

COLOMBIA COUNTRY ASSESSMENT

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Country Information and Policy Unit

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1. SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information & Policy Unit, Immigration & Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom. It represents the current assessment by the Immigration & Nationality Directorate of the general socio-political and human rights situation in the country.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a 6-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom.

1.5 The assessment will be placed on the Internet (<http://www.homeoffice.gov.uk/ind/asylum/asylum/>) An electronic copy of the assessment has been made available to the following organisations:

Amnesty International UK

Immigration Advisory Service

Immigration Appellate Authority

Immigration Law Practitioners' Association

Joint Council for the Welfare of Immigrants

JUSTICE

Medical Foundation for the care of Victims of Torture

Refugee Council

Refugee Legal Centre

UN High Commissioner for Refugees

2. GEOGRAPHY

2.1 Colombia is the fourth largest country in South America with an area of 1,141,748 sq km and a population of approximately 42.3 million (2000 official mid-year estimate), of whom about 6.5 million live in the capital, Bogota **[2e,2d]**. The country is characterised by three mountain ranges - the western, central and eastern cordilleras. The physical geography means that large areas are very sparsely populated and in some areas civil unrest has caused people to move to the towns and cities. In March 1997 United Nations' and Colombian human rights organisations reported that on average 500 people are displaced from their homes each day, driven out by violence **[19]**.

Colombians are Spanish speaking and about 95 % of the population are Roman Catholic with small Protestant and Jewish minorities **[2a]**.

2.2. Administratively, Colombia is divided into 32 Departments (and the Capital District), subdivided into Provinces. The provinces are further subdivided into Municipalities.

[2a,20ab] Commentators have noted that Colombia is very diverse in its geographical areas, and may be regarded as a unity only as a geographical and legal entity rather than as an integrated political reality. **[8d]**

3. HISTORY

Early history see sources **[2a],[3a],[6b],[6a]**,

A. Recent History

3.1 The political violence of the 1940s and 1950s (La Violencia), the emergence of guerrilla movements in the mid-1960s, and then of Self-defence units (autodefensas) organised mainly by property owners in the 1980s, created the basis of the conflict which has lasted up to the present day. The anti-guerrilla groups/paramilitary death squads were associated with the drugs trade and were also believed to have links with the security forces **[2a,6a]**. Guerrillas suffered heavy losses in 1982 in counter-insurgency operations and also at the hands of one of the most well-known paramilitary death squads, Muerte a Secuestradores/ Death to Kidnappers (MAS). These death squads, backed by drugs and land-owning interests, attacked anyone or any group that could loosely be interpreted as sympathetic to the left (peasant leaders, trade unionists, left-wing lawyers), while the guerrilla groups sought to pursue any target that might further their influence and force their admission to the political arena **[6a]**.

3.2 In 1982 the newly-elected President Belisario Betancur Cuartas sought stability by declaring an amnesty for guerrillas and ordering an investigation into MAS. As peace talks were held M-19 (Movimiento 19 de Abril - established in the early 1970s) emerged as one of the most influential of the left-wing guerrilla groups but progress was slow and in 1984 the Minister of Justice, who had actively pursued the drugs industry, was assassinated. In June 1985 M-19 withdrew from the peace process blaming continued harassment by the armed forces for their decision. Subsequently, eleven judges were amongst at least one hundred killed during a siege mounted by M-19 at the Palace of Justice in Bogota in November 1985 **[6b]**. In the same year the guerrilla group FARC (Fuerzas Armadas Revolucionarias de Colombia) and the PCC (Communist Party of Colombia) established the Union Patriotica (UP) as a means of enabling former guerrillas and other Marxists to enter the political process **[7a]**.

3.3 The new party won seats in both houses of the Congress but immediately became the target for paramilitary death squads. Between 1985 and 1987 around 450 members of the UP were killed. The UP had some political success in the 1986 elections, winning three Senate and five Lower House seats. Six guerrilla groups including FARC, the ELN and M-19, formed the Coordinadora Guerillera Simon Bolivar (CGSB) to negotiate with the authorities in 1987. In 1988 President Barco announced a three phase programme designed to integrate the guerrillas into the democratic system **[2a]**. In spite of these measures President Barco enjoyed little success in tackling the problems of political violence and the cultivation and trafficking of illicit drugs **[5]**. **(See Drugs Trade)**

3.4. In the run up to the 1990 Presidential elections M-19 was granted amnesty, renounced its weapons, and became a political party, later known as the Alianza Democratica or ADM-19. The incoming Liberal President, Cesar Gaviria Trujillo, who was strongly opposed to the drugs cartels introduced a new constitution in 1991. This "...preserved the existing institutional framework of a President and a bicameral legislature (102 seat Senate and 161 seat House of Representatives)", and also aimed to "encourage greater political participation and to restrict electoral corruption and misrepresentation". It also sought to protect civil liberties, including an individual's right to social welfare, education, recreational activities and sexual equality **[2a]**.

