Congress had been bought.¹¹⁹ The view seems to have been shared by the U.S. Government which suspended President Samper's visa, saying that there was reasonable evidence linking the President to the drug traffickers.¹²⁰

Attacked on one side by the guerrillas and on the other by a significant sector of business, the political opposition, the U.S. and sectors of the army, the programme which President

¹¹² *The Guardian* [London], "Cocaine has Flower Growers in Cold Sweat", 21 February 1996; *The Guardian* [London], "Drugs Penalty for Colombia", 2 March 1996

¹¹³ InterPress Service, "Colombia: Samper Trial Weakens Credibility of Congress", 9 February 1996 (Electronic Format)

¹¹⁴ *The Guardian* [London], "Colombia Considers Nixon-style Solution", 28 February 1996

¹¹⁵ *The Guardian* [London], "Plenty of Law, Precious Little Order in Colombia", 23 February 1996

¹¹⁶ *Voice of America*, "Colombia Rebels", 9 April 1996 (Human Rights Net)

¹¹⁷ Amnesty International, *Colombia: Amnesty International Calls on the Colombian Government to take Urgent Measures*, AMR 23/31/96 (London, 10 June 1996) (Human Rights Net)

¹¹⁸ Reuters, "Colombia: No Criticism of President", 28 June 1996 (Human Rights Net)

¹¹⁹ *Notisur* [Albuquerque], "Colombian Congress's Exoneration of President Ernesto Samper Fails to Resolve Political Crisis", Vol. 6, No. 25 (21 June 1996) (Electronic Format)

¹²⁰ *Voice of America*, "U.S./Colombia Update", 11 July 1996 (Human Rights Net)

Samper was elected on has all but disappeared. Even where actions have been taken, such as the incorporation into Colombian law of Protocol II of the Geneva Conventions in February, it is clear, even from statements by members of the Government, that the Government does not have the political power to ensure that the army respects the new law.¹²¹

5. CONCLUSIONS

It is beyond doubt that peace in the country is the *sine qua non* for a decrease in the level of displacement and for the alleviation of the plight of the victims. Peace requires not only demobilization of all illegal armed groups but also the solution of some of the fundamental socio-economic problems. The question is whether the Government is able and willing to address them.¹²²

Despite the continuation of the war, there have been hopes raised at various times over the last fifteen years of a negotiated peace settlement. Today, peace looks further away than at any time since *La Violencia*. Under the threat of U.S. trade sanctions, the Government has embarked on a policy of coca eradication which has brought a further escalation of guerrilla activity in its wake.¹²³ Perhaps even more ominous is the breakdown of the political alliance between the parties which has allowed the country to be governed since the 1950s.

There is a sense in which the National Front pact agreed in 1953 between Colombia's two parties merely postponed the need for a thorough reform of Colombia's political institutions and its economy. The party system which gave rise to *La Violencia* was largely left intact and has remained so, despite the constitutional reforms of 1991. Yet, as outlined earlier, it is this party system which has given rise to political violence throughout Colombia's history.

As President Samper completes his second year in office, current fears are of a new explosion of violence which would create an even greater number of internally displaced than the half million already documented. In 1988, a U.S. think tank was predicting that "If present trends continue, Colombia will become another El Salvador by the mid-1990s".¹²⁴ The threats to security then were considered to be the guerrillas and drug traffickers. Now, a possibly even more serious possibility has arisen, namely the breakdown of the Colombian state itself. Even if such a breakdown is avoided, the conflict looks set to continue, driven by a military and economic logic in different regions that has become self-sustaining.

¹²¹ *The Guardian* [London], 23 February 1996

¹²² United Nations, Economic and Social Council, *Report of the Representative of the Secretary-General*, para. 122

¹²³ Reuters, "Ten Soldiers Killed in Colombian Rebel Attacks", 6 August 1996

¹²⁴ Council for Inter-American Security, *Santa Fe II: A Strategy for Latin America in the Nineties* (Washington D.C., August 1988)

6. BIBLIOGRAPHY

Actualidad Colombiana [Bogotá]. "Meta: Recrudece Accionar Paramilitar". No. 169 (22 December 1994 - 24 January 1995).

Actualidad Colombiana [Bogotá]. "SOS por el Comité de Derechos Humanos del Meta". No. 174 (22 March - 4 April 1995).

Amnesty International. *Political Violence in Colombia: Myth and Reality*. AMR 23/01/94. London, March 1994.

Amnesty International. *Colombia: Political Violence in Norte de Santander and South of Cesar Department Escalates*. AMR 23/37/95. London, August 1995.

Amnesty International. *Urgent Action*. AMR 23/07/96. 1 February 1996 (Electronic Format).

Amnesty International. *Urgent Action*. AMR 23/25/96. 9 May 1996 (Electronic Format).

Amnesty International. *Colombia: Amnesty International Calls on the Colombian Government to Take Urgent Measures*. AMR 23/31/96. London, 10 June 1996 (Human Rights Net).

Associated Press. Andrew Selsky. "Colombian President Announces Peace Initiative". 17 November 1994.

Associated Press. "Colombia Accepts Responsibility for not Preventing Murders". 31 January 1995.

Carrigan, A. "A Chronicle of Death Foretold: State-sponsored Violence in Colombia". *NACLA: Report on the Americas*. Vol. 27, No. 5 (March/April 1995). Pp. 6-10.

Catholic Institute for International Relations. *Colombia: Image and Reality*. London, March 1992.

CINEP (Centro de Investigación y Educación Popular). *Los Derechos Humanos en el primer año del gobierno de Samper*. Bogotá, November 1995.

