COLOMBIA
Human Rights and USA Military Aid to Colombia III

OVERVIEW

Political violence in Colombia increased significantly in 2001, continuing a trend registered the previous year. Colombians fled their homes and even their country in record numbers, facing hunger, the elements, and disease in desperate efforts to save themselves and their families.

In the first ten months of the year, the office of the Public Advocate (*Defensoría del Pueblo*) recorded 92 massacres, which they defined as the killing of three or more people at the same place and at the same time. Most were linked to paramilitary groups working with the tolerance or support of the security forces. Most paramilitaries are allied in the United Self-Defense Groups of Colombia (*Autodefensas Unidas de Colombia*, AUC). Other massacres were perpetrated by anti-government guerrillas. Both paramilitaries and guerrillas reportedly moved with ease throughout the country, including via helicopter.

Certain military units and police detachments continued to promote, work with, support, profit from, and tolerate paramilitary groups, treating them as a force allied to and compatible with their own. At their most brazen, these relationships involved active coordination during military operations between government and paramilitary units; communication via radios, cellular telephones, and beepers; the sharing of intelligence, including the names of suspected guerrilla collaborators; the sharing of fighters, including active-duty soldiers serving in paramilitary units and paramilitary commanders lodging on military bases; the sharing of vehicles, including army trucks used to transport paramilitary fighters; coordination of army roadblocks, which routinely let heavily-armed paramilitary fighters pass unchallenged; and payments made from paramilitaries to military officers for their support.

In preparation for this consultation, Colombian human rights groups submitted a list of five massacres carried out by paramilitaries in 2001 and January of 2002 in which there is credible evidence that Colombian military units either took direct part or allowed the killings to take place and the perpetrators to escape. Separately, Human Rights Watch received recent, credible, and detailed reports of continued collaboration between the Colombian military and paramilitary groups in the Middle Magdalena region, under the control of the Fifth Brigade and units attached to the Colombian Navy; the southern Pacific coast, under the control of the Third Brigade and units of the Colombian Navy; the department of

Putumayo, under the control of the Twenty-Fourth Brigade and units of the Colombian Navy; the Urabá region, under the control of the Seventeenth Brigade and units of the Colombian Navy; and the department of Antioquia, under the control of the Fourth Brigade.

These are not isolated incidents, but rather widespread patterns of behavior and collusion. One witness, who asked for anonymity, described collaboration in the Middle Magdalena region in the following manner: "Paramilitaries mount operations with the military's permission so long as they do not commit atrocities or massacres or senseless killing... The military punishes only the spectacular crimes or paramilitaries are arrested by the military in public displays. At the beginning of the year, the army went into [one town], found a couple of the most criminal paramilitaries, and arrested only one of them. In December, I saw paramilitaries pass a military roadblock as if they were the commanders. This happens every day."

On September 10, 2001, Secretary of State Colin Powell announced that he had included the AUC on the list of Foreign Terrorist Organizations. Subsequently, the United States suspended the visas of suspected AUC members or supporters and put dozens of names on a watch list in cases those individuals applied for visas.

In Colombia, there have been some advances on combating paramilitaries, most due to the efforts of the attorney general under the direction of Alfonso Gómez Méndez, who completed his four-year term in July 2001. On May 25, prosecutors seized valuable information related to paramilitary financing networks and communications in the city of Montería, Córdoba, long considered an AUC stronghold. During the raid, prosecutors searched the home of Salvatore Mancuso, a Montería native who was said to be the AUC's military commander. In part, the investigation focused on how landowners and business people in the region donated heavily to the AUC.

However, that progress has been put in serious jeopardy by the policies implemented by Gómez's replacement, Luis Osorio. Hours after taking office, Osorio objected to the Human Rights Unit's decision to order the July 23, 2001, arrest of Gen. (ret.) Rito Alejo del Río for his alleged support of paramilitary groups while in command of the army's Seventeenth Brigade in Carepa, Antioquia, between 1995 and 1997. Del Río was among the officers dismissed from the army by President Pastrana because of his poor human rights record. Also, the United States canceled his visa to the United States because of his alleged involvement in acts of terrorism and drug trafficking.

Osorio claimed that he should have been consulted prior to Del Río's arrest, even though prosecutors are under no legal requirement to advise the Attorney General prior to making arrests. On August 5, a judge accepted an habeas corpus petition filed on behalf of the former general and ordered his release. Colombian human rights groups have criticized this decision. They argue that an habeas corpus petition, under Colombian law, can only be granted in cases where the legal and constitutional rights of a detained person have been violated, not the case in the arrest of Del Río.

Osorio later forced the resignation of the director of the Human Rights Unit, the former director of the Human Rights Unit, and the former head of the Technical Investigations Unit (*Cuerpo Técnico de Investigaciones*, CTI) during his first hours in office. Several other investigators who worked on the Del Río case have since been forced to leave the country because of threats on their lives.

Also in 2001, the single top paramilitary leader arrested in Colombia, Víctor Carranza, was released over the Christmas holidays by a judge who used a legal technicality (*vencimiento de términos*) to free him. Previously, Attorney General Alfonso Gómez had blocked similar efforts, since Carranza was being prosecuted for the serious charges of forming and directing paramilitary groups, kidnaping, and drug trafficking.

Osorio has said to human rights groups as well as members of the U.S. Congress that he believes the work of prosecutors under the direction of then-Attorney General Gómez was biased against paramilitaries and that he planned to refocus the work of the Human Rights Unit toward cases involving guerrilla abuses. In fact, the unit was already pursuing important cases involving both the Revolutionary Armed Forces of Colombia-People's Army (*Fuerzas Armadas Revolutionarias de Colombia-Ejército del Pueblo*, FARC-EP) and the Camilist Union-National Liberation Army (*Unión Camilista-Ejército de Liberación Nacional*, UC-ELN).

What appeared evident, as 2001 ended, was that Osorio intended to slow or stop advances on important, politically-challenging cases involving the military, among them the Del Río investigation.

The Security and National Defense Law that President Andrés Pastrana signed on August 13, 2001, threatened to erode or reverse progress on ending impunity for human rights abuses. The law gave the security forces judicial police powers under certain circumstances

and severely restricted the ability of civilian investigators to initiate disciplinary investigations against security force personnel for human rights violations committed during operations. Also, the law limited the obligation of the armed forces to inform judicial authorities about the detention of suspects, increasing the risk of torture.

These provisions may facilitate the continued perpetration of abuses in either joint military-paramilitary operations or in paramilitary operations undertaken with the acquiescence of the armed forces. Its passage demonstrates a lack of commitment to ensuring that the armed forces operate within the rule of law and do not aid or abet paramilitary activities.

The Inter-American Commission on Human Rights, which visited Colombia in December 2001, said that it remained striking that "the confessed perpetrators of crimes against humanity, with pending orders of arrest against them, move throughout Colombia while giving press interviews." The Commission also concluded that paramilitaries continue to depend on the active coordination with and the tolerance of units within the security forces.

Overall, President Pastrana and his defense ministers have failed to take effective action to establish control over the security forces and break their persistent ties to paramilitary groups. Even as President Pastrana publicly deplored atrocities, the high-ranking officers he commanded failed to take steps necessary to prevent killings by suspending security force members suspected of abuses, ensuring that their cases were handed over to civilian judicial authorities for investigation and prosecution, and pursuing and arresting paramilitary leaders.

CONDITION (1) (A) the Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary groups**.**

There is no evidence to show that the Commander General of the Colombian Armed Forces is exercising the power held by this office to suspend security force members who have been credibly alleged to have committed gross human rights violations or to have aided and abetted paramilitary groups. To the contrary, our evidence as well as evidence collected by Colombian human rights groups shows that officers against whom there is credible evidence of human rights violations and support for paramilitary groups remain on active duty and in command of troops.

The Colombian government has attempted to address this concern by dismissing hundreds of soldiers, often without any public explanation of what crimes these individuals may have committed. In 2000, President Pastrana signed a military penal code reform that gave commanders the power to dismiss subordinates implicated in a wide range of crimes. The Defense Ministry later claimed that over 500 people have been removed from the service. In its 180-day report filed in September 2001, the State Department asserted that these dismissals marked "a major step forward in promoting greater professionalism and accountability within the Colombian Armed Forces."

