

COLOMBIA

Robust measures urgently needed to protect human rights defenders

The case of ASFADDES

The *Asociación de Familiares de Detenidos Desaparecidos* (ASFADDES), Association of Relatives of the Detained “Disappeared”, a national non-governmental human rights organization made up of relatives of the “disappeared” who work to discover the fate and whereabouts of their loved ones and ensure that those responsible are brought to justice, was founded in 1982. Almost twenty years later, a brutal campaign of harassment and intimidation against ASFADDES members has seriously damaged and weakened the organization’s ability to continue its legitimate human rights activities. Many ASFADDES members have had to flee and others have been forced into silence, some regional offices have been forced to close. Despite international appeals for the protection of ASFADDES members, the Colombian authorities have consistently failed to take any concrete measures to avert the present crisis.

Throughout 2000 members of ASFADDES were the victims of a widespread campaign of intimidation. Members were killed and “disappeared”, others received threatening telephone calls and letters, some were followed. In some cases, these attacks were related to the work of ASFADDES members on cases of their “disappeared” relatives. In other cases, the harassment was linked to ASFADDES campaign and lobby work on the disappearance law, first presented by ASFADDES more than 12 years ago, and finally approved by Congress on 6 July 2000.

ASFADDES members Angel Quintero and Claudia Patricia Monsalve “disappeared” in Medellín, Antioquia department, on 6 October 2000, barely a month after Amnesty International denounced death threats against them. Their whereabouts remain unknown. Witnesses say that they were abducted by two gunmen on a motorcycle and a group of men in a pick-up truck.

Angel Quintero had faced continuous threats as a result of his work with ASFADDES on the “disappearances” of members of his wife’s family. Claudia Monsalve has been working with ASFADDES to find out what happened to her brother, a university student who “disappeared” in 1995.

Elizabeth Cañas Cano a member of the Barrancabermeja, Santander department, branch of ASFADDES¹, was shot dead near her office on 11 June 2000. A few days earlier she had been followed by two armed men. She had been campaigning for justice for her son, Giovanni Cañas Cano and her brother, José Milton Cañas Cano, who both “disappeared” during the 16 May 1998 massacre in Barrancabermeja.

¹The Barrancabermeja branch of ASFADDES was set up in the wake of the Barrancabermeja massacre on May 1998. To date, although investigations into the massacre have led to the dismissal of three members of the armed forces and disciplinary action against another nine, nobody has been brought to justice. The whereabouts of the 25 people who “disappeared” remain unknown.

Martha Elizabeth Soto Gallo who works for the Medellín branch of ASFADDES, was threatened on 13 April 2000. A message was apparently left on her office's answering machine saying: "Martha Soto, be careful we have you in mind ... Martha Soto, be careful we have you in our sights and you are trapped".

One month later, a man with a police identity card threatened to kill 14-year-old Juliet Tatiana Manrique and her mother, human rights activist Astrid Manrique Carvajal. The threats appeared to be directly connected with Astrid Manrique Carvajal's work for ASFADDES. Astrid Manrique Carvajal has been a member of the ASFADDES in Popayán, Cauca department, since the "disappearance" of her partner. She is now on the organisation's executive council.

Between 22 and 25 May 2000 Rocío Campos from the Barrancabermeja branch of ASFADDES received a series of telephoned death threats at her home in Barrancabermeja. The anonymous caller played recorded gunshots down the telephone line and asked Rocío Campos if she was "ready", he said that it was "nearly her turn", and asked whether she had her "escape route ready". On one occasion Rocío Campos's sister received the following message: "we already know how to find you, and even if they try and hide you we know how to trap you". The anonymous caller also asked to speak to her brother Daniel Campos. Paramilitary forces² forcibly abducted Daniel Campos in Barrancabermeja city on 16 May 1998, killing and forcibly abducting more than 30 people. The whereabouts of 25 of those abducted, including Daniel Campos, remain unknown. On 23 May unidentified people reportedly kept Rocío Campos's office under surveillance.

Amnesty International has documented threats and human rights violations against members of ASFADDES for a number of years. On several occasions the Inter-American human rights system has requested that the Colombian government take concrete action to avert such attacks and ensure the safety of ASFADDES members. However, non-compliance with recommendations or resolutions issued by international mechanisms is a serious concern in the case of Colombia. For instance, on 27 October 1995 the UN Human Rights Committee ruled that the Colombian government was responsible for the "disappearance", torture and killing of Nydia Erica Bautista de Arellana and requested appropriate protection for the relatives. However, the sister of Nydia Bautista, Yanette Bautista the then president of ASFADDES, and other relatives of Nydia's continued to be subject to a relentless campaign of harassment and

