

COLOMBIA

Human Rights and USA Military Aid to Colombia II

Overview

On July 13, 2000, United States President Bill Clinton signed Public Law 106-246, which included \$1.3 billion in aid to Colombia. The bulk of this aid is for Colombia's military.

Section 3201 of the law establishes specific human rights conditions for military assistance to Colombia, included in this document as Appendix A.

As required by law, the State Department held consultative meetings with nongovernmental organizations (NGOs) in both Washington, D.C., and Bogotá, Colombia. On August 17 and 18, various human rights organizations, including the Washington Office on Latin America (WOLA), Human Rights Watch, and Amnesty International, met with officials of the State Department and other US governmental departments and agencies in Washington, D.C., to discuss Colombia's compliance with these conditions.

We presented overwhelming evidence to show that Colombia had not met a single one of the conditions. The State Department agreed with us with regard to four of the five conditions, but in a decision we deplored, it certified Colombia's compliance with Sec. 3201 (a)(1)(A)(i). We strongly disputed this decision since the directive issued by President Pastrana that was used to justify the certification failed to meet the full requirement of U.S. law.

Lamentably, on August 22, 2000, President Clinton invoked Section 4 of the law and waived the remaining human rights conditions, asserting that U.S. national security interests were at stake. We also deplored this decision. We question how enforcement of these human rights conditions can reasonably be interpreted as threatening the national security interests of the United States. The decision also sent a devastating message to Colombia and particularly the armed forces that human rights could be sacrificed to wage a highly questioned war on drugs.

With the second tranche of aid being prepared for disbursement in USA Fiscal Year (FY) 2001, WOLA, Human Rights Watch, and Amnesty International met with the State Department on December 18, 2000, to review Colombia's compliance.

This meeting took place at an extremely difficult moment for Colombia and its people. Political violence has markedly increased since the first consultation meeting in August 2000. Continuing a disturbing trend from 1999, the average number of victims of political violence and deaths in combat has risen from twelve to fourteen per day. Over 228,000 people were displaced in 2000. Of that number, 93,000 were forced to flee between July and September alone, the result of a

record fifty-three massacres, most committed by paramilitary groups operating with the tolerance or open support of the armed forces.

Human rights defenders, community leaders, government investigators, trade unionists and journalists continued to face threats, attacks and death. During the first ten months of 2000, four human rights defenders were killed and three “disappeared.”

It remained the firm and unanimous view of WOLA, Human Rights Watch, and Amnesty International that Colombia has yet to meet a single one of the conditions in P.L. 106-246. More seriously, our organizations believe that there has been virtually no attempt made by the Colombian government to meet these conditions. In view both of the lack of compliance and the absence of any significant progress, we call on the State Department to withdraw the single certification issued in August and to refuse to certify Colombia with regard to the other conditions until the progress we outline in our benchmarks included in this report is achieved. In strong terms, we urge President Clinton not to exercise the waiver authority a second time and instead to hold the Colombian government and his own to their word to uphold human rights.

In the attached document, Amnesty International, Human Rights Watch and WOLA review developments since August 2000, and explain why we have concluded that the conditions contained in Sec. 3201 of P.L. 106-246 have not been satisfied. To frame our argument, we use the 60-day Human Rights Report submitted to the U.S. Congress by the State Department in September 2000 in accordance with P.L. 106-246. We show where we believe it to be accurate and where we believe it to be inaccurate or where it fails to include germane information.

Finally, we repeat the original list of benchmarks that we used in August to measure compliance with P.L. 106-246. They remain not only relevant, but largely unaddressed by the Colombian government. This document ends with two appendices: the text of the conditions in P.L. 106-246 and a copy of a paramilitary death threat that was issued against leading Colombian human rights groups in September 2000.

This document is jointly published by Amnesty International, Human Rights Watch and the Washington Office on Latin America.

60-DAY HUMAN RIGHTS REPORT

The 60-day Human Rights Report filed by the State Department is appropriately critical of the serious situation in Colombia. It notes in several areas a lack of progress toward meeting human

rights goals. On key points, however, it is inaccurate or fails to include important developments that directly bear on the question of whether or not Colombia has fulfilled the conditions in P.L. 106-246.

JUDICIAL SYSTEM

The report begins by summarizing Colombia's judicial and investigative system, yet fails to properly review two crucial players: the Constitutional Court and the Superior Judicial Council, mentioned only in passing later in the report.

Analogous to the U.S. Supreme Court, Colombia's Constitutional Court rules on matters that involve a dispute over fundamental constitutional questions. Under Article 243 of the Constitution, the rulings of the Constitutional Court are binding and obligatory.

In one of its most important decisions, the court ruled in 1997 that cases involving allegations of crimes against humanity (*lesa humanidad*) and crimes of unusual gravity (*una gravedad inusitada*) fall under the jurisdiction of the civilian courts. Sentence No. C-358/97, the decision which instituted this rule, clearly covers crimes such as torture, genocide and forced disappearance, as well as other gross violations of human rights such as extrajudicial killings and the aiding and abetting of paramilitary groups.

The court also held that when there is doubt about military vs. civilian jurisdiction, the legal system should always favor civilian courts. As stated in Sentence No. C-358/97: "In situations where there is doubt about the proper jurisdiction to review a certain case, the decision should favor civilian courts."

This is precisely the ruling that the Colombian government continues to defy. Although the court's language is clear, the government has yet to enforce the full scope of this ruling. Specifically, the government continues to allow the armed forces to adjudicate cases involving allegations of serious human rights violations, in defiance of the clear intent of the Constitutional Court to exclude these cases from the military tribunals that have established a virtually unbroken record of impunity.

The 60-day Human Rights Report states, "According to the Ministry of Defense, in 1999, 207 public force members were sanctioned by the military justice system for violations of human rights or fundamental rights." Far from an old problem, this continues to be the policy of the Armed Forces according to its commander-in-chief, Gen. Fernando Tapias. He emphasized it in October 2000, when at a public conference he stated, "Over the past two years, the Superior Military Tribunal prosecuted eighty-five cases for possible human rights violations that concluded with guilty sentences, twenty-five of them for murder, forty for battery (*lesiones personales*) and twelve for arbitrary arrest."

But this is not progress; this is clear evidence of lack of compliance with Condition (A)(iii): Compliance with Conditions by Armed Forces. The highest ranking officer in the armed forces clearly and succinctly says that his institution continues to prosecute human rights violations. These cases should never have come to conclusion in military tribunals. If the military had obeyed the law -- and complied with Condition (A)(iii) -- these cases would have been transferred to civilian courts for trial. To the extent that the Ministry of Defense is referring to gross violations such as extrajudicial executions, the aiding and abetting of paramilitary groups, and other serious human rights violations, it is acknowledging that military tribunals continue to wrongly assert jurisdiction over cases that should be adjudicated in the civilian court system.

Moreover, the reference in this statement to “fundamental rights” is revealing. This phrase has been used by the Colombian military to falsely classify military infractions as human rights violations, thus boosting the numbers of so-called “human rights violations” that they claim have been properly prosecuted and punished. This promotes a false image of compliance that does not reflect reality or obedience to the law. In another example of this tactic, Colombian Gen. Mario Roa contended in a Washington, D.C. event sponsored by the U.S. Defense Intelligence Agency in 2000 that certain acts, like slapping a subordinate, are “human rights crimes” and are classified as human rights violations in Defense Ministry tabulations.

As the 60-day Human Rights Report correctly notes, statistics like these provided by the Ministry of Defense to demonstrate compliance with Sentence No. C-358/97 are notoriously unreliable, occasionally contradictory and often misleading. In citing a Defense Ministry survey that lists 864 cases transferred from military to civilian jurisdiction, the 60-day Human Rights Report includes a crucial caveat: “It is unclear how many of those cases involve human rights violations.”