However, the Colombian government never provided information indicating the reasons for the dismissals, which could range from incompetence to involvement in human rights crimes. In addition, we are aware of no evidence that any of these individuals subsequently faced criminal investigations or prosecutions for human rights violations. Most of the cases cited publicly by the government – including that of General Rito Alejo del Río, General Fernando Millán, and General Alfonso Bravo Silva – are now several years old. Not a single one of these officers has been effectively prosecuted for their alleged crimes.

The same State Department report noted that "In many other cases, however, military personnel were not relieved of their regular duties while under either military ort civilian formal investigation. In some cases, an officer has remained at his post pending the outcome of his appeal, even after the first instance finding (initial judicial finding) was against the officer."

The dismissals may, ironically, lead to more political violence. Former Minister of Defense Luis Ramírez told journalists in 2001 that many dismissed soldiers had probably joined paramilitary forces. Reports indicate that approximately 50 dismissed members of the security forces had immediately joined the AUC.

High-ranking officers charged with serious abuses or against whom there is credible evidence of support for or tolerance of paramilitary activity remained on active duty in 2001. Among them are:

A. General (Navy) Rodrigo Quiñones: Colombian government investigators linked General Quiñones to at least fifty-seven murders of trade unionists, human rights workers, and community leaders in 1991 and 1992, when he was head of Navy Intelligence and ran Network 7, based in Barrancabermeja. A military tribunal

decided that there was insufficient evidence against him, meaning that the case remains subject to judicial review and should be transferred back to civilian courts. The only people to be convicted for these crimes were two civilian employees of Network 7, one of whom was later murdered in prison. In his ruling on the case, the civilian judge who sentenced the two civilian employees of the network stated that he was "perplexed" by the military tribunal's decision, since this judge considered the evidence against them to be "irrefutable…With [this decision] all that [the military] does is justify crime, since the incidents and the people responsible for committing them are more than clear." This judge also discounted the military's contention that Quiñones was the victim of a smear campaign by drug traffickers, concluding that there was no evidence to support this claim. The only punishment meted out to Quiñones for the Barrancabermeja killings was a "severe reprimand" ordered by the Procuraduría, Colombia's Internal Affairs agency, which concluded that he was responsible for setting up and directing the network of assassins responsible for the murders and forced disappearances. In a disputed interpretation of existing norms, the Procuraduría determined that murder is not classified as an administrative infraction in regulations. Therefore, it concluded that the maximum punishment it could impose was a "severe reprimand," essentially a letter in Quiñones's employment file. In that decision, the Procuraduría itself described this punishment as "embarrassingly insignificant, both within the national sphere and before the international community." Since that time, Quiñones has been promoted to important positions of command and influence. As commander of the Navy's First Brigade, he was in charge of the region where the El Salado (Bolívar) massacre took place in February 2000. Government investigators later concluded that military and police units stationed nearby failed to stop paramilitaries from killing forty-six residents. Also, investigators reported that the Navy established roadblocks that prevented human rights and relief groups from entering the town. Almost one year later, on January 17, 2001, government prosecutors established that Navy First Brigade troops under Quiñones's command allowed heavily armed paramilitaries to travel past them to the village of Chengue, Sucre. The *Washington Post* later reported on January 28, 2001, that paramilitaries separated villagers into two groups. "One by one, they killed the men by crushing their heads with heavy stones and a sledgehammer. When it was over, twenty-four men lay dead in pools of blood. Two more were found later in shallow graves. As the troops left, they set fire to the village." Authorities subsequently arrested Navy Sergeant Rubén Darío Rojas and charged him with supplying weapons to paramilitaries and helping coordinate the attack. On July 6, 2001, the Procuraduría filed disciplinary charges

against General Quiñones and five other security force officers for allegedly ignoring detailed information received in advance about paramilitary movements near Chengue. Despite the charges, he was later promoted to the post of navy chief of staff, the second-highest position within the Colombian Navy. Subsequently, in December 2001, General Quiñones was again promoted, and currently holds the position of vice-rector of the country's War College, the top officer training school.

B. General Carlos Ospina Ovalle: Prosecutors have documented extensive ties between the Fourth Brigade and paramilitary groups between 1997 and 1999, while General Ospina was in command. Among the cases in which Ospina is implicated is the October 1997 El Aro massacre, allegedly perpetrated by Fourth Brigade units in cooperation with paramilitaries. Government investigators documented through eyewitness testimony and other evidence that a joint army-paramilitary force surrounded the village and maintained a perimeter while about twenty-five paramilitaries entered the town, rounded up residents, and executed four people. One of the key investigators on this case, human rights lawyer Jesús Valle, was murdered in 1998 by gunmen linked to the El Aro massacre. Ospina continues to be promoted, and has commanded Mobile Brigade 2 and the Fourth Division. He is currently director of Army Operations.

C. General Gabriel Díaz: There is abundant and credible evidence to show that under General Díaz's command, the Twenty-Fourth Brigade regularly worked with and supported paramilitary groups in the department of Putumayo in 2000. Human Rights Watch obtained extensive, detailed, and consistent evidence showing that the Twenty-Fourth Brigade maintained a close alliance with the paramilitaries, resulting in extrajudicial executions, forced disappearances, and death threats. The Twenty-Fourth Brigade regularly coordinated actions with paramilitaries and allowed them to operate openly, and even established one of their principal bases within a short walk of an army installation. At their base, paramilitaries held a training camp that drew dozens of novice fighters from across Colombia. Human Rights Watch also collected testimony showing that paramilitaries regularly paid military officers for their cooperation. In one case, evidence suggested that an army officer arranged to have a close relative killed by paramilitaries. In another, Óscar Cardona, a grieving father whose son was murdered by paramilitaries, haggled over a reparations payment that was supervised by Colombian National Police (CNP) officers. To date, government authorities have done little to investigate this alliance or the Colombian Army officers who may have sponsored it. Some soldiers were

transferred out of the Putumayo, and one battalion was removed for "retraining." However, the officer who led the Twenty-Fourth Brigade in 2000, was promoted after the report's publication and now leads the Second Brigade in Barranquilla, Atlántico.

D. General Freddy Padilla León, Commander of the II Division, and Colonel Gustavo Sánchez Gutiérrez, Army Personnel Director: In July 2000, the Procuraduría formally charged these two officers with "omission" in connection with the massacre in Puerto Alvira in June 1997. But eighteen months later, both remain on active duty.

E. General Rafael Ruiz: The Attorney General collected compelling and abundant evidence indicating that under his command at the Third Division, the Army's Third Brigade set up and directed "paramilitary" groups in the departments of Valle del Cauca, Cauca, and Nariño, in southern Colombia. However, he remains on active duty.

F. General Martín Carreño Sandoval: In case after case, human rights groups, peasant organizations, religious leaders, and residents described a policy of tolerance and, in some cases, open collaboration between the AUC, local police, and units under the command of General Carreño at the Fifth Brigade, based in Bucaramanga. As one international observer commented to Human Rights Watch, "Paramilitaries could not be doing what they are doing without the support of the military and police." During a Human Rights Watch mission to the Middle Magdalena in January 2001, eyewitnesses described how paramilitaries had been able to maintain their command center in San Blas, outside the town of San Pablo, throughout 2000. Equipped with communications equipment, barracks, and a vehicle pool, this base was used to summon local leaders, collect and distribute weaponry and vehicles, and train hundreds of paramilitary fighters. After a visit to the region, the Office of the United Nations High Commissioner for Human Rights informed the government about this base. Yet it was not searched a single time by the Colombian security forces in 2000, even after Colombians who had independently met with Carlos Castaño on its grounds informed Colombia's highest authorities, including President Pastrana, of its existence. It was not until March 2001 that the Colombian security forces occupied San Blas. At the time, Gen. Carreño announced that his troops had seized a paramilitary "fort," AK-47 rifles, munitions, and communications equipment. Soldiers also reportedly found five cocaine laboratories, sixteen kilos of

raw cocaine, and 22,000 gallons of the chemicals used to crystallize it into export-grade powder. However, not a single paramilitary was arrested, suggesting, as Castaño had previously told visitors, that he received clear advance warning of the raid. Almost immediately after troops left, Human Rights Watch received reliable information that paramilitaries had returned to San Blas and were operating normally.