²Army-backed paramilitary squads have sown terror in rural areas of Colombia for more than a decade, torturing, killing and "disappearing" with virtual impunity. The appearance of these supposedly independent paramilitary organizations in the early 1980s coincided with a dramatic increase in "disappearances" and political killings. Many of the paramilitary groups have their origins in the civilian "self-defence" squads which the army created to act as auxiliaries during counter-insurgency operations. Army brigade commanders and intelligence units attached to brigades and battalions in the conflict zones, recruited, armed, trained and supported paramilitary "self-defence" squads, while large landowners, industrialists, regional politicians and later, drug-traffickers, gave them economic support. Law 48 of 1968 provided a legal basis for the formation of paramilitary "self-defence" squads by giving the armed forces the right to arm civilians and to create peasant farmer defence groups. The Colombian government suspended the constitutional legal base for the formation of paramilitary organizations and issued directives to the armed forces to combat and disband such groups in 1989, yet they continue to work with the support of the security forces in many areas of the country.

intimidation. On account of the lack of effective protection they eventually fled Colombia in fear for their lives.

Action by the Colombian government

In December 1998, President Andrés Pastrana pledged to protect human rights defenders when he presented his government's human rights policy to the United Nations in New York. Despite this commitment, steps taken by the government so far on the security of human rights defenders have failed to match the magnitude of the crisis and to make a lasting improvement on the protection of human rights defenders. By failing to adopt a comprehensive prevention and protection program that tackles the root problems facing human rights defenders, the government is undercutting the few initiatives it has taken in this field, which can only be effective if accompanied by tough measures to combat impunity and stave hostility amongst members of the security forces towards human rights work.

Colombian human rights defenders have consistently requested that the government of President Andrés Pastrana take up proposals regarding the protection of human rights defenders that they had put to the previous administration in 1997 during the term of president Ernesto Samper Pizano.

The plan proposed by human rights organizations, some of which was agreed by the Samper government in June 1997, included:

- full recognition of the legitimacy of the work of human rights defenders, including presidential directives prohibiting statements which undermine such legitimacy or generate a climate of hostility toward defenders, as well as mechanisms to distribute and monitor such directives, and sanction those who contravene them;
- the examination of military intelligence files containing information that might incriminate or prejudice members of social or human rights organizations, and appropriate remedies in accordance with the findings;
- steps to effectively disband, disarm and prosecute paramilitary groups which operate with the complicity or acquiescence of the security forces, and to bring those responsible for human rights violations to justice;
- the prevention of threats and attacks against human rights defenders by carrying out full investigations into cases of threats and human rights violations against members of human rights and social organizations;
- purging of the security forces of those implicated in human rights violations and/or linked to paramilitary activities;
- the setting up of formal mechanisms and forums for dialogue between non-governmental organizations and civil and military authorities;

- swift and effective adoption of protection measures for individuals, such as security equipment and body guards;
- the production of publicity and information materials aimed at raising public awareness of the work of human rights defenders.

Responsibility for the implementation of the limited protection measures set up by the Colombian government has been delegated to the Minister of the Interior and the Vice-president. The implementation of such measures to protect individuals is organized and coordinated by the Ministry's *Comité de Reglamentación y Evaluación de Riesgos*, Committee for Regulation and Risk Evaluation, which evaluates cases, determines appropriate protection measures in accordance with levels of risk and instructs branches of the Ministry of the Interior, the Police and the *Departamento Administrativa de Seguridad* (DAS), Civilian Intelligence Service. Members of non-governmental organizations have representation on the Committee which offers a variety of support, including office reinforcements, such as bomb proof doors, individual armed body guards, bullet-proof vest, transport for those fleeing their home and displacing to another part of Colombia, and radio communications amongst members of human rights organizations.

Pledges by the government to offer additional support for the protection of human rights defenders have failed to materialize. For instance, on 9 September 1999, Colombia's Human Rights Day, President Andrés Pastrana issued Presidential Directive 07 concerning "Support, communication and cooperation of the State with human rights organizations". The Directive restates most aspects of the previous Presidential Directive 011 of June 1997, issued by the then president Ernesto Samper. The Directive orders all public officials to abstain from questioning the legitimacy of human rights organizations and from making false accusations which could compromise their security or reputation. It also requires all public officials to cooperate fully with human rights organizations when asked to provide information or assistance.

Although Directive 07 was welcomed, Amnesty International knows of no case in which the authorities have taken action against a public official who has contravened the instructions of the Directive. Nor does the Directive mention how those who disobey it will be sanctioned. Without the commitment to enforce the Directive rigorously, there is little chance it will have a significant impact. Human rights groups insist that state officials who disobey the Directive must face immediate sanction, and that such measures should be made known publicly, in order to demonstrate that public officials cannot make false accusations with impunity. Under the Samper administration the Directive 011 was never enforced and therefore did not deter military personnel from continuing to make regular unsubstantiated public accusations intended to undermine the legitimacy of the work of human rights defenders. The same appears to be true under the Pastrana administration. Failure to deal with high ranking state officials who publicly question the legitimacy of the work of human rights organizations, or make unsubstantiated or false accusations incriminating human rights defenders, reinforces and supports the position of those perpetrating the attacks against them.