When we were provided with similar documentation by the Ministry of Defense in 2000, we found that, in fact, very few cases could be construed as involving military personnel linked to human rights violations. As we noted in the August certification document, most cases involved police and allegations of crimes that could never be construed as human rights violations, among them brawling, theft and drug trafficking. In a review of cases investigated by Amnesty International and Human Rights Watch since 1997, we have not found a single instance where the military has transferred a human rights case involving an officer with the rank of colonel or higher from a military tribunal to a civilian court, in compliance with Sentence No. C-358/97.

Another judicial body that is not fully reviewed in the introduction to the 60-day Human Rights Report is the Superior Judicial Council (*Consejo Superior de la Judicatura*, CSJ), charged with resolving jurisdictional disputes, among other things. Traditionally, the CSJ has demonstrated an unmistakable bias in favor of the military justice system in defiance of the Constitutional Court.

In a welcome decision, on July 21, 2000, the CSJ 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 its favor that same year. However, after the Constitutional Court ruled in 1997, 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.

Unfortunately, this precedent has yet to be acted upon by the armed forces. So far, military judges have refused to transfer key cases back to civilian courts for trial in accordance with the Bautista ruling. Cases that are under investigation by military tribunals or that have not reached the stage of final appeal and its resolution are subject to Sentence No. C-358/97, among them cases we consider benchmarks for measuring Colombia's compliance with Sec. 3201.

1. General Rodrigo Quiñones, Commander, Navy's 1st Brigade: Colombian government investigators linked 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 Naval Intelligence Network No. 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 acquittals of Quiñones and others, since he considered the evidence against them to be "irrefutable." "With [this acquittal] 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. To the contrary, he concluded that evidence linking Quiñones to the Barrancabermeja atrocities was clear and compelling.

The only punishment meted out to Quiñones has been a "severe reprimand" ordered by the *Procuraduría*, which concluded that he was responsible for setting up the networks of assassins responsible for dozens of the murders and forced disappearances. In a disputable interpretation of existing norms, the *Procuraduría* has determined that murder is not classified as an administrative infraction in the existing regulations. Therefore, the maximum punishment it can impose for murder is a "severe reprimand," essentially a letter in an employment file. It is important to note that the *Procuraduría* itself has termed this punishment "embarrassingly insignificant, both within the national

sphere and before the international community.” Quiñónes was also the officer in charge of the region at the time of the February 2000 massacre in El Salado (Bolívar). Military and police units stationed nearby failed to stop the killing and established roadblocks which prevented human rights and relief groups from entering the town. Quiñónes was promoted to general in June 2000.

2. **General (ret.) Fernando Millán, former Commander, Fifth Brigade:** The Attorney General opened an investigation against General 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 has not been transferred back to civilian jurisdiction in accordance with Sentence No. 358/97.

3. **General Freddy Padilla León, Commander of the Second Division, and Colonel Gustavo Sánchez Gutiérrez, Army Personnel Director:** In July 2000, the press widely reported that the *Procuraduría* had formally charged (*pliego de cargos*)

General Jaime Humberto Cortés Parada and these two officers with “omission” in connection with the massacre in Puerto Alvira in June 1997. Two other former generals who also face disciplinary charges, for “omission” - Generals Jaime Humberto Uscátegui and Agustín Ardila Uribe - are already retired. A review of the evidence conducted by Amnesty International and Human Rights Watch strongly suggests that these officers actively supported and coordinated activities with the paramilitary groups that carried out this massacre. The Constitutional Court ruled that in cases where there is any doubt about whether a human rights violation has been committed, jurisdiction belongs to the civilian courts. Therefore, we believe all of these cases should be forwarded to civilian courts for trial in order to satisfy Condition (A)(iii).

DIRECTIVE 01

Directive 01, signed by President Pastrana on August 17, purported to meet the requirement laid out in Sec. 3201(1) (A) (i) requiring that the President of Colombia has directed in writing that Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights will be brought to justice in Colombia’s civilian courts, in accordance with the 1997 ruling of Colombia’s Constitutional court regarding civilian court jurisdiction in human rights cases.

The directive is based on the entry into force in September of the new Military Penal Code. The State Department immediately certified that this directive meets the requirement.

We believe Directive 01 is not satisfactory and should not have been certified.

Directive 01 complies only partially with Sec. 3201(1) (A) (i). That condition did not call for *any* directive, but one which directly addressed one of the foundations of impunity in Colombia, continued military jurisdiction over gross human rights violations. Therefore, anything short of full compliance should have resulted in a *denial* of certification.

Instead of basing itself on the Constitutional Court, Directive 01 uses the new Military Penal Code, which specifically cites only three crimes as belonging before civilian courts: genocide, torture and forced disappearance. This reflects only part of the 1997 Constitutional Court ruling and falls short of the standard established in Sec. 3201 (1) (A) (i), which is gross violations of human rights.

To comply with Sec. 3201(1) (A) (i), President Pastrana should have used Constitutional Court Sentence No. C-358/97 to frame the directive. As we have noted, that ruling stipulates

that crimes against humanity and gross violations of human rights committed by armed forces personnel belong before civilian courts.

In fact, the crimes most often alleged to have been committed by members of Colombia's armed forces are not specifically excluded from military jurisdiction by the Military Penal Code, among them extrajudicial execution, rape and aiding and abetting the atrocities carried out by paramilitary groups. During prolonged debate over the Military Penal Code bill, Colombia's military lobbied aggressively and successfully against including the wording established by the Constitutional Court, as a way of maintaining a questionable legal foundation for their continued defiance of the law.

Given that Colombia's armed forces openly acknowledge that they continue to adjudicate these cases despite Directive 01, we call on the State Department to withdraw the certification on Sec. 3201(1) (A) (iii).

SUSPENSIONS AND DISMISSALS

The 60-day Human Rights Report reviews the use of the authority to suspend armed forces members who have been credibly alleged to have committed gross human rights violations.

As we noted in our August report, Condition (A)(ii): Suspension of Military Officers requires that any armed forces personnel so accused are promptly suspended. For this condition to be met, therefore all personnel formally implicated in gross human rights violations and/or paramilitary activity by the Attorney General or *Procuraduría* would have to have been suspended, pending the outcome of investigations against them, and such suspensions would need to have been implemented “promptly” – that is, within a very short time frame of a matter of days at most.

The Colombian military has for many years had the power to suspend officers alleged to have committed a gamut of crimes. In practice, however, the military has rarely exercised that authority in cases involving human rights violations.

According to our information, this continues to be the case. Colombia’s military continues to pay, promote and support personnel who have been credibly linked to violations. In key cases that we consider benchmarks, even officers under formal arrest may carry out sensitive duties, among them:

1. **Major Jesús María Clavijo, Fourth Brigade:** In March 2000, Major Clavijo was relieved of his command pending the outcome of his trial on charges of helping form and direct paramilitary groups during his service with the Fourth Brigade. Eyewitnesses have linked Clavijo and other Fourth Brigade officers to paramilitaries through regular meetings held on military bases. An investigation by the Internal Affairs agency (*Procuraduría*) listed hundreds of cellular telephone and beeper communications between known paramilitaries and Fourth Brigade officers, among them Clavijo. On May 11, 2000, the Attorney General received a jurisdictional dispute from the military judge handling the case. Although the CSJ correctly sent the case to a civilian court for trial, we have received reliable information that even in supposed detention, Clavijo remains on active duty and is working in military intelligence, an area that has often been used to maintain links to paramilitary groups.

The 60-day Human Rights Report claims that the Colombian government has shown an increased willingness to dismiss from duty security force officers credibly alleged to have

committed abuses or worked with paramilitary groups. However, the report provides no evidence whatsoever to support that claim. Instead, the report cites dismissals that took place months before P.L. 106-246 was even signed. Since July 15, when President Clinton signed the law and the conditions came into effect, we are not aware of a single dismissal of a military officer or soldier on exclusively human rights grounds.

One notorious case that remains unaddressed involves links that have been documented by Attorney General investigators between the Cali-based Third Brigade and the paramilitary group calling itself the Calima Front. We are not aware of any actions taken by the military to suspend implicated officers or hand them over to civilian authorities for trial.