In order to assess compliance with Condition (1) (A), the United States should obtain a list of the names and ranks of military personnel who have been suspended from duty since August 1997 as a result of credible allegations that they committed gross violations of human rights or aided or abetted paramilitary groups, together with the dates of their suspension. The U.S. Embassy should update this list at three-month intervals and distribute it to the appropriate congressional committees and the human rights groups included in the consultation process required for certification.

Finally, the United States should obtain a list of names and ranks of military personnel who have not been suspended from duty since August 1997 despite credible allegations that they committed gross violations of human rights or aided or abetted paramilitary groups. The U.S. Embassy should update this list at three-month intervals and distribute it to the appropriate congressional committees and the human rights groups included in the consultation process required for certification.

BENCHMARKS :

The following should be achieved before the Secretary of State issues a certification on the Colombian government's compliance with Condition (1) (A):

A. The Colombian military should suspend the officers within twenty-four hours of receiving credible evidence against them of human rights abuses and/or support for paramilitary groups, pending an investigation by civilian authorities;

B. If merit is found to the evidence, these officers should be turned over to civilian courts for prosecution for their alleged involvement in gross violations of human rights and paramilitary activities;

C. The Colombian military should demonstrate that commanding officers who fail to

carry out these suspensions and ensure that their subordinates are not in command of troops are themselves sanctioned promptly for dereliction of duty.

CONDITION (1) (B) the Colombian Armed Forces are cooperating with civilian prosecutors and judicial authorities (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses and relevant military documents and other information), in prosecuting and punishing in civilian courts those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary groups.

The Colombian armed forces continues to adjudicate cases involving allegations of serious human rights violations and block investigations, demonstrating clear noncompliance with this condition. As the State Department has noted in successive annual human rights reports, Colombia's military tribunals have established a virtually unbroken record of impunity.

For example, the investigation into the Chengue massacre – in which General Quiñones is implicated -- was almost derailed in 2001 after attacks and threats on government investigators. Prosecutor Yolanda Paternina Negrete, who led the Chengue investigation, told her superiors that officers in Colombia's Marine Infantry (*Infantería de Marina*) failed repeatedly to provide her with the support necessary to search a ranch where witnesses claimed the paramilitaries responsible for the massacre were located. On May 27, two CTI investigators working on the case were detained by paramilitaries and are now presumed dead. Fabio Luis Coley Coronado and Jorge Luis de la Rosa had posed as farm equipment salesmen in an attempt to infiltrate the paramilitary operation. On August 29, 2001, Prosecutor Paternina was herself killed by unidentified gunmen in Sincelejo, Sucre.

As insidious, in case after case, the armed forces have simply ignored credible evidence gathered against officers, taking advantage of the country's slow and often ineffective judicial system to evade accountability. This tactic is particularly effective now, as Attorney General Osorio has slowed down or blocked critical investigations into military support for and tolerance of paramilitary activity. In many regions, prosecutors are simply too afraid to aggressively investigate, fearing both the military and lack of support for their investigations from Attorney General Osorio. The result has been that many cases languish in "preliminary

investigations."

These fears grew in 2001 as paramilitaries launched an unprecedented campaign aimed at eliminating government prosecutors, investigators, and witnesses to key cases:

- On September 20, Juan Manuel Corzo, the director of the Attorney General's investigative unit in the city of Cúcuta, Norte de Santander, was shot and killed as he drove with his mother. At the time, Corzo was investigating several killings of colleagues, including prosecutor Margarita Pulgarín, killed in Medellín in 2000, and Iván Villamizar, the former public ombudsman for the city, killed in February;

- On September 2, former Apartadó town council member José de Jesús Geman was killed in a Bogotá hotel. Geman was preparing to deliver material to the Attorney General's office as part of the continuing case against Gen. (ret.) Rito Alejo del Río, who is being investigated for supporting paramilitary groups;

- On August 26, prosecutor Yolanda Paternina, in charge of the investigation of the Chengue massacre, was shot and killed in front of her home in Sincelejo, Sucre. Paternina had reported receiving death threats following her arrest of three local men whom informants linked to the Chengue massacre. In the days following the killings, Chengue survivors implicated Colombian military forces in the massacre;

- On July 28, prosecutor María del Rosario Rojas Silva, who was directing a series of investigations into paramilitary activity on the state of Norte de Santander, was shot six times as she left a health clinic in the city of Cúcuta;

- On July 11, CTI agent Miguel Ignacio Lora, in charge of an investigation into the financing networks of paramilitary groups, was killed in the city of Montería, Córdoba, by an assassin believed to have been sent by paramilitaries;

- On May 27, two investigators for the Attorney General's office investigating the Chengue massacre were detained by presumed paramilitaries and are now presumed dead. Fabio Luis Coley Coronado and Jorge Luis de la Rosa had posed as farm equipment salesmen n an attempt to infiltrate the paramilitary operation;

- On May 17, a former paramilitary pilot who had agreed to testify in a government case was shot and killed in Bogotá by an assassin believed to have been sent by

paramilitaries;

- On February 12, the former public advocate in the city of Cúcuta, Iván Villamizar, was shot and killed by ten gunmen outside the city's Free University, where he was serving as president. Paramilitaries had threatened Villamizar for his work as a public advocate. At the time of the attack, Villamizar had two government-assigned bodyguards, who were both seriously wounded in the attack.

The office in Colombia of the U.N. High Commissioner for Human Rights called these killings "a systematic campaign of retaliation and intimidation" by those seeking "total impunity for the most serious crimes committed in the country."

Colombia's Ministry of Defense has circulated statistics that purport to demonstrate that military tribunals are complying with Colombian law and transferring cases implicating security force members in human rights crimes to civilian jurisdiction. Between August of 1997 and December 2001, the Defense Ministry claims that it transferred 1,372 cases to civilian courts.

Despite repeated requests, the Defense Ministry has not provided us with an updated explanation of the charges involved in these cases. However, Amnesty International and Human Rights Watch reviewed cases transferred prior to 2001, and found that in fact, very few of them could be described as involving military personnel linked to human rights violations. Most involved police agents or allegations of crimes like brawling, theft and drug trafficking, unrelated to human rights or support for paramilitary groups.

As the State Department itself has noted, Defense Ministry statistics are notoriously unreliable, occasionally contradictory, and often misleading. In citing them, the State Department's first 60-day report, filed in November 2000, included a crucial caveat: "It is unclear how many of those cases involve human rights violations."

Often, Defense Ministry statistics prove the very thing they are supposed to deny. For instance, we learned in January 2002 that between October 2000 and October 2001, the Superior Military Tribunal issued eight guilty verdicts for crimes that it described as possible human rights violations. That means that these tribunals continued to adjudicate these cases in violation of the law and a Presidential Directive.

Some cases of human rights violations in which high-ranking officers have been implicated

have been transferred from military courts but only after the Constitutional Court has issued rulings reiterating its 1997 decision.

On July 21, 2000, the Superior Judicial Council (*Consejo Superior de Judicatura*, CSJ), charged with resolving jurisdictional disputes, among other things, returned a case involving the forced disappearance of Nydia Erika Bautista to civilian courts for trial. Bautista had been detained by members of the army's Twentieth Brigade in Santafé de Bogotá in August 1987. Although the Attorney General's Human Rights Unit brought charges against four army members in 1996, the military filed a jurisdictional dispute, which the CSJ decided in the military's favor that same year.

Subsequently, Bautista's family filed a challenge, which eventually resulted in the case being returned to the CSJ for review. In its July ruling, the CSJ, for the first time, fully embraced Sentence No. C-358/97 and established a crucial precedent.