Council for Inter-American Security. *Santa Fe II: A Strategy for Latin America in the Nineties*. Washington D.C., August 1988.

Economist Intelligence Unit. *Country Profile: Colombia (1995-96)*. London, 1995.

Economist Intelligence Unit. *Country Report: Colombia, 1st Quarter 1995*. London, 1995.

Economist Intelligence Unit. *Country Report: Colombia, 4th Quarter 1995*. London, 1995.

Exodo [Bogotá]. "A Chilling Diagnosis: People Displaced by Violence in Colombia Between 1985 and 1994". No. 1 (July-August 1995).

Exodo [Bogotá]. "Political Violence Continues and Forced Displacement Increases". No. 1 (July-August 1995).

Giraldo, J. "Conflicto Armado y Paramilitarismo en Colombia" in *Coordinación Belga por Colombia. Conferencia Europea sobre los Derechos Humanos en Colombia: Memoria*. Brussels: SAGO, June 1995. Pp. 82-91.

Grupo de Apoyo a Organizaciones de Desplazados. *Urabá: El mayor exodo de los ultimos años*. Bogotá, June 1995.

The Guardian [London]. "Cocaine has Flower Growers in Cold Sweat". 21 February 1996.

The Guardian [London]. "Plenty of Law, Precious Little Order in Colombia". 23 February 1996.

The Guardian [London]. "Colombia Considers Nixon-style Solution". 28 February 1996.

The Guardian [London]. "Drugs Penalty for Colombia". 2 March 1996.

InterPress Service. "Colombia: Samper Trial Weakens Credibility of Congress". 9 February 1996 (Electronic Format).

Kline, H.F. *Colombia: Democracy under Assault*. Boulder: Westview, 1995.

Lawyers Committee for Human Rights. *Colombia: The Rule of Law under Attack*. New York, November 1989.

Lawyers Committee for Human Rights. *Colombia: Public Order, Private Injustice*. New York, February 1994.

Lawyers Committee for Human Rights. *The Situation of Human Rights in Colombia: Written Submission to the UN Commission on Human Rights 52nd Session*. New York, 2 February 1996 (Electronic Format).

NCOS (National Centrum voor Ontwikkelingssamenwerking). *El terrorismo de estado en Colombia*. Brussels, 1992.

NCOS (National Centrum voor Ontwikkelingssamenwerking). *Tras los pasos perdidos de la guerra sucia*. Brussels, 1995.

Notisur [Albuquerque]. "Colombian Congress's Exoneration of President Ernesto Samper Fails to Resolve Political Crisis". Vol. 6, No. 25 (21 June 1995) (Electronic Format).

Notisur [Albuquerque]. "Colombia: Drug Scandal Brings Resignation of Defence Minister as President Ernesto Samper Imposes State of Emergency". Vol. 5, No. 32 (25 August 1995) (Electronic Format).

Oficina Internacional de Derechos Humanos - Acción Colombia (OIDHACO). *Los derechos humanos en Colombia en 1995: violaciones a granel e impunidad*. Brussels, February 1996.

Pearce, J. *Colombia: Inside the Labyrinth*. London: Latin America Bureau, 1990.

Perez Casas, L.G. "Violaciones a los Derechos Humanos durante la Administración del Presidente Samper" in Coordinación Belga por Colombia. *Conferencia Europea sobre los Derechos Humanos en Colombia: Memoria*. Brussels: SAGO, June 1995. Pp. 51-62.

Reuters. "Colombia: No Criticism of President". 28 June 1996 (Human Rights Net).

Reuters. "Ten Soldiers Killed in Colombian Rebel Attacks". 6 August 1996 (Human Rights Net).

Romero Medina, A. *Forced Displacement in Colombia: Causes and Effects*. London: CIIR, June 1992.

Romero Medina, A. *Colombia: Political Conflict and the Internally Displaced*. Bogotá: ILSA, 1994.

United Nations, Economic and Social Council. *Report of the Representative of the Secretary-General, Mr. Francis Deng, Submitted Pursuant to Commission on Human Rights Resolution 1993/95. Addendum: Profiles in Displacement: Colombia*. E/CN.4/1995/50/Add. 1. 3 October 1994.

United Nations, Economic and Social Council. *Joint Report of the Special Rapporteur on the Question of Torture, Mr. Nigel S. Rodley, and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Bacre Waly Ndiaye, Submitted Pursuant to Commission on Human Rights Resolutions 1994/37 and 1994/82*. E/CN.4/1995/111. 16 January 1995.

United Nations, General Assembly. *Report on Internally Displaced Persons Prepared by the Representative of the Secretary-General, Mr. Francis Deng, in Accordance with Paragraph 16 of Commission on Human Rights Resolution 1995/57 of 3 March 1995 and Economic and Social Council Decision 1995/273 of 25 July 1995*. A/50/558 Annex. 20 October 1995 [Colombia Section].

United States, Department of State. *Country Reports on Human Rights Practices for 1995 - Colombia*. Washington D.C.: U.S. Government Printing Office, 1996 (Electronic Format).

Voice of America. "Colombia Rebels". 9 April 1996 (Human Rights Net).

Voice of America. "U.S./Colombia Update". 11 July 1996 (Human Rights Net).

Weekly News Update on the Americas [New York], "Colombia: New Massacre in Urabá as Peace Efforts Flounder". No. 316. (18 February 1996) (Electronic Format)

Writenet. *Latin America and the Caribbean: Review of Current Events*. 1 October 1994 - 31 August 1995 (UNHCR/CDR REF WORLD Databases).