In fact, the number of state agents named in human rights-related cases appears to be on the increase. Of the 1,419 people currently under investigation by the Attorney General, over 20 percent are members of the armed forces. This is only slightly less than the number of guerrillas investigated for international humanitarian law violations. Clearly, members of the armed forces remain a key factor in human rights abuses in Colombia.

By the Colombian government's own admission, most of the 388 individuals dismissed in October 2000 were let go for reasons not related to human rights. Subsequent press reports indicated that the dismissals of some fifty individuals may have had a connection to alleged human rights violations. However, to our knowledge, none of the soldiers dismissed has since been arrested or is facing trial. Moreover, the government has provided no evidence to support any claim that these dismissals were human rights-related.

High ranking officers against whom there is credible evidence of ties to paramilitary groups not only remain in command, but were promoted after the August certification. They include at least one officer included in our benchmarks:

- 1. General Carlos Ospina Ovalle, Commander, Fourth Division:** Colombia's Attorney General's Office has 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 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. Ospina was promoted again, after PL. 106-246 became law and Directive 01 was signed, and is now in a post in the army's general command in Bogotá.

To its credit, the 60-day Human Rights Report acknowledges that “in many other cases... military personnel were not relieved of their regular duties while under either military or formal civilian investigation.” Our evidence strongly suggests that, in fact, military officers remain on active duty despite formal charges as a matter of course, and these cases are not the exception, but the rule.

Finally, military personnel and paramilitaries continue to leave with apparent ease the military and penal facilities where they were reported to be detained. The 60-day Human Rights Report acknowledges that, “Escape from [military] confinement has often proven not difficult.” Yet it fails to go on and note that despite over a dozen cases registered since 1999, the authorities, particularly the armed forces, have taken no steps to prevent such occurrences in the future and has in effect allowed them to continue.

In one case in November 2000, Jorge Ivan Laverde Zapata, alias “Sebastian” escaped while under guard by military troops and police. A group of some thirty paramilitaries belonging to the United Self Defense Forces of Colombia (*Autodefensas Unidas de Colombia*, AUC) took him from the hospital where he was being treated. There is no indication that the security forces intervened either to prevent his escape or to apprehend the AUC gunmen. Laverde, who had three arrest warrants pending against him for homicide and paramilitary activities, had been arrested eight days before by members of the Department of Administrative Security (*Departamento Administrativo de Seguridad*, DAS). He is alleged to be a commander of the AUC in North Santander department.

Given this situation, it is clear that Condition (A)(ii): Suspension of Military Officers has not been met.

Since Conditions (A) (ii) has not been met, it follows that Condition (A)(iii): Compliance with Conditions by Armed Forces has not been met.

PARAMILITARIES

The 60-day Human Rights Report correctly notes that the Colombian government's progress against paramilitary groups has amounted to little more than rhetoric, unsupported by government actions in the field designed either to break existing ties between the military and paramilitary groups or pursue those groups in the field. Although the report describes these ties as the result of the acts of "individual members of the security forces," it is abundantly clear that the range of acts described depend on the approval, collusion and tolerance of high-ranking officers.

Quoting from the report: "Credible allegations of cooperation with paramilitary groups, including instances of both silent support and direct collaboration by members of the armed forces, in particular the army, continued. In some instances, individual members of the security forces actively collaborated with members of paramilitary groups -- passing them through roadblocks, sharing intelligence, and providing them with ammunition."

During her December 2000 visit to Colombia, U.N. High Commissioner for Human Rights Mary Robinson made a point of calling on the government to do more against paramilitary groups, which continue to operate virtually unimpeded.

In addition, we agree that the work of the Attorney General's office, particularly the Human Rights Unit, has shown a high level of commitment and dedication to investigating and prosecuting difficult and often dangerous cases, often at great risk to prosecutors.

However, in a later section, the 60-day Human Rights Report attempts to make a case that the government "has increasingly tried to integrate efforts to confront paramilitaries." Yet the report provides no evidence to support this contention. As we noted in our August report, although the government has claimed major improvements in curtailing abuses by paramilitaries, the facts do not bear this out. This continues to be the case.

Paramilitary activity increased in 2000 and paramilitary groups were considered responsible for ninety-three massacres in the first five months of the year. One of the most recent massacres took place in Nueva Venecia, Magdalena. There, paramilitaries are believed to have killed at least thirty-eight people on November 22. According to reports, the men of Nueva Venecia were herded into the church, then taken out and shot one by one in the back of the head. The paramilitaries fired on anyone else coming towards the village.

In areas of long-standing paramilitary activity, reliable and abundant information shows that the security forces continued to allow paramilitary operations with little or no evidence of actions taken to curtail such activity. In the Urabá region, for example, paramilitary groups continue to operate openly in heavily militarized zones. Along the heavily patrolled road between the town of Apartadó and the Community of Peace at San José de Apartadó, paramilitaries continue to establish checkpoints close to police and military units. In recent months at least two members of the Community of Peace and several others have reportedly been taken off the jeep providing public transportation and killed. Along the Atrato River, Chocó, paramilitaries have reportedly established a permanent checkpoint in the community of Tumaradó. This area is regularly patrolled by the Navy's Riverine Battalion #50, based in Turbo, Antioquia.

The Ministry of Defense has reported that 80 per cent of the arrest warrants issued by the Attorney General against paramilitaries have not been enforced. This is largely due to inaction by the military. Paramilitary leaders remain at large and collect warrants like badges of honor. At this writing, there are at least twenty-two outstanding arrest warrants against Carlos Castaño, the main paramilitary leader, for massacres, killings, and the kidnaping of human rights defenders and a Colombian senator, among other crimes.

Castaño often announces publicly and well in advance what his forces plan to do, yet military commanders commonly fail to deploy troops to protect civilians, even when local authorities inform them about threats. Since January, there have been dozens of threatened attacks on villages that were later carried out. Only in exceptional cases are measures taken to protect civilians and pursue paramilitaries known to be in the area. Authorities also receive reliable and detailed information about the location of permanent paramilitary bases, often within walking distance of military sites, yet fail to act against them, contributing to an atmosphere of terror.

Castaño continues to move himself and his troops with apparent ease, and uses computers, the Internet, radios, vehicles, and helicopters to prepare death lists and coordinate massacres. The 60-day Human Rights Report added several new names to the list of alleged leaders who remain at large, including Álvaro Noriega, Juan Carlos González Jaramillo, Jorge Iván Laverde Zapata, Arturo Contreras (alias "Candado"), and Iván Duque.

Many paramilitary bases remain fixed and well known, yet authorities do nothing to dismantle the bases, prevent them from being used to commit crimes, or arrest those responsible. For example, on December 3, three armed and hooded men broke into the home of Roque Sanjuan Trillos, in the village of Barranco de Loba, Bolívar. Family members reported that

when they went to the nearby paramilitary base to get Sanjuan, they were told, “The ones we catch alive, we don’t send back alive, don’t ask any more about him, because he is already dead, and don’t ask any more for the body because we don’t give back the remains.”

One of the most well-known paramilitary bases in Colombia is less than ten minutes’ drive from the center of Puerto Asís, Putumayo. Although this base, called Hacienda Villa Sandra, has been active for almost one year, local authorities say there has been no attempt by the government to shut it down or arrest the paramilitaries who carry out abductions and killings from it. International journalists have also reported on it and have conducted interviews with the men who are stationed there on a permanent basis. Witnesses have reported that paramilitaries cross through local army roadblocks frequently, and have even been seen unloading supplies at the airport with the help of local police and members of the Colombian Air Force.

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 hold regular meetings with paramilitary leaders in the army base attached to the Twenty-Fourth Brigade.

This is one of the brigades that has been cleared to receive U.S. military assistance, though it is currently suspended from doing so due to a 1998 case unrelated to Villa Sandra. U.S. officials have told human rights groups that once the 1998 case is cleared up, aid will likely resume to the Twenty-Fourth Brigade.