Members of non-governmental human rights organizations have repeatedly requested the thorough revision of intelligence information contained in military archives that might contain

incriminating information about human rights defenders. The Colombian authorities eventually committed themselves to such a revision following the killing of the renowned human rights lawyer Eduardo Umaña Mendoza in April 1998. According to international experts who visited Colombia in August 1999, the Procurator General had completed his examination of the files and handed the information to the Vice-president. Nonetheless, the authorities would not inform the Colombian human rights organizations of any measures they might take to remedy incriminating information found in the files. At the beginning of 2001, human rights organizations had still not officially been informed of the results of the revision of the files. Consequently, any evaluation regarding the thoroughness or effectiveness of the examination or possible remedies can not yet be carried out.

Tackling impunity, by establishing plans and strategies that identify and sanction those responsible for threats and attacks against human rights defenders, as well as other human rights violations, has to be at the centre of government attempts to prevent attacks and killings against human rights defenders. As long as those who plan, order and perpetrate such crimes are allowed to operate outside the law, unhindered, other efforts to protect human rights defenders are undermined and ultimately risk being futile.

Amongst the several human rights initiatives proposed by the Colombian government, Vice-president Bell also formed in 1999 the *Comité Especial de Impulso a las Investigaciones de Derechos Humanos*, Special Committee for the Promotion of Investigations into Human Rights, in order to help advance investigations into human rights violations. However, it is still unclear whether such an initiative will have any impact on reversing the cycle of impunity. To date those who ordered, planned and perpetrated the killings of human rights defenders have not been brought to justice. The level of impunity in relation to cases of human rights defenders is almost absolute.

Although Amnesty International has received information indicating that some suspects have been detained in relation to a few high profile cases of killings of human rights defenders, only in one or two cases have those accused been convicted. These arrests are largely the result of constant campaigning by national and international human rights organizations. Nor has any effort been made to identify, arrest and prosecute those responsible for ordering, planning or covering up the killings, especially when high ranking military officials or paramilitary leaders are suspected of being involved.

Colombian human rights defenders continue to face alarming levels of danger, despite some steps by the Colombian authorities to protect them. Over the last four years more than 27 activists have been killed. A similar number have narrowly escaped attempts on their life. Scores of others live under constant threat and intimidation. At least 40 have fled the country. The vast majority of attacks against human rights defenders are masterminded and perpetrated by members of the security forces, their paramilitary allies or gunmen hired on their behalf, although Amnesty International has also received reports of arbitrary and deliberate killings by members of the armed opposition. This systematic campaign against Colombian human rights workers is rooted in the deep hostility held by members of the security forces and their paramilitary allies

against human rights work and the belief that human rights activities are synonymous with guerrilla activities.

Colombia's human rights crisis has reached alarming proportions. The escalating conflict has been characterised by blatant disregard for human rights and international humanitarian law by all parties to the conflict. The work carried out by members of human rights organizations has meant that some of the truth about this crisis has been revealed and that some of the perpetrators have been identified. It is precisely for this reason that Colombian human rights defenders have been subjected to a systematic campaign of intimidation, harassment and attacks.

Only the state has the power and the means to exercise control over state agents involved or complicit in human rights violations and to supervise and implement appropriate measures for the protection of those individuals targeted by state agents, or those operating with the state's consent. Responsibility for protecting human rights defenders cannot be transferred to a third party or to the members of human rights organizations themselves. The state's responsibility to protect those who contribute to the promotion of universal freedoms has been reiterated in numerous recommendations by the UN and the Inter-American Commission on Human Rights. Article 12(2) of the UN *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (Declaration on Human Rights Defenders) also affirms this obligation³.

Genuine government human rights initiatives should prioritize the protection of members of human rights organizations and the legitimacy of human rights protection work. Protection for human rights defenders cannot be solved by the use of bullet-proof vests and armed body guards alone. Tougher and more comprehensive measures are required to deter the perpetrators of human rights violations, especially those high-ranking officials who plan and order the crimes. Government efforts for the protection of human rights defenders should integrate immediate protection measures with preventative measures. Priority must be given to thorough investigations of the violations and threats against human rights defenders and the bringing to justice of those responsible. Full consultation with human rights defenders is vital in determining those measures which could effectively enhance their security and those measures required to implement the principles outlined in the UN Declaration on Human Rights Defenders.

³This Declaration, referred to as Declaration on Human Rights Defenders, was approved by the United Nations General Assembly on 9 December 1998.