In November 2001 the Constitutional Court built on this precedent by ruling that the Mapiripán massacre of 1997 should be transferred to the civilian justice system. In this village, paramilitaries coordinating with the army massacred dozens of civilians. The military disputed civilian jurisdiction and in 2000, punished General Jaime Uscátegui with little more than a slap on the hand. General Uscátegui, who retired in 1999, is currently studying law in a military university and has not been rearrested.

In order to assess Colombia's compliance with Condition (1) (B), the U.S. government should obtain from the Colombian government a list of all cases since August 1997 in which military judges have challenged jurisdiction in cases being investigated by the Attorney General's Office involving gross human rights violations or the aiding and abetting of paramilitary activities, including the charges, the rank of the individuals charged, and the CSJ decision. The U.S. Embassy should update this list at three-month intervals, and distribute it promptly to the appropriate congressional committees and the human rights groups included in the consultation process required for certification.

Also, the U.S. government should obtain a list of the names and ranks of Colombian armed forces personnel who have been brought to justice in Colombia's civilian courts since August 1997, including the names and ranks of these personnel, details of the charges brought, and the disposition of the cases. The U.S. Embassy should update this list at three-month intervals, and distribute it promptly to the appropriate congressional committees and the human rights groups included in the consultation process required for certification.

Included should be new cases and developments in existing cases, with particular emphasis on whether or not the security forces are cooperating with the execution of arrest warrants. The execution of arrest warrants should be sorted according to the security force units to which they refer.

BENCHMARKS:

The following benchmarks should be achieved before the Secretary of State issues a certification on the Colombian government's compliance with Condition (1) (B):

A. The Colombian military should transfer the cases involving the following military officers to the appropriate civilian authorities for investigation and prosecution and ensure that its members are cooperating, at all levels, with any official inquiries :

1) General (Navy) Rodrigo Quiñones: (see above).

2) General (ret.) Fernando Millán: The Attorney General opened an investigation against General Fernando Millán based on evidence that he set up the Las Colonias CONVIVIR in Lebrija, Santander, while he commanded the Fifth Brigade. The Las Colonias CONVIVIR operated throughout 1997 without the license required by law but with army support, according to the testimony of former members. According to residents and victims' families, the group committed at least fifteen targeted killings before the director, "Commander Cañón," a retired army officer, and the employees he hired were arrested and prosecuted by civilian authorities under Decree 1194, which prohibits the formation of paramilitary groups. Among the cases currently under investigation by the Attorney General's Office are those of two Protestants, brothers Oscar and Armando Beltrán Correa, who were taken captive by the Las Colonias CONVIVIR as they went to work on July 29, 1997 and killed on the road leading from Lebrija to the hamlet of La Puente. Apparently, the CONVIVIR accused them of passing information to guerrillas. On September 4, 1997, father and son Leonardo and José Manuel Cadena were forced out of their home by CONVIVIR members and killed, according to a family member's testimony to the Attorney General's Office. The CONVIVIR apparently accused the Cadenas of providing food to guerrillas. According to a former CONVIVIR member who was also an army informant, during its months of

operation, the Las Colonias CONVIVIR frequently went on operations with army units, setting up roadblocks and detaining suspected guerrillas and criminals. When the Attorney General's Office investigated this case, the army high command prevented prosecutors from questioning Millán, then interposed a jurisdictional dispute, claiming that since Millán was on active service and carrying out his official duties, the case should be tried before a military tribunal. Following a decision by the CSJ, the case was transferred to the military justice system in October 1998. A prosecutor assigned to investigate the May 1998 massacre of eleven people in Barrancabermeja fled the country after receiving threats from General Millán, then-Commander of the Fifth Brigade. Nine members of the military and police were disciplined in connection with the massacre, but there have been no prosecutions under civilian jurisdiction. The case against General Millán, now retired, has not been transferred back to civilian jurisdiction in accordance with Sentence No. 358/97.

3) Brig. Gen. Jaime Canal Albán (ret.): Colombian government investigators found abundant and credible evidence that, in 1999 and 2000, while Brig. Gen. Canal Albán was in command, the Third Brigade set up a paramilitary group and provided its members with weapons and intelligence. To date, the only action taken to break the link between the Third Brigade and paramilitaries has been made by the Attorney General's office. In December 2000, civilian prosecutors arrested Col. Rafael Hani, commander of the Palacé Battalion based in Buga, Valle. Prosecutors told Human Rights Watch that they have strong evidence showing that Hani set up paramilitary groups, supplied them with vehicles and supplies, and coordinated actions with them. They characterized the evidence as "extremely strong, and involving direct support for and participation in paramilitary crimes." Hani's support for paramilitaries, investigators told Human Rights Watch, "was flagrant."

4) General (ret.) Jaime Humberto Cortés Parada: In July 2000, the Procuraduría formally charged General Jaime Humberto Cortés Parada with failing to prevent paramilitary attacks in connection with the massacre

in Puerto Alvira in June 1997. Subsequently, the Attorney General collected compelling and abundant evidence indicating that under Cortés's command at the Third Division, the Army's Third Brigade set up a "paramilitary" group in the department of Valle del Cauca, in southern Colombia. Nevertheless, the army never opened a formal investigation and failed suspend this officer pending its result.

5) General (ret.) Jaime Uscátegui: Dozens of civilians were killed by paramilitaries and hundreds were forced to flee for their lives from Mapiripán, Meta, in July 1997. For five days, paramilitaries acting with the support of the army detained residents and people arriving by boat, took them to the local slaughterhouse, then bound, tortured, and executed them by slitting their throats. Local army and police units ignored repeated phone calls from a civilian judge in the area seeking to stop the slayings. At least two bodies -- those of Sinaí Blanco, a boatman, and Ronald Valencia, the airstrip manager -- were decapitated. Judge Leonardo Iván Cortés reported hearing the screams of people who had been taken to the slaughterhouse to be interrogated, tortured, and killed. In one message that he sent to various regional authorities while the massacre was in progress, he wrote: "Each night they kill groups of five to six defenseless people, who are cruelly and monstrously massacred after being tortured. The screams of humble people are audible, begging for mercy and asking for help." Hundreds of people fled the region. They included Judge Cortés, who was forced to leave Colombia with his family because of threats on his life. Subsequent investigations revealed that troops under the command of Uscátegui, then in charge of the Seventh Brigade, in coordination with Mobile Brigade 2 troops under the command of Colonel Lino Sánchez, assisted the paramilitaries during their arrival at the nearest airport, and made sure that troops with the capability to combat paramilitaries were engaged elsewhere. In an attempt to cover up his responsibility, Uscátegui tried to falsify documents reporting the massacre. As a result of their internal investigation, the army moved Gen. Uscátegui to administrative duties for failing to act promptly to stop the massacre and detain those responsible. However, the military interposed a jurisdictional dispute arguing that alleged crimes involved "acts of omission" and belonged before a military court. Uscátegui was later convicted by a military tribunal, which sentenced him to 40 months in jail; he served only sixteen months prior to

his release. During those sixteen months, he was "confined" in a military recreation facility. In November 2001, however, a *tutela* filed by the plaintiffs was granted, forcing the case back to civilian courts for retrial. Nevertheless, General Uscátegui, who retired in 1999, is currently studying law in a military university and has not been rearrested.

6) General (ret.) Alberto Bravo Silva: According to Colombia's Public Advocate, on May 29, 1999, paramilitaries killed at least twenty people and abducted up to fifteen more in La Gabarra (Norte de Santander). General Bravo was repeatedly warned of the paramilitaries' threats against villagers and the ensuing massacres, but did not act to prevent them or to pursue the perpetrators effectively once the massacre had taken place. He was relieved of duty and later retired, but has not been prosecuted in a civilian court for his alleged role in aiding and abetting this atrocity.