The *personero* has also sworn in official documents:

“I can state positively that there is not only conduct that amounts to tolerance, but that what exists here is coordinated work between the legal armed forces that one assumes are legal and the illegal forces that one assumes are illegal. Near the base that belongs to Battalion 25, located at the road exiting Puerto Asís, toward Santana, there is a place occupied by the paramilitaries only 500 meters away, it is an abandoned house, on that same road they take people who have been disappeared from the town of Puerto Asís to the Hacienda Villa Sandra... since Coronel Gabriel (sic) Díaz, commander of the Twenty-Fourth Brigade of the army said that he was not aware of the presence of paramilitary groups in this sector and had no information, I informed him as the *personero* that there groups acted with full liberty within the town of Puerto Asís and that they were located in the HACIENDA VILLA SANDRA, close to Battalion 25 and the headquarters of the Brigade. This information made it to the

paramilitaries, who threatened me for what I had said during the Security Council meeting. Because of this Security Council meeting, I was later threatened by Major Carlos Kenedy Veloza Lancheros, of the police, who personally told me that he was extremely upset and outraged because of what I had said and that my problem wasn't the result of my legal duties but my loose tongue, he was telling me at the end, 'We'll see who explodes first, you or me'...Also, I know about a meeting that Major Veloza conducted in the Hacienda Villa Sandra, because of the murder of the young man Julián Cardona, son of Mr. Oscar Cardona, and also some meetings held between members of the army and these people in the Hacienda who I have mentioned."

The government has repeatedly claimed that it has set up special units to pursue paramilitaries, but these groups appeared little more than paper tigers. One, the "Coordination Center for the Fight against Self-Defense Groups," announced with fanfare on February 25, had not even met as of this writing. The 60-day Human Rights Report claims that the office of the Colombian Vice-President monitors cases involving paramilitary massacres "in order to ensure full and vigorous investigation." However, this office has no power to ensure such investigation and is little more than a public relations mouthpiece for the government.

COOPERATION

Government investigators, community leaders, journalists, and human rights defenders who attempt to document cases involving security forces officers alleged to have committed human rights violations or to have aided or abetted the work of paramilitary groups continue to face harassment, threats and attacks from the armed forces and paramilitary groups. Particularly disturbing are threats against the Attorney General's Human Rights unit prosecutors and their investigators from the Technical Investigations unit (*Cuerpo Técnico de Investigación, CTI*).

Since the Human Rights Unit began work in 1995, dozens of prosecutors have been forced to either abandon these cases, leave the institution, or go into exile because of threats from active-duty officers and paramilitaries. The military is far from demonstrating greater willingness to cooperate with civilian judicial officials. To the contrary, we continue to receive evidence that military commanders routinely prevent civilian investigators from gaining access to relevant information, implicated military personnel and official records.

Moreover, the Attorney General reported in September that budget cuts implemented by President Pastrana are "dramatic" and threaten to "paralyze" the work of the Human Rights Unit, responsible for any progress on the benchmark cases included in our first conditions

report and included in this document. “In order to do their jobs, the specialized units have to travel constantly and we are on the verge of suspending [these trips] because of budget shortfalls,” the Attorney General noted.

In addition, high-ranking military officers continue to attack human rights defenders, journalists, and even U.S. officials who by law are required to investigate allegations of human rights abuses. For example, in a letter to General Tapias, army commander Gen. Jorge Mora bitterly accused U.S. embassy officials of giving “offensive treatment” to military officers who applied for U.S. visas, ignoring the fact that U.S. law requires these officials to vet officers planning visits to the United States for personal or professional reasons. Among the officers Mora defends are men with long standing ties to paramilitary groups. “The United States Embassy has shown disrespect against the dignity of generals, revoking visas and identifying as terrorists some of the generals within the armed forces, which in my judgment seriously harms institutional morale.”

In December 2000, President Pastrana announced that he intends to propose constitutional changes which would reinstate powers previously granted to the armed forces, but abolished by the 1991 Constitution. He plans, in particular, “to give the military forces the operational tools they need to efficiently fight against terrorism and kidnaping including powers to arrest, carry out searches and telephone tapping.” Of particular concern is that, in conjunction with these increased powers, Pastrana proposes by constitutional reform to introduce a “special procedure” in the Procuraduría for conducting investigations of armed forces' personnel for acts which take place during anti-kidnaping and anti-terrorism operations.

The “special procedure,” which would relax Procuraduría oversight and its disciplinary function, is a response to repeated complaints by armed forces high command that administrative investigations conducted by the Procuraduría are “limiting operational capacity.” The military has a long history of accusing civilian investigators of “damaging morale” by aggressively pursuing human rights investigations, particularly when those investigations result in arrest warrants against officers. We interpret Pastrana’s proposal as a disturbing sign that civilian investigators will receive less, not greater governmental support for their investigative work even as the armed forces, which have yet to reform, will gain dangerous new powers.

Given this record, we contend that Condition (B): Cooperation with Civilian Authorities has not been met; and, given the lack of any discernable progress in vigorously prosecuting in the civilian courts the leaders and members of paramilitary groups and Colombian Armed Forces personnel who are aiding or abetting these

groups, we contend that Colombia has not met Condition (C): Prosecution for Paramilitary Activities.

ATTACKS ON HUMAN RIGHTS DEFENDERS

Far from improving, as the 60-day Human Rights Report suggests, threats against and attacks on human rights defenders have increased noticeably since P.L. 106-246 became law.

Indeed, none of the cases that we forwarded as benchmarks in August 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.

Under particular attack was the Association of Family Members of the Detained and Disappeared (Asociación de Familiares de Detenidos Desaparecidos-Colombia, ASFADDES). ASFADDES members Angel Quintero and Claudia Patricia Monsalve were “disappeared” in Medellín, Antioquia, on October 6, 2000. Since that time, the group reports constant telephone threats, among them one where a woman could be heard weeping and begging for help as if she were being tortured. Other death threats were delivered in the mail. In December 2000, the group decided to temporarily suspend activities to protect the lives of its members.

The Barrancabermeja-based Regional Corporation for the Defense of Human Rights (Corporación Regional para la Defensa de los Derechos Humanos, CREDHOS) also received dozens of telephone death threats from August through September, 2000. Among those at particular risk were family members of twenty-five individuals abducted by paramilitaries in a May 1998 attack that left an additional eleven people dead. On November 17, Héctor Alexander Wellls, the brother of one abductee, was killed in his home by armed men. Another family member, Francisco García, apparently narrowly escaped death two weeks earlier when armed men came looking for him after killing seven people.

It is important to note that the Attorney General’s office has issued arrest warrants for alleged massacre perpetrators “Camilo Morantes” and Álvaro Noriega, but they remain at large. The government has failed to mount any credible search for them or for the twenty-five individuals who have been missing since May 25, 1998. An accord between the government and local groups signed in 1998 that should have led to a campaign against paramilitary groups in the

region has been virtually ignored by authorities. Several of the citizens who took part in negotiations, among them Édgar Quiroga and Diomedes Playonero, have since been murdered by presumed paramilitaries.

After an event held in Barrancabermeja to promote human rights on September 29 and 30, 2000, individuals distributed pamphlets attributed to the AUC accusing human rights defenders of supporting guerrillas. The pamphlets also declared CREDHOS and ASFADDES to be “military targets.” In Colombian parlance, this translates into a virtual sentence of death. One of the pamphlets went on to threaten a “social cleansing” in Barrancabermeja “and throughout all of Colombia.” We attach a translation of this threat in its entirety as Appendix B.

BENCHMARKS

CONDITION (A)(i): Civilian Court Jurisdiction

This condition requires:

(A)(i) the President of Colombia has directed in writing that Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights will be brought to justice in Colombia's civilian courts, in accordance with the 1997 ruling of Colombia's Constitutional court regarding civilian court jurisdiction in human rights cases;

This condition has not been met.

BENCHMARKS:

The following benchmarks should be achieved before the U.S. Secretary of State issues a certification of the Colombian government's compliance with this condition:

A. A written directive should be sent by the President of Colombia to the Commander General of the Armed Forces ordering members of the armed forces to cease disputing jurisdiction of cases involving military personnel who are credibly alleged to have ordered, committed or acquiesced in gross violations of human rights, including by aiding or abetting of paramilitary activities, whether directly or by "omission."