7) General (ret.) Rito Alejo del Río: An investigation was opened by the Attorney General in 1998 into Del Río's support and tolerance for paramilitary activity in the Urabá region in 1996 and 1997 while he was commander of the Seventeenth Brigade. According to reports made by Colonel (ret.) Carlos Velásquez, his chief of staff, to his superiors in 1996, Del Río supported paramilitaries in Urabá, and maintained a relationship with a retired army major who worked with paramilitaries. Instead of prompting a serious investigation of Del Río, the reports prompted the army to investigate Velásquez, in an apparent attempt to silence him. The army concluded the inquiry by recommending not that Gen. Del Río, who was later promoted, be punished, but that Colonel Velásquez be disciplined for "insubordination, [acts] against duty and esprit de corps." Velásquez was forced to retire on January 1, 1997. General Del Río was arrested in July 2001, but was quickly released after a judge granted a dubious writ of habeas corpus. Now in the hands of Attorney General Osorio, it appears unlikely that the case will proceed. In September 2001, a witness in the case against Del Río was killed in Bogotá.

8) General (ret.) Farouk Yanine Díaz: Gen. Yanine was arrested in October 1996 for alleged complicity in the massacre of nineteen merchants in the Middle Magdalena region in 1987. Eyewitnesses, including a military officer, testified that he supported paramilitaries who carried out the

massacre and had operated in the area since 1984, when Yanine was commander of the Fourteenth Brigade in Puerto Berrio. The paramilitary leader also testified that Gen. Yanine had paid him a large sum to carry out the killing. Yanine also allegedly provided paramilitaries with the intelligence necessary to intercept their victims. Despite compelling evidence, General Manuel José Bonnet, then the army commander, closed the case citing a lack of evidence and opposed sending the case to civilian courts for trial. The Procuraduría appealed the decision on the grounds that "evidence presented against Yanine Díaz had not been taken into account -- [the sentence] clearly deviates from the evidence presented in this case." The U.S. State Department expressed concern about the acquittal on July 1, 1997.

B. The Colombian military should transfer to the appropriate civilian authorities for investigation and prosecution cases involving human rights abuses and/or support for paramilitary groups that are under investigation by military tribunals or that have not reached the stage of final appeal and resolution. They remain subject to Sentence No. C-358/97, among them the following cases that we consider benchmarks for measuring Colombia's compliance with Condition (1) (B):

1. Massacres at Trujillo (Valle del Cauca): Dozens of people were killed in the municipality of Trujillo over a several year period in the late 1980s and early 90s. On December 20, 1990, the Third Brigade dropped charges that had been leveled against Major Alirio Antonio Urueña. The Colombian president later cashiered him on human rights grounds. Further cases arising from the Trujillo killings remain in military courts. The paramilitary leader widely reported to have participated, Henry Loaiza Ceballo, the "Scorpion," is not known to have been convicted for his role in this case.

2. Massacre at El Caloto (Cauca): This massacre, in which twenty members of Páez indigenous community were killed, was carried out on December 16, 1992 by the Judicial Police. The military challenged jurisdiction and the case was transferred to military jurisdiction at the end of 1997. Charges against the implicated officials were dropped, and the case remains subject to the Constitutional Court ruling.

3. Massacre at Riofrío (Valle del Cauca): Thirteen people were killed in the

village of El Bosque, in the Municipality of Riofrío on October 5, 1993 by men in uniforms and ski masks. The victims were presented as combat deaths by Battalion Palacé of the Third Brigade, based in Cali. The case was initially transferred to the military court system by a 1994 CSJ decision. A civilian judge then requested that the military justice system transfer to him the portion of the case brought against several military officials. The military justice system refused to grant the transfer, and the matter returned to the CSJ. In July 1998, the CSJ refused to decide the conflict on the grounds that it had already decided the jurisdictional question in 1994. This case remains open to review.

4. Blanquicet (Antioquia): On September 22, 1993, in the rural district of Blanquicet, members of the Colombian army killed Carlos Manuel Prada and Evelio Bolano, members of the armed opposition group Socialist Renovation Current, (*Corriente de Renovación Socialista*, CRS) who had been acting as peace negotiators. The CRS later demobilized. An army captain, sergeant, and several soldiers were acquitted by the military justice system. This decision was appealed by the lawyers acting for the families and by the CRS on jurisdictional grounds, and they requested the transfer of the case to the Attorney General in compliance with the Constitutional Court's ruling. The request was rejected but the rejection was appealed, whereupon the Superior Military Tribunal confirmed the decision to deny the transfer. The Attorney General's Human Rights then requested the transfer of the case on jurisdictional grounds. The case is also before the Inter-American Commission, which has agreed to a "friendly settlement" on condition that the criminal investigation is transferred to the civilian justice system.

5. San José de Apartadó (Antioquia): Threats and human rights violations against the community of San José de Apartadó (Antioquia) by army-backed paramilitaries continued in 2001, prompting a series of formal investigations. Paramilitaries attacked the village on March 5, setting fire to houses and threatening to kill the inhabitants and members of an international non-governmental organization who were with them. The gunmen apparently came from an area that a patrol of the Seventeenth Brigade had just left. Soldiers from this brigade have recently been seen patrolling with known paramilitaries, and have reportedly threatened people

living in San José de Apartadó. Soldiers entered the village about 25 minutes after the gunmen left, but made no attempt to pursue them. All portions of this case should remain within civilian jurisdiction.

6. Santo Domingo (Arauca): There is credible evidence that a Colombian Air Force crew flying a U.S.-funded combat helicopter committed a serious violation in the village of Santo Domingo in 1998, by rocketing a house where civilians had taken shelter. The helicopter was assigned to Combat Air Command No. 1, for almost a decade a recipient of U.S. security assistance. The military reacted to evidence of an abuse by disseminating false or contradictory information and misleading civilian investigators. In addition, the Air Force commander, Gen. Héctor Velasco, criticized the human rights groups demanding justice for the victims, openly equating them with guerrillas and drug traffickers. The incident occurred on the morning of December 13, 1998, after over a day of combat around the village between the military and the FARC-EP's Tenth Front. At about 9:45 a.m., an explosion in Santo Domingo killed seven children. Twenty-eight eyewitnesses told local authorities that the explosion was the result of a rocket fired from a Colombian military helicopter. They said that the Colombian military dropped at least two other explosives in Santo Domingo. Eleven adults were also reported killed. The Colombian Army closed its preliminary investigation (*archivado*). Meanwhile, the Attorney General's Human Rights Unit collected forensic evidence that was reviewed by Colombian experts and the Federal Bureau of Investigation (FBI). Both agreed that the remains of an American-made rocket were present in the samples. As a result, the Attorney General's Human Rights unit recommended that the Colombian Air Force reopen its investigation. However, the air force declared that ruling null the following September. Subsequently, the Attorney General requested that the case be returned to civilian jurisdiction, and a decision is pending. Almost two years after the incident, Colombian Air Force Gen. Héctor Fabio Velasco filed a complaint of "calumny" (*calumnia*) against members of Humanidad Vigente, a local human rights group, and the Arauca-based "Joel Sierra" Regional Human Rights Committee, which is on-going. The charge is based on a poster that the groups sponsored that called for justice for the attack, which the groups attributed to the Colombian Air Force. The poster features a child's drawing of the attack, with black helicopters and yellow

airplanes loosing bombs over the figures of Santo Domingo villagers. General Velasco also publicly attacked the Colombian human rights groups pressing for justice by equating them to guerrillas, a common tactic by military officers to discredit and threaten human rights defenders.

7. El Aro (Antioquia): Colombian prosecutors collected evidence linking the Fourth Brigade, under the command of General Carlos Ospina Ovalle, to the October 25, 1997, massacre committed by paramilitaries in El Aro. Government documents show that a joint army-paramilitary force surrounded the village and maintained a perimeter while about twenty-five paramilitaries entered the town, rounded up residents, and executed four people.

8. Angel Quintero and Claudia Monsalve: Investigations into the "disappearance" of these human rights defenders on October 6, 2000, in Medellín have unearthed evidence that the Unified Action Groups for Personal Security (*Grupo de Acción Unificada para la Libertad Personal*, GAULA), a joint army-police anti-kidnapping force, were responsible for illegal tapping of thousands of phone lines including those of the Association of Family Members of the Detained-Disappeared (*Asociación De Familiares de Detenidos y Desaparecidos*, ASFADDES) and numerous other organizations. The Attorney General's office has, to date, issued arrest warrants against at least four police officers and summoned two police colonels for questioning.