CONDITION (A)(ii): Suspension of Military Officers

This condition requires the Secretary of State to certify that:

(A)(ii) the Commander General of the Colombian Armed Forces is promptly suspending from duty any Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary groups;

This condition has not been met.

BENCHMARKS:

The following benchmarks should be achieved before the Secretary of State issues a certification on the Colombian government's compliance with this condition:

A. The United States should require the suspension of members of the security forces within twenty four hours of the presentation of credible evidence of gross violations of human rights or international humanitarian law; the aiding and abetting of paramilitary groups; or their being formally charged by the Attorney General as suspects in alleged human rights crimes or the aiding and abetting of paramilitary groups.

B. 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.

C. 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.

D. In particular, the United States should ensure that the following individuals are or have been suspended, pending investigations and, as appropriate, prosecution for their alleged involvement in gross violations of human rights and paramilitary activities:

- 1. General Rodrigo Quiñones, Commander, Navy's First Brigade:** Colombian government investigators linked 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 i, based in Barrancabermeja. A military tribunal decided that there was insufficient evidence against him, but he has not been brought to trial in the civilian justice system. The only people to be convicted for these crimes were two civilian employees of Naval Intelligence Network No. 7, one of whom was later murdered in prison. In his ruling on the case, the civilian judge stated that he was 'perplexed' by the military tribunal's acquittals of Quiñones and others, since he considered the evidence against them to be 'irrefutable.' 'With [this acquittal] 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. To the contrary, he concluded that evidence linking Quiñones to the Barrancabermeja atrocities was clear and compelling.

The only punishment meted out to Quiñones has been a “severe reprimand” ordered by the *Procuraduría*, which concluded that he was responsible for setting up the networks of assassins responsible for dozens of the murders and forced disappearances. In a disputable interpretation of existing norms, the *Procuraduría* has determined that murder is not classified as an administrative infraction in the existing regulations. Therefore, the maximum punishment it can impose for murder is a ‘severe reprimand,’ essentially a letter in an employment file. It is important to note that the *Procuraduría* itself has termed this absurd punishment ‘embarrassingly insignificant, both within the national sphere and before the international community.’ Quiñones was also the officer in charge of the region at the time of the February 2000 massacre in El Salado (Bolívar). Military and police units stationed nearby failed to stop the killing and established roadblocks which prevented human rights and relief groups from entering the town. Quiñones was promoted to general in June 2000.

2. **General Carlos Ospina Ovalle, Commander, Fourth Division:** Colombia’s Attorney General’s Office has documented extensive ties between the Fourth Brigade and paramilitary groups between 1997 and 1999, while General Ospina was in command. Among the cases that implicate Ospina is the October 1997 El Aro massacre. 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.
3. **Brigadier General Jaime Ernesto Canal Albán, Commander, Third Brigade:** Colombian government investigators found evidence that, in 1999, while Brig. Gen. Canal Albán was in command, the Third Brigade set up a paramilitary group and provided them with weapons and intelligence.
4. **General Jaime Humberto Cortés Parada, Inspector General of the Army:** The Attorney General collected compelling and abundant evidence indicating that under his 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. Investigators were able to link the group to active duty, retired, and reserve military officers and the ACCU in Barranquilla, Atlántico (See below); and
5. **General Freddy Padilla León, Commander of the II Division, and Colonel Gustavo Sánchez Gutiérrez, Army Personnel Director:** In July 2000, the

press widely reported that the *Procuraduría* formally charged (*pliego de cargos*) **General Jaime Humberto Cortés Parada** and these two officers with ‘omission’ in connection with the massacre in Puerto Alvira in June 1997. Two other former generals who also face disciplinary charges, for ‘omission’ - Generals Jaime Humberto Uscátegui and Agustín Ardila Uribe are already retired.

E. If it is found after extensive review that the military lacks the legal power to impose suspensions required by this condition, the United States should require that the president of Colombia sign a decree authorizing these suspensions and implement it fully and without delay.

CONDITION (A)(iii): Compliance with Conditions by Armed Forces

This condition requires that:

(A) (iii) the Colombian Armed Forces and its Commander General are fully complying with (A) (i) and (ii);

This condition has not been met.

BENCHMARKS:

A. 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 decision of the Superior Judicial Council. 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.

B. The U.S. government should obtain a list of military personnel 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.

C. The Colombian military should transfer the cases involving the officers named below to the appropriate civilian authorities for investigation and prosecution:

1. **General (ret.) Fernando Millán, former Commander, 5th Brigade:** The Attorney General opened an investigation against General 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 a government license 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 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 the 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 5th Brigade. Nine members of the military and police were disciplined in connection with the massacre, but there have been no prosecutions under civilian jurisdiction. General Millán has not been brought to justice in the civilian justice system.

2. **General (ret.) Jaime Uscátegui, 7th Brigade**: 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 7th Brigade, 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 CSJ later ruled that the case involved an 'act of omission' and belonged before a military court. Uscátegui has since retired, and has yet to be prosecuted before a civilian court. However, the military has reopened the case and announced that Uscátegui will be brought before a Consejo de Guerra on charges of 'homicidio', 'prevaricación por omisión' and 'falsedad en documento' for the Mapiripán massacre. Uscátegui has been re-arrested and is being held in the Thirteenth Brigade.

3. **General (ret.) Alberto Bravo Silva, Commander, Fifth Brigade:**

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 informed of the subsequent threats 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, but has not been prosecuted in a civilian court for his alleged role in aiding and abetting this atrocity.

4. **General (ret.) Rito Alejo del Río, Seventeenth Brigade:** 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, that 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.

Recent press reports indicate that an investigation was opened by the Attorney General against Generals **del Río** and **Fernando Millán** in August 2000. According to these reports, prosecutors charge that they attempted to present false witnesses to the

Attorney General to claim that a prominent trade unionist and a human rights defender had paid witnesses to denounce **del Río** and **Millán** as having ties to paramilitaries. These reports suggest that the Attorney General suspects that, in fact, an army ‘informant’ in league with Del Rio and Millán paid the two false witnesses to lie to authorities.

5. **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. 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 [*se aparta protuberantemente de las pruebas que aparecen en el proceso.*] The U.S. State Department expressed concern about the acquittal on July 1, 1997.

6. **General Rodrigo Quiñones, Commander, Navy’s First Brigade**: (See benchmarks above, under Condition (A)(ii).

7. **General Carlos Ospina Ovalle, Commander, Fourth Division**: (See above).

8. **Brigadier General Jaime Ernesto Canal Albán, Commander, Third Brigade**: (See above).

The following cases should also be transferred to civilian jurisdiction:

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 Jaramillo. The sitting 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” [*El Alacrán*], 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 case was transferred to military jurisdiction at the end of 1997 and charges against the implicated officials were dropped.

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.

4. **Blanquicet:** On September 22, 1993, in the rural district of Blanquicet, municipality of Turbo, in Urabá, Antioquia department, 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, and it is now before the CSJ. 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:** On February 19 and July 8, 2000, alleged paramilitaries killed a total of eleven civilians in San José de Apartadó. According to eyewitnesses, personnel of the Seventeenth Brigade were in the area at the time of both massacres and failed to prevent or stop the killings. An army helicopter allegedly belonging to the Seventeenth Brigade hovered overhead at the time of the July 8 massacre.

6. **El Aro:** 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.

CONDITION (B): Cooperation with Civilian Authorities

This condition requires the Secretary of State to certify that:

(B) the Colombian Armed Forces are cooperating fully with civilian authorities in investigating, prosecuting, and punishing in the civilian courts Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights;

This condition has not been met.

BENCHMARKS:

The following benchmarks should be achieved before the Secretary of State issues a certification on the Colombian government's compliance with this condition:

A. 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.

B. 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.

C. The United States should require that Colombia take effective measures to protect civilian investigators and prosecutors from threats that impede their work.