CONDITION (1) (C) the Colombian Armed Forces are taking effective measures to sever links (including by denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation), at the command, battalion, and brigade levels, with paramilitary groups, and to execute outstanding orders for capture for members of such groups.

The Colombian government's progress against paramilitary groups has amounted to little more than rhetoric, unsupported by actions in the field designed either to break existing ties between the military and paramilitary groups, prosecute the officers who support these links, or pursue those groups and their leaders effectively in the field. Although the government describes these ties as the result of the acts of "individual members of the

security forces," and not a matter of policy or even tolerance, it is abundantly clear that the range of acts government prosecutors and human rights investigators continue to document depend on the approval, collusion and tolerance of high-ranking officers.

The Colombian government claims major improvements in curtailing abuses by paramilitaries and arresting their members. But the facts do not bear out these assertions. Arrest statistics provided by the military are overwhelmingly skewed toward low-ranking members of paramilitary groups or individuals whose participation in these groups is alleged, not proven.

The vast majority of arrest warrants for paramilitaries issued by the Attorney General's office languish without action. In the words of one top government investigator, "There are cases where we cannot execute warrants against paramilitaries because we lack the military weaponry to confront them… [When the Colombian military is involved] the information leaks [to paramilitaries] and when we arrive, nobody is there. In many cases, the military knows exactly where the paramilitaries are, but does nothing."

Meanwhile, the AUC expanded its radius of action and troop strength dramatically in 2001. Since 1996, the number of paramilitaries has grown by over 560 percent, and Carlos Castaño, their principal leader, now claims a force of over 11,000 fighters. In 2001, Castaño published a memoir in which he took responsibility for a series of killings, among them of presidential candidate Carlos Pizarro.

In some situations, as with the temporary seizure of a community of displaced people in Esperanza en Díos and Nueva Vida, Chocó, paramilitaries reportedly operated with as many as 800 troops at a time. Large concentrations of paramilitaries were rarely challenged by the Colombian security forces. Over a period of a week in early July 2001, in the town of Peque, Antioquia, over 500 armed and uniformed paramilitaries blockaded roads, occupied municipal buildings, looted, cut all outside communication, and prevented food and medicines from being
shipped in, according to the Public Advocate's office. Over 5,000 Colombians were forced to flee. When the paramilitaries left, church workers counted at least nine dead and another ten people "disappeared," several of them children.

As a local official said: "The state abandoned us. This was a massacre foretold. We alerted the regional government the paramilitaries were coming and they didn't send help."

During much of 2000, the AUC paid monthly salaries based on rank to local Colombian army and police officials in the department of Putumayo, where U.S.-funded and trained counternarcotics battalions were deployed. In the state of Cauca, soldiers moonlighting as paramilitaries earned up to $500 per month. These salaries far exceeded the average Colombian's monthly income.

Mayors, municipal officials, governors, human rights groups, the Public Advocate's office and even some police detachments regularly informed the appropriate authorities about credible threats by paramilitaries or even massacres that were taking place. An early warning system paid for by the United States and administered by the office of the Public Advocate registered twenty separate warnings nationwide between June 2001, when the system began to function, and September 2001. But rarely did the government take effective action to prevent atrocities. Of the warnings that were received, eleven incidents resulted either in killings being committed or the continued, pronounced presence of armed groups that threatened civilians.

Far from mobilizing government forces to act, the early warning system has left a highly mixed record of inaction. As disturbing, some security force commanders have accused the civilians who activate the network of using it to distract attention and help guerrillas focus attacks on areas left unprotected after soldiers are moved to address supposedly spurious threats.

Paramilitaries were linked to the murders of Colombians working to foster peace, among them three congressmen: Representative Jairo Rojas, killed on September 6, 2001; Representative Octavio Sarmiento, killed by the AUC on October 2, 2001; and Representative Luis Alfredo Colmenares, killed by the AUC on October 8, 2001.

On June 2, armed men believed to be paramilitaries seized Kimy Pernia Domicó, a leader of the Emberá-Katío community in the department of Córdoba, who remained "disappeared" at this writing. Three weeks after he was abducted, another Emberá-Katío leader who had been active in calls for Domicó's release was abducted by presumed paramilitaries and later killed.

As these killings showed, certain groups faced special risks, among them indigenous groups, trade unionists, journalists, human rights defenders, and peace advocates. 2001 was the worst year ever for trade unionists, for example, with 152 reported killed and thirty-three forcibly disappeared. The AUC has publicly threatened leaders, among them

former CUT president and presidential candidate Luis Garzón, who the government confirmed in December 2001 was the target of a paramilitary assassination attempt.

In some cases, government investigations continued to reveal links between active-duty and retired members of the security forces, known paramilitaries and professional killers, and attacks on trade unionists, among them the failed attempt on the life of Wilson Borja, the president of the State Workers' Union, on December 15, 2000.

In December 2001, the Attorney General's Office charged army intelligence informant Juan Evangelista Basto Bernal with conspiracy and attempted murder. In his home, investigators discovered material linking him to possible plans to attack human rights lawyer Alirio Uribe and noted academic Alejo Vargas. Active duty army Major César Alfonso Maldonado Vidales remains under investigation in connection with the attack and is detained in a military police barracks. However, it remains unclear whether or not he is suspended; in previous cases, officers in the same facility have continued to engage in their regular duties, and have been allowed to come and go from their supposed cells at will.

Some government offices attempted to protect threatened Colombians, supplying bodyguards, bulletproof reinforcement for offices, and an emergency response network operated by handheld radios. The CNP Human Rights office and the Interior Ministry, in particular, took steps to protect defenders and to investigate specific allegations of police collaboration with paramilitary groups.

In many instances, however, government response was slow, nonexistent, or abusive. For example, the commander of the Barrancabermeja-based CNP, Col. José Miguel Villar Jiménez, attacked human rights groups in 2001 by claiming that they had their "origin in [guerrillas], which attempt to throw mud on the good work that is done constantly with reports and information that also has an echo in the different international Non-Governmental Organizations."

None of the cases that we forwarded as benchmarks for previous certifications have resulted in the arrests of the individuals who planned, coordinated, and paid for the murders of human rights defenders or government prosecutors. Only the actual gunmen and women have been arrested or convicted, while abundant evidence points to others as having ordered these attacks.

The security forces have been directly implicated in abuses related to human rights

defenders. In May 2000, it was revealed that a combined police-army unit had illegally tapped over 2,000 telephone lines in the city of Medellín, many belonging to non-governmental and human rights groups, among them ASFADDES. The police officer who apparently helped place the taps was killed in April 2001 in circumstances that remained unclear. In November 2001, the Procuraduría filed charges against twelve police officers in connection to this case. The Attorney General's Office has to date issued arrest warrants against at least four police officers and summoned two police colonels for questioning.

In addition, high-ranking military officers continue to verbally attack U.S. officials (who by law are required to investigate allegations of human rights abuses), journalists, and human rights defenders. For example, after Human Rights Watch published *The 'Sixth Division': Military-Paramilitary Ties and U.S. Policy in Colombia*, General Rafael Ruiz, commander of the Cali-based Third Division, falsely accused Human Rights Watch's Americas Division Executive Director José Miguel Vivanco of receiving drug trafficking money in order to launch false accusations. "We know that [Vivanco] is sent checks from [Colombia] and we have proof and it has been demonstrated," General Ruiz told journalists in October 2001.

Many paramilitary bases remain fixed and their locations are well known, yet the security forces do nothing to dismantle the bases, prevent them from being used to commit crimes, or arrest those responsible. Witnesses have reported that paramilitaries cross through local army roadblocks frequently. According to sworn testimony of the local *personero*, the municipal authority charged with receiving reports of abuses from the citizenry, local army and police officers held regular meetings with paramilitary leaders in the army base attached to the Twenty-Fourth Brigade in 2000.

The government has repeatedly claimed that it has set up special units to pursue paramilitaries, but these groups appeared to be little more than paper tigers.

In order to assess compliance with this condition, the United States should obtain a list of outstanding arrest warrants issued by the Attorney General relating to human rights cases. The U.S. Embassy should update it at three-month intervals, and distribute it promptly to the appropriate congressional committees and the human rights groups included in the consultation process required for certification. New cases should be included as well as developments in existing cases, in particular, whether the security forces are taking concrete measures to execute these warrants. The execution of arrest warrants should be sorted according to the security force units to which they refer.

Also, the United States should obtain a list of the names of paramilitary leaders and members who have been indicted, arrested, and prosecuted since August 1997; a description of the charges brought; and the disposition of the cases. The U.S. Embassy should update it at three-month intervals, and distribute it promptly to the appropriate congressional committees and the human rights groups included in the consultation process required for certification. Included should be new cases and developments in existing cases, with particular emphasis on whether or not the security forces are taking concrete measures to execute warrants. Information regarding the execution of arrest warrants should be sorted according to the security force units to which they refer.

BENCHMARKS:

The following benchmarks should be achieved before the Secretary of State issues a certification on the Colombian government's compliance with Condition (1) (C).

A. The Colombian government should present to the public a comprehensive plan that is fully funded and staffed and includes a long-term and politically feasible strategy to pursue and disband paramilitary groups, arrest and prosecute their leaders, and seize their financial and other assets according to law.

B. The Colombian military should adopt a strategy to immediately and effectively execute outstanding arrest warrants related to the following benchmark cases:

   1. Alirio de Jesus Pedraza Becerra: Pedraza, a lawyer with the Committee of Solidarity with Political Prisoners (*Comité de Solidaridad con Presos Políticos*, CSPP), was "disappeared" by eight heavily armed men on July 4, 1990. His whereabouts have never been determined. At the time, he was representing the family members of scores of peasants killed when the Luciano D'Eluyart Battalion opened fire on a protest march in 1988 in Llana Caliente, Santander. We are not aware of any arrests in this case.

   2. Blanca Cecilia Valero de Durán, CREDHOS: This human rights defender belonging to CREDHOS was shot and killed on January 29, 1992 in Barrancabermeja, Santander. The then-Colonel Rodrigo Quiñones Cárdenas, director of intelligence for Colombian Navy Intelligence Network 7, was believed responsible for her murder and scores of other political killings by

government investigators.

3. Oscar Elías López, CRIC: This human rights lawyer had been advising the Indigenous Regional Council of Cauca. He was killed in Santander de Quilichao by heavily armed men on May 29, 1992.

4. Julio Cesar Berrio, CREDHOS: He was a security guard employed by CREDHOS, also involved in a CREDHOS investigation. Shot dead on June 28, 1992, allegedly by men working for Navy Colonel Quiñones.

5. Ligia Patricia Cortez Colmenares, CREDHOS: Cortez, an investigator with CREDHOS, was killed on July 30,1992, alongside several union members. We are not aware of any arrests in this case.

6. Jairo Barahona Martínez, Curumaní Human Rights Committee: This activist was killed on September 29, 1994 in Curumaní, Cesar following his abduction and torture. According to members of human rights organizations who collected information and pressed for a proper judicial investigation into the killing, members of the security forces were implicated in the assassination. No one has been brought to justice.

7. Ernesto Emilio Fernández, human rights defender: He was shot while driving home with his children on February 20, 1995. We are not aware of any arrests in this case.

8. Javier Alberto Barriga Vergal, CSPP: This human rights lawyer was killed in Cúcuta on June 16, 1995. We are not aware of any arrests in this case.

9. Josué Giraldo Cardona, co-founder and president of the Meta Civic Committee for Human Rights: Giraldo was killed on October 13, 1996 after months of alleged harassment and threats by paramilitaries and military intelligence officers working for the Seventh Brigade, then commanded by General Rodolfo Herrera Luna.

10. Elsa Alvarado and Mario Calderón, CINEP: Alvarado and Calderón were investigators with the Center for Research and Popular Education (*Centro de Investigación y Educación Popular*, CINEP). On May 19, 1997 a group of

masked gunmen forced their way into Alvarado and Calderón's apartment, killing Elsa, Mario, and Elsa's father. Although some gunmen who killed the three have been convicted, the individuals who planned and paid for the killings remain at large. Four judicial police and a key witness have reportedly been murdered in the course of the investigation.

11. Jesús María Valle Jaramillo, "Héctor Abad Gómez" Permanent Committee for the Defense of Human Rights: Valle was assassinated on February 27, 1998 by unidentified gunmen, after repeatedly denouncing military/paramilitary links. Despite strong indications of military involvement in the crime, no formal investigation has been opened against military personnel. Álvaro Goez Mesa and Jorge Eliécer Rodríguez Guzmán were found guilty of carrying out the killing and were sentenced, in absentia, to 40 years in prison. Neither of these men have yet been detained and the intellectual authors of the crime remain unidentified.

12. Eduardo Umaña, human rights lawyer: Umaña was killed in Bogotá on April 18, 1998. Several alleged gunmen are either under arrest or wanted for extradition. Shortly before his murder he had denounced the role of a military intelligence unit in paramilitary activity and human rights violations. The intellectual authors remain at large.

13. Jorge Ortega, union leader: This union leader and human rights defender was killed in Bogotá on October 20, 1998. Two former police officers have been implicated in the attack and are in prison. However, the individuals who planned and paid for the murder remain unidentified.

14. Jairo Bedoya Hoyos, indigenous activist: Bedoya, a member of the Indigenous Organization of Antioquia, was abducted on March 2, 2000. There have been no arrests in this case.

15. Margarita Maria Pulgarín Trujillo, Attorney General's office: Pulgarín, a prosecutor specializing in investigating links between the military and paramilitary groups, was killed in Medellín on April 3, 2000. There have been no arrests in this case.

16. Jesús Ramiro Zapata Hoyos, Segovia Human Rights Committee: Zapata, the

leader of an umbrella organization of human rights groups, was abducted and killed on May 3, 2000 in Segovia, Antioquia. The day he was abducted, Zapata had reported to local authorities that paramilitaries had been seeking information on his whereabouts. Paramilitaries had occupied the area the month before.

17. Elizabeth Cañas Cano, Association of Family Members of the Detained and Disappeared, ASFADDES: Cañas, an ASFADDES member, was shot dead near her office on June 11, 2000. She had lost relatives in the 1998 Barrancabermeja massacre. Witnesses to the massacre and other ASFADDES members are currently in grave danger of further attacks. There have been no arrests in this case.

18. Yolanda Cerón, Pepe Zabala, and Angela Andrade, Pastoral Social: Yolanda Cerón, a nun and human rights defender with the Pastoral Social of the Catholic Church, was killed by two gunmen thought to be members of army-backed paramilitary forces in Tumaco (Nariño), on September 19, 2001. Since the previous year, paramilitaries had been threatening human rights defenders in Tumaco. The killing of Yolanda Cerón followed the killing on August 6 of Pepe Zabala and Angela Andrade in the Aguaclara district of the municipality of Tumaco. Both were members of the Multi-ethnic People's Movement of the Nariño Pacific Coast (*Movimiento Popular Multiétnico De La Vertiente Del Pacífico Nariñense*). There have been no arrests in this case.

19. Fernando Cruz Peña, Cali: On December 13, 2000, this human rights lawyer from the city of Cali, Valle, was forcibly disappeared. Cruz represented Colombians accused of support for guerrilla groups. There have been no arrests in this case.

20. Fernando Rafael Castro, Magdalena: On December 24, 2000, Escobar, from Sabanas de Angel, Magdalena, was killed. Castro served as the *personero* of Sabanas de Angel, and collected local reports of rights violations. There have been no arrests in this case.

21. Iván Villamizar Luciani, Cúcuta: On February 12, 2001, Villamizar, a former public advocate, was shot and killed by ten gunmen outside the Free University in Cúcuta, Norte de Santander, where he was serving as president. There have

been no arrests in this case.

22. Carmenza Trujillo Bernal, Caldas: On February 17, Trujillo, a member of the Caldas Human Rights Committee, was killed in Chinchiná, Caldas. There have been no arrests in this case.

23. Gonzalo Zárate Triana, Meta: On May 5, Zárate, a founding member of the Meta Civic Committee for Human Rights, was killed in Villavicencio. There have been no arrests in this case.