D. There should be significant and measurable progress, including the execution of outstanding arrest warrants and the transfer to civilian courts of the prosecutions of implicated security force officers, of 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 Llano 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. Nevertheless, Quiñones was acquitted by a military tribunal, although the named him as the 'unequivocal' intellectual author. He remains on active duty. Two people were convicted of the killing.
3. **Oscar Elías Lopez, CRIC**: This human rights lawyer had been advising the Indigenous Regional Council of Cauca, (*Consejo Regional Indígena del Cauca*, CRIC). 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 Intelligence Director 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 7th 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 are under arrest, the individuals who planned and paid for the killings remain at large. Arrest warrants have been issued for Fidel and Carlos Castaño in connection to the killings.
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. Formal criminal charges were brought by the Attorney General's office against paramilitary leader Carlos Castaño and eight others. Six paramilitaries are currently detained. Despite strong indications of military involvement in the crime, no formal investigation has been opened against military personnel.
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. **Everardo de Jesús Puertas and Julio Ernesto González, CSPP**: Puertas and González, lawyers with the CSPP, were shot dead on January 30, 1999, as they traveled by bus from Medellín to Bogotá. We are not aware of any arrests in this case.
15. **Dario Betancourt, academic**: Betancourt, a professor at Bogotá's National Teaching University, was forcibly disappeared on May 2, 1999. His body was found on September 2, 1999. There have been no arrest warrants issued in this case.
16. **Hernan Henao, academic**: Henao, the Director of the University of Antioquia's Regional Studies Institute, was killed on May 4, 1999. There have been no arrest warrants issued in this case.
17. **Guzmán Quintero Torres, journalist**: Quintero, a journalist who had investigated reports of corruption within the armed forces, was killed on September 16,

1999, in Valledupar (Cesar). The Attorney General's Office detained two paramilitaries allegedly involved in the killing, but the individuals who planned and paid for the killing have not been identified.

18. **Jesús Antonio Bejarano, academic:** Bejarano, a former government official involved in the peace talks with the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia*, FARC), was killed on September 16, 1999. There have been no arrest warrants issued in this case.

19. **Alberto Sánchez Tovar and Luis Alberto Rincón Solano, journalists:** Journalists Sánchez and Rincón were allegedly detained and executed by paramilitaries on November 28, 1999, in El Playón (Santander), while covering municipal elections. Three paramilitary gunmen have been arrested, but the individuals who planned and paid for the killings remain unidentified.

20. **Jairo Bedoya Hoyos, indigenous activist:** Bedoya, a member of the Indigenous Organization of Antioquia (*Organización Indígena de Antioquia*, OIA), was abducted on March 2, 2000. There have been no arrests in this case.

21. **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. No arrest warrants have been issued in this case.

22. **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.

23. **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.

In addition, we call for progress on the following cases involving kidnaping, attacks, and death threats:

24. **Jairo Bedoya, Olga Rodas, Jorge Salazar, and Claudia Tamayo, IPC:** These four human rights workers belonging to the Institute for Popular Training

(*Instituto Popular de Capacitación, IPC*) based in Medellín, Antioquia were abducted from their offices on January 28, 1999 by an armed gang. Several days later paramilitary commander Carlos Castaño claimed responsibility for the kidnaping, claiming the four as 'prisoners of war.' He remains at large.

25. **Piedad Córdoba de Castro, Senator:** On May 21, 1999 Córdoba, Liberal Party senator and president of the Senate's Human Rights Commission, was abducted in Medellín by a group of fifteen armed men. The next day, paramilitary leader Carlos Castaño issued a public statement claiming responsibility for the abduction. She was later released.

26. **Diana Salamanca Martínez, Justice and Peace:** Salamanca, a human rights worker, was abducted on November 10, 1999 by paramilitary forces in Dabeiba, Antioquia. Three days later, following a national and international outcry, Salamanca was released to church workers in Necoclí, Antioquia. She reports having been transported overland in a truck, passing unhindered through various military and police checkpoints. We are not aware of any arrests.

27. **San José de Apartadó:** On February 19 and July 8, 2000, alleged paramilitaries killed eleven civilians in San José de Apartadó. According to eyewitnesses, personnel of the Seventeenth Brigade were in the area at the time of both massacres and failed to prevent or stop the killings. An army helicopter allegedly belonging to the Seventeenth Brigade hovered overhead at the time of the July 8 massacre.

28. **El Aro:** 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.

CONDITION (C): Prosecution for Paramilitary Activities

This condition requires that the Secretary of State certify that:

(C) The Government of Colombia is vigorously prosecuting in the civilian courts the leaders and members of paramilitary groups and Colombian Armed Forces personnel who are aiding or abetting these groups.

This condition has not been met.

BENCHMARKS:

The following benchmarks should be achieved before the Secretary of State issues a certification of the Colombian government's compliance with this condition:

A. The 'Coordination Center for the Fight against Self-Defense Groups' should present to the public a comprehensive plan that is fully funded and includes a long-term and politically feasible strategy to disband paramilitary groups and execute outstanding arrest warrants.

B. 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 US 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

C. The United States should obtain a list of the names and ranks of Colombian armed forces personnel who have been brought to justice in civilian courts since August 1997 for aiding or abetting paramilitary groups, including a description of the charges brought and the disposition of the cases. The US 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 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.

D. The United States should require the investigation and, as appropriate, arrest and prosecution in civilian courts of the following military personnel. They have yet to be investigated and brought to trial under civilian jurisdiction despite credible allegations of their participation in gross human rights violations and/or support for paramilitary activity:

1. **General (ret.) Fernando Millán, former Commander, Fifth Brigade:** The Attorney General opened an investigation of General Millán based on evidence indicating 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 a license 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 under Decree 1194, which prohibits the formation of paramilitary groups. Among the cases currently under investigation by the Attorney General's Office are the killings of two Protestants, brothers Oscar and Armando Beltrán Correa, taken captive by the Las Colonias CONVIVIR as they headed 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 the 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, apparently because the CONVIVIR accused the Cadenas of bringing food to guerrillas. According to a former CONVIVIR member who was also an army informant, during its months of operation, the Las Colonias CONVIVIR went on frequent operations with army units, setting up roadblocks and detaining suspected guerrillas and criminals. When the Attorney General's Office investigated the 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 11 people in Barrancabermeja fled the country after receiving threats from General Millán, then-Commander of the 5th Brigade. Nine members of the military and police were disciplined in connection with the massacre, but there have been no civilian prosecutions. General Millán has not been brought to justice in the civilian justice system.

2. **General (ret.) Jaime Uscátegui, Seventh Brigade:** 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 asking for help 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 the people they brought to the Slaughterhouse to interrogate, torture, and kill. In one of the missives he sent to various regional authorities during the massacre, 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, including 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, assisted the paramilitaries during their arrival at the nearest airport, and made sure that troops able 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 put Gen. Uscátegui on administrative duty for failing to act promptly to stop the massacre and detain those responsible. However, the CSJ later ruled that the case involved an 'act of omission' and belonged before a military court. Uscátegui later retired, and has yet to be prosecuted in civilian courts for his alleged crimes. Subsequently, the military reopened the case and announced that Uscátegui would be brought before a Consejo de Guerra on charges of 'homicidio', 'prevaricación por omisión' and 'falsedad en documento' for the Mapiripán massacre. Uscátegui has been re-arrested and is held in the Thirteenth Brigade.

3. **General (ret.) Alberto Bravo Silva, Commander, Fifth Brigade:**

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 informed of the subsequent threats 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, but was not prosecuted in civilian courts for his alleged role in aiding and abetting this atrocity.

4. **General (ret.) Rito Alejo del Río, Seventeenth Brigade:** 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, that 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.

Press reports indicate that an August 2000 investigation was opened by the Attorney General against Generals **del Río** and **Fernando Millán**. According to these reports, prosecutors charged that they had attempted to present false witnesses to the Attorney General to claim that a prominent trade unionist and a human rights defender had themselves paid witnesses to denounce **del Río** and **Millán** for ties to paramilitaries. These reports indicate that the Attorney General believes that, in fact, an army

‘informant’ in league with Del Rio and Millán paid the two false witnesses to lie to authorities.

4. **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 abundant evidence, General Manuel José Bonnet, at the time commander of the Army, closed the case for alleged lack of evidence. 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 [*se aparta protuberantemente de las pruebas que aparecen en el proceso*].” The Department of State expressed concern about the acquittal on July 1, 1997.

5. **General Rodrigo Quiñones, Commander, Navy’s 1st Brigade:** Colombian government investigators linked 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 3, based in Barrancabermeja. A military tribunal decided that there was insufficient evidence against him, but he has not been brought to trial in the civilian justice system. The only people to be convicted for these crimes were two civilian employees of Naval Intelligence Network No. 7, one of whom was later murdered in prison. In his ruling on the case, the civilian judge stated that he was “perplexed” by the military tribunal’s acquittals of Quiñones and others, since he considered the evidence against them to be “irrefutable.” “With [this acquittal] 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. To the contrary, he concluded that evidence linking Quiñones to the Barrancabermeja atrocities was clear and compelling.

The only punishment meted out to Quiñones has been a “severe reprimand” ordered by the *Procuraduría*, which concluded that he was responsible for setting up the networks of assassins responsible for dozens of the murders and forced disappearances. In a disputable interpretation of existing norms, the *Procuraduría* has determined that murder is not classified as an administrative infraction in the existing regulations. Therefore, the maximum punishment it can impose for murder is a ‘severe reprimand,’

essentially a letter in an employment file. It is important to note that the *Procuraduría* itself has termed this absurd punishment ‘embarrassingly insignificant, both within the national sphere and before the international community.’ Quiñónes is also the officer in charge of the region at the time of the February 2000 massacre in El Salado (Bolívar). Military and police units stationed nearby failed to stop the killing and established roadblocks which prevented human rights and relief groups from entering the town. Quiñónes was promoted to General in June 2000.

6. **General Carlos Ospina Ovalle, Commander, Fourth Division:** Colombia’s Attorney General’s Office has documented extensive ties between the Fourth Brigade and paramilitary groups between 1997 and 1999, while General Ospina was in command. Among the cases that implicate Ospina is the October 1997 El Aro massacre. 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.

7. **Brigadier General Jaime Ernesto Canal Albán, Commander, Third Brigade:** Colombian government investigators found evidence that, in 1999, while Brig. Gen. Canal Albán was in command, the Third Brigade set up a paramilitary group and provided them with weapons and intelligence.

8. **General Jaime Humberto Cortés Parada, Inspector General of the Army:** The Attorney General collected compelling and abundant evidence indicating that under his 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. Investigators were able to link the group to active duty, retired, and reserve military officers and the ACCU (See below);

9. **General Freddy Padilla León, Commander of the II Division, and Colonel Gustavo Sánchez Gutiérrez, Army Personnel Director:** In July 2000, the press widely reported that the *Procuraduría* formally charged (*pliego de cargos*) **General Jaime Humberto Cortés Parada** and these two officers with ‘omission’ in connection with the massacre of Puerto Alvira in June 1997. Two other former generals who also face disciplinary charges, for ‘omission’ - Generals Jaime Humberto Uscátegui and Agustín Ardila Uribe - are already retired.

E. Investigation and, as appropriate, arrest and prosecution of the following paramilitary leaders and members:

1. **Carlos Castaño Gil, leader of the Peasant Self-Defense Force of Córdoba and Urabá (ACCU):** Castaño has twenty-two outstanding arrest warrants, including

one relating to the killings of human rights defenders. He has been implicated in the death of political satirist Jaime Garzón, whom he allegedly threatened and he claimed responsibility for the death of University of Antioquia student Gustavo Marulanda. Castaño has repeatedly threatened to have his forces continue the May 2000 massacres in La Gabarra (Norte de Santander) until the area is "cleansed" of guerrillas. Despite Castaño's public appearances, including a television appearance in March 2000, Colombian law enforcement agencies have not executed warrants for his arrest.

2. **Fidel Castaño Gil, Los Tangüeros**: Although the Castaño family claims that Fidel is dead, there is no confirmation of this. Meanwhile, the Attorney General continues to bring charges and sentences against him, and he should at the present be considered a fugitive.

3. **Alexander "El Zarco" Londoño, La Terraza**: Londoño is a leader of a group of professional killers that works with Carlos Castaño and is wanted in connection with a series of killings and kidnaping, including the 1999 IPC kidnaping, carried out on the orders of the ACCU. There are several warrants for his arrest.

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

5. **Gabriel Salvatore "El Mono" Mancuso Gómez, ACCU**: Mancuso has eight arrest warrants outstanding against him, including one related to the 1997 El Aro massacre, carried out in coordination with the Fourth Brigade.

6. **Ramón Isaza Arango, Middle Magdalena**: A veteran paramilitary leader, Isaza is wanted for paramilitary activity in the region surrounding Barrancabermeja.

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

8. **Diego Fernando Murillo Bejerano**: Murillo is not directly associated with the military wing of the 'self-defence forces,' instead playing a white-collar financial role. He is allegedly responsibly for a series of kidnapings in and around Medellín, carried out in association with the AUC. The Attorney General reportedly also suspects him of being the 'intellectual author' of the murder of Mario Calderón and Elsa Alvarado.

F. Investigation and, as appropriate, arrest and prosecution of paramilitaries believed to be involved in the following human rights cases:

1. **Alirio de Jesus Pedraza Becerra**: Pedraza, a lawyer with the 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 Llano 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. Nevertheless, Quiñones was acquitted by a military tribunal, although the Attorney General named him as the ‘unequivocal’ intellectual author. He remains on active duty. Two people were convicted in the killing.
3. **Oscar Elías Lopez, CRIC**: This human rights lawyer had been advising the Indigenous Regional Council of Cauca, (*Consejo Regional Indígena del Cauca*, CRIC). 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. He was shot dead on June 28, 1992, allegedly by men working for Navy Intelligence Director 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 7th 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 of the gunmen are under arrest, the individuals who planned and paid for the murders remain at large. Arrest warrants have been issued for Fidel and Carlos Castaño in connection with the killings.
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. Formal criminal charges were brought by the Attorney General's office against paramilitary leader Carlos Castaño and eight others. Six paramilitaries are currently detained. Despite strong indications of military involvement in the crime, no formal investigation has been opened against military personnel.
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. Although some of the gunmen are under arrest, the individuals who planned and paid for the murder 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. The individuals who planned and paid for the murders remain at large. .
14. **Everardo de Jesús Puertas and Julio Ernesto González, CSPP**: Puertas and González, lawyers with the CSPP, were shot dead on the January 30, 1999, as they traveled by bus from Medellín to Bogotá. We are not aware of any arrests in this case.
15. **Dario Betancourt, academic**: Betancourt, a professor at Bogotá's National Teaching University, was forcibly disappeared on May 2, 1999. His body was found on September 2, 1999. There have been no arrest warrants issued in this case.

16. **Hernan Henao, academic:** Henao, the director of the University of Antioquia's Regional Studies Institute, was killed on May 4, 1999. There have been no arrest warrants issued in this case.
17. **Guzmán Quintero Torres, journalist:** Quintero, a journalist who had investigated reports of corruption within the armed forces, was killed on September 16, 1999, in Valledupar (Cesar). The Attorney General's Office detained two paramilitaries allegedly involved in the killing, but the individuals who planned and paid for the murder remain at large.
18. **Jesús Antonio Bejarano, academic:** Bejarano, a former government official involved in the peace talks with the FARC, was killed on September 16, 1999. There have been no arrest warrants issued in this case.
19. **Alberto Sánchez Tovar and Luis Alberto Rincón Solano, journalists:** Journalists Sánchez and Rincón were allegedly detained and executed by paramilitaries on November 28, 1999, in El Playón (Santander), while covering municipal elections. Three paramilitary gunmen have been arrested, but the individuals who planned and paid for the murders remain at large.
20. **Jairo Bedoya Hoyos, indigenous activist:** Bedoya, a member of the Indigenous Organization of Antioquia (*Organización Indígena de Antioquia*, OIA), was abducted on March 2, 2000. There have been no arrests in this case.
21. **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. No arrest warrants have been issued in this case.
22. **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.
23. **Elizabeth Cañas Cano, Association of Family Members of the Detained and Disappeared, ASFADDES:** Cañas, a member of ASFADDES, 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.