24. Dario Suárez Meneses, Huila: On May 12, Suárez, the leader of a local displaced group, was killed, in the city of Neiva, Huila. There have been no arrests in this case.

25. Kimy Pernia Domicó, Córdoba: a leader of the indigenous Emberá-Katío, Domicó was forcibly "disappeared" on June 2, in Tierralta, Córdoba, and is presumed dead. There have been no arrests in this case.

26. Alma Rosa Jaramillo Lafourie and Eduardo Estrada, Santander: a lawyer who worked with the Middle Magdalena Development and Peace Program (*Programa de Desarrollo y Paz del Magdalena Medio*, PDPMM), was found dead on July 1 near the city of Barrancabermeja, Santander, after she had been kidnapped by paramilitaries who had been engaged in a deadly campaign against rights workers in the region. On July 18, Eduardo Estrada, also with PDPMM, was murdered in the town of San Pablo, Bolívar. There have been no arrests in this case.

AA. The United States should insist upon the capture and effective detention of alleged material and intellectual authors of gross human rights violations against whom there are arrest warrants, including military officers and paramilitary leaders, among them:

1. Carlos Castaño Gil, AUC: Castaño has been implicated in the deaths of thousands of Colombians, either through direct order or as the result of operations he has planned and led as the founder and primary leader of the AUC. Despite Castaño's public appearances, including frequent media interviews in 2000 and 2001 and the recent publication of a memoir,

Colombian law enforcement agencies have not executed dozens of pending warrants for his arrest.

2. Alexander "El Zarco" Londoño, Las Terrazas: Londoño was the head of a group of professional killers that worked with Carlos Castaño and is wanted in connection with a series of killings and kidnappings, including the 1999 kidnappings of four Medellín-based human rights workers. There are several warrants for his arrest.

3. Julian Duque: Duque is the paramilitary leader of the Autodefensas del Sur de Bolívar and is wanted for organizing paramilitary groups.

4. Gabriel Salvatore "El Mono" Mancuso Gómez: Mancuso is considered the leader of the United Self-Defense Force of Córdoba and Urabá (*Autodefensas Unidas de Córdoba y Urabá*, ACCU) and is a close associate of Castaño's in the AUC.

5. Ramón Isaza Arango: A veteran paramilitary leader, Isaza is wanted for paramilitary activity in the Middle Magdalena region.

6. Luis Eduardo "El Aguila" Cifuentes Galindo: Cifuentes is the paramilitary leader of the Autodefensas de Cundinamarca and is wanted for organizing paramilitary groups.

7. Diego Fernando Murillo Bejerano: Murillo is allegedly responsibly for a series of kidnappings in and around Medellín, carried out in association with the AUC.

8. Rodrigo Tovar Pupo, "El Papa": This paramilitary leader from the region around Valledupar, Cesar, is wanted by the Attorney General for organizing paramilitary groups and is connected with the AUC.

9. Víctor Burgos Vellojín: A reputed paramilitary leader from the region around Valledupar, Cesar, he is wanted by the authorities.

10. Lino Arias Paternina: A reputed paramilitary leader from the region around Valledupar, Cesar, he is wanted by the authorities.

11. Gustavo Adolfo Upegui: The authorities believe that Upegui is a major financial supporter of the AUC. He is wanted by the authorities.

12. Omar Yesud López Alarcón: Reputedly the head of the northern branch of the AUC, López escaped from the prison in Cúcuta, Norte de Santander, on May 17, 2001. He was detained at the end of 2000, accused of masterminding a number of massacres in north-east Colombia. Later, he escaped and remains at large.

13. Martín Villa Montoya: Villa allegedly took part in the El Salado massacre in 2000. He fled the prison where he was kept in March 2001, only days after the Attorney General's Human Rights Unit filed formal charges against him and fourteen others believed to have killed thirty-six people.

14. Jorge Ivan Laverde Zapata, alias "Sebastian" or "El Iguano": On November 22, 2000, accused AUC member Laverde was reportedly undergoing a medical procedure in a hospital when a group of thirty AUC members arrived to escort him to freedom. Although Laverde was believed to be a paramilitary commander and confidant of Carlos Castaño's, it appears that the security force members charged with guarding him took no special measures to prevent his escape or to detain the AUC gunmen. At the time of his second escape, Laverde reportedly had a total of three arrest warrants filed against him for homicide and paramilitary activities, and was believed to be a commander of the AUC in North Santander department.

15. Salomon Feris Chadid: a retired military officer linked to killings in the department of Sucre, Feris left detention several weeks after his August 2000 arrest.

16. Francisco Javier Piedrahita: Piedrahita was arrested and accused of financing paramilitaries along Colombia's Caribbean Coast. Escorted to a Barranquilla clinic for a medical procedure, he left unmolested on December 31, 1999.

17. Humberto Caicedo Grosso: This alleged paramilitary, known as "H.K.,"

was able to leave the army's Sixteenth Brigade, in Yopal, Casanare, two days after his arrest on February 18, 2000. Caicedo was later implicated in the largest hostage-taking ever recorded in Colombia, the May 16, 2001 seizure of 198 African palm workers in the department of Casanare. All of the workers were later reported released.

18. Héctor Buitrago, alias "Tripas": Buitrago was arrested in connection with an attack on a government judicial commission outside San Carlos de Guaroa, Meta, on October 3, 1997, that left eleven dead. The commission had intended to seize a ranch belonging to an alleged drug trafficker and financer of paramilitary groups. Buitrago escaped while being taken from a Villavicencio jail to a local hospital after complaining of symptoms of a heart attack.

19. Jacinto Soto Toro, alias "Lucas" or "Aníbal": Soto, reputedly a top AUC accountant, walked out of Medellín's Bellavista Prison on November 2, 1998. Arrested on April 30, 1998, by the CTI, Soto was found in an office that authorities said did the paramilitaries' accounting and contained many documents relating to checking accounts, sham businesses, and the names of Colombians who had donated money or other goods. According to the prison director, Soto was able to leave the prison because he had a false document signed by a local prosecutor that authorized guards to release him.

20. Hernán Giraldo: this paramilitary leader operates in the department of Magdalena and the Santa Marta area, and has been linked to over a dozen murders and attacks. According to *Newsweek* magazine, Giraldo and his Los Chamizos gunmen have not only traffic in cocaine, but also have sponsored a rule of terror.

APPENDIX A

SEC. 567.

(a) DETERMINATION AND CERTIFICATION REQUIRED.--Notwithstanding any other provision of law, funds appropriated by this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, may be made available for assistance for the Colombian Armed Forces as follows:

(1) not more than sixty percent of such funds may be obligated after a determination by the Secretary of State and a certification to the appropriate congressional committees that:

(A) the Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary groups;

(B) the Colombian Armed Forces are cooperating with civilian prosecutors and judicial authorities (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses and relevant military documents and other information), in prosecuting and punishing in civilian courts those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary groups;

(C) the Colombian Armed Forces are taking effective measures to sever links (including by denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation), at the command, battalion, and brigade levels, with paramilitary groups, and to execute outstanding orders for capture for members of such groups; and

(2) the balance of such funds may be obligated after June 1, 2002, if the Secretary of State determines and certifies to the appropriate congressional committees that the Colombian Armed Forces are continuing to meet the criteria contained in paragraphs
(1)(A), (B) and (C).

(b) CONSULTATIVE PROCESS.--At least ten days prior to making the determination and certification required by this section, and every 120 days thereafter during fiscal year 2002, the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in subsection (a).

(c) REPORT.--One hundred and twenty days after the enactment of this Act, and every 120 days thereafter during fiscal year 2002, the Secretary of State shall submit a report to the Committees on Appropriations describing actions taken by the Colombian Armed Forces to meet the requirements set forth in subsections (a)(1)(A) through (a)(1)(C); and

(d) DEFINITIONS.--In this section:

(1) AIDED OR ABETTED.--The term ``aided or abetted" means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.--The term ``paramilitary groups" means illegal self-defense groups and illegal security cooperatives.