24. **Jairo Bedoya, Olga Rodas, Jorge Salazar, and Claudia Tamayo, IPC:** These four human rights workers belonging to the Institute for Popular Training (*Instituto Popular de Capacitación, IPC*) based in Medellín, Antioquia were abducted from their offices on January 28, 1999 by an armed gang. Several days later paramilitary commander Carlos Castaño claimed responsibility for the kidnapping, claiming the four as 'prisoners of war.' He remains at large.
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29. **El Salado:** On 18 February 2000, a massacre of dozens of civilians was initiated in El Salado, Bolívar. Entering on Friday the 18th and leaving Sunday the 20th, some 300 paramilitary members killed at least forty-six townspeople, including a six year-old girl and an elderly woman. Despite pleas to intervene, the regional military reportedly set up a roadblock and prevented humanitarian workers from entering the area. Navy leaders continue to claim that the deaths were a result of combat, not of the executions related by dozens of witnesses.

30. **Norte de Santander**: The recent string of paramilitary massacres in Norte de Santander illustrate the Colombian military's unwillingness to protect the civil population from violence even in the face of repeated national and international warnings. Following is a brief chronology of attacks in the last year:

29 May 1999: Twenty five civilians killed in La Gabarra by a group of roughly 400 paramilitaries. Shortly following, Amnesty International USA issued the first of many urgent appeals, calling on the state authorities to take preventative measure to protect the civil population.

17 July 1999: Fourteen people were killed and thirty abducted by paramilitaries in Tibú, where the Colombian Army's Counter-guerrilla Battalion #46 'Heroes of Saraguro' is stationed.

20 August 1999: Paramilitary massacre of at least thirty in Caño Lapa, municipality of Tibú.

20 November 1999: Paramilitaries killed a peasant and burned down several homes in the municipality of El Tarra.

19 January 2000: Three people were killed and two were abducted by paramilitaries in El Tarra.

3 March 2000: Paramilitaries burned the village of Filo Gringo to the ground, in spite of warnings sent to the Army's 5th Brigade in previous days by state authorities and NGO's.

6 April 2000: Another massacre in Tibú, within one kilometer of the army's 'Heroes of Saraguro' base, despite repeated assurances by Colombian Embassy officials in Washington, D.C. to Amnesty International that the Colombian Army was confronting the paramilitaries.

APPENDIX A

Sec. 3201. Conditions on Assistance for Colombia. (a) Conditions:

- (1) Certification required: Assistance provided under this heading may be made available for Colombia in fiscal years 2000 and 2001 only if the Secretary of State certifies to the appropriate congressional committees prior to the initial obligation of such assistance in each such fiscal year, that:
 - (A)(i) the President of Colombia has directed in writing that Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights will be brought to justice in Colombia's civilian courts, in accordance with the 1997 ruling of Colombia's Constitutional court regarding civilian court jurisdiction in human rights cases; and

the Commander General of the Colombian Armed Forces is promptly suspending from duty any Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary groups; and

the Colombian Armed Forces and its Commander General are fully complying with (A)(i) and (ii); and

the Colombian Armed Forces are cooperating fully with civilian authorities in investigating, prosecuting, and punishing in the civilian courts Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights; and

the Government of Colombia is vigorously prosecuting in the civilian courts the leaders and members of paramilitary groups and Colombian Armed Forces personnel who are aiding or abetting these groups.

the Government of Colombia has agreed to and is implementing a strategy to eliminate Colombia's total coca and opium poppy production by 2005 through a mix of alternative development programs; manual eradication; aerial spraying of chemical herbicides; tested, environmentally safe mycoherbicides; and the destruction of illicit narcotics laboratories on Colombian territory;
 - (E) the Colombian Armed Forces are developing and deploying in their field units a Judge Advocate General Corps to investigate Colombian Armed Forces personnel for misconduct.

Consultative process: The Secretary of State shall consult with internationally recognized human rights organizations regarding the Government of Colombia's progress in meeting the conditions contained in paragraph (1), prior to issuing the certification required under paragraph (1).

- (3) Application of existing laws: The same restrictions contained in section 564 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (Public Law 106-113) and section 8098 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79) shall apply to the availability of funds under this heading.
- (4) Waiver: Assistance may be furnished without regard to this section if the President determines and certifies to the appropriate Committees that to do so is in the national security interest.

(b) Definitions: In this section:

- (1) Aiding or abetting: The term 'aiding or abetting' means direct and indirect support to paramilitary groups, including conspiracy to allow, facilitate, or promote the activities of paramilitary groups.
- (2) Appropriate congressional committees: The term 'appropriate congressional committees' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.
- (3) Paramilitary groups: The term 'paramilitary groups' means illegal self-defense groups and illegal security cooperatives.
- (4) Assistance: The term 'assistance' means assistance appropriated under this heading for fiscal years 2000 and 2001, and provided under the following provisions of law:
 - (A) Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; relating to counter-drug assistance).
 - (B) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; relating to counter-drug assistance to Colombia and Peru).
 - (C) Section 23 of the Arms Export Control Act (Public Law 90-629); relating to credit sales.
 - (D) Section 481 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to international narcotics control).
 - (E) Section 506 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to emergency drawdown authority).

APPENDIX B

FOR A COLOMBIA FOR ALL, FREE COUNTRY

BARRANCABERMEJA, SEPTEMBER 28, 2000

PRESS RELEASE, WARNING...

THE AUC IDENTIFIES THE HUMAN RIGHTS WORKERS AND ESPECIALLY MEMBERS OF CREDHOS AS GUERRILLA SYMPATHIZERS, AND FOR THIS REASON FROM THIS MOMENT FORWARD WE CONSIDER THEM MILITARY TARGETS OF OUR ORGANIZATION. IT IS IMPORTANT TO SAY THAT ALL OF THIS CRAP THAT THEY ARE DOING IS THE POLICY OF THE FARC AND ELN GUERRILLAS, SINCE WE KNOW WHO YOU REPORT TO AT THE END OF THE DAY.

THE AUC IS AN ANTISUBVERSIVE ORGANIZATION AND WE ARE GOING TO CARRY OUT A SOCIAL CLEANSING IN BARRANCABERMEJA AND ALL OF COLOMBIA, TO CREATE A COUNTRY FREE OF KIDNAPING, EXTORTION AND TRICKERY.

WE HAVE IDENTIFIED THE MEMBERS OF CREDHOS AS WORKING FOR THE POLITICAL WING OF THE FARC AND ELN GUERRILLAS, THESE INDIVIDUALS ARE WELL KNOWN TO US AND WE KNOW WHERE TO FIND THEM, THEY DO NOTHING MORE THAN DENOUNCE CRIMES COMMITTED BY THE AUC AND ATTACK US CONSTANTLY AS ENEMIES OF PEACE AND NEVERTHELESS THEY DO NOT PUBLICLY DENOUNCE THE CRIMES COMMITTED BY GUERRILLAS.

WE CARRY OUT THIS CLEANSING FOR THE FUTURE OF COLOMBIA BECAUSE IF WE ELIMINATE THEM WE WILL BE CONSTRUCTING THE COUNTRY WE DESIRE.

WE HAVE IN OUR POWER A CLEANSING LIST AND WE ARE GOING TO GIVE SOME STATISTICS TO THESE S.O.B.S, IF THEY DON'T CLEAR OUT, WE WILL KILL THEM...

CREDHOS.....TWENTY-SOME MEMBERS, GET LOST S.O.B.S
ASFADDES.....3, AND YOU S.O.B.S KNOW WHO YOU ARE