3.5 In August 1990 the guerrilla movement EPL split, with one arm continuing the armed struggle while the other gave up its arms and joined the political mainstream as the Partido de Esperanza, Pay y Libertad (EPL), along with Comando Quintin Lame and the Partido Revolucionarias de Trabajadores (PRT). While attempts to reach an agreement with these less fanatical guerrilla groups continued, those who demonstrated a willingness to compromise tended to fall foul of the more hard-line groups. In January 1994 FARC were allegedly responsible for the murder of 30 EPL members. **[2, 7c]**

3.6 The Liberal and Conservative factions dominated the 1994 congressional and local

elections and the left-of-centre vote was seriously reduced. On 7 August 1994 Liberal candidate Ernesto Samper Pizano was installed as President. It was alleged that his election campaign had been heavily underwritten by the Cali drug cartels, with an admission of such by Defence Minister, Fernando Botero, who managed President Samper's campaign. Botero was jailed, but Samper survived an inquiry by Congress [2, 13b].

3.7. In November 1994 the Samper administration sought to include the guerrillas in peace talks, placating the Left. An introduction to talks stalled as FARC and the ELN launched new offensives in late May 1995. In August 1995, President Samper declared a country wide 'state of internal commotion' for a 90-day period, as around 600 civilians died as guerrillas and paramilitaries sought to dominate Uraba, North West Colombia. This state of internal commotion was subsequently extended for three further 90-day periods and was only lifted in late July 1996 [2b].

3.8 During 1996 and 1997 killings by paramilitary groups increased significantly and the military failed to give priority to confronting these groups. During the first 9 months of 1997, credible sources have alleged that members of paramilitary groups committed 69 percent of all politically motivated extrajudicial killings. Allegations of links between the military and paramilitary groups continued.[3a, 19] (See Recent history: 3.28, Security: 4.4 and Human Rights: Introduction: iii) Security Forces)

3.9 In 1998 Samper's administration continued to be under pressure to address the deteriorating situation. Land reform is seen to be central to Colombia's problems, with left and right factions battling for control of farmland and roads to market. Many peasants are suspected of association with the opposing side and fall victim to 'tit-for-tat' attacks [19].

3.10 The guerrilla presence strengthened in the central and eastern mountain districts of Colombia. Guerrillas began to form 'Bolivarian militias' in order to establish roots in the urban slum districts. The military made little progress in countering guerrilla activity, partly because of its lack of manpower, resources and tactical errors [8a]. In September 1997 the army launched its most important military offensive in the last six years against the FARC in the jungle of Llanos del Yari, 300kms from Bogota. The offensive also affected Meta, Guaviare and Caqueta departments. More than 3000 troops were supported by air force aircraft and helicopter gunships. The wide-scale operations caused serious casualties to guerrillas and affected the indigenous population of Llanos. [18]

3.11 On 20 July 1997 Samper pledged to set up a National Council for Peace comprising politicians and representatives of social and labour organisations.[13a] This was installed in April 1998. [14f] (See Current Situation: 3.31 and Human Rights Introduction: vii) Peace Talks) President Samper promised a military crackdown on the leftist guerrillas and again pledged that the government would also punish right wing groups. Samper announced that representatives from both of these groups would be invited to attend peace talks[13a]. In December 1997 Samper announced new measures to counter paramilitary activities and outlined plans to fight all armed groups [13h].

3.12 The violence continued in 1998. In February it was reported that a right-wing death squad had killed at least 48 people in Puerto Assis in Putumayo province. The victims were alleged guerrilla sympathisers. [14a] This report was followed by allegations that some of the killers had been flown into the area on military helicopters, strongly denied by General Hugo Galan.[14b] (See Security: 4.4, and Human Rights: Introduction: iii) Security Forces).

3.13 The lead up to the congressional elections also saw more bloodshed as the guerrilla rebels stated that they would do everything possible to prevent the elections

being held. **[14c]** It was reported that at the beginning of March 1998 more than 100 soldiers and rebels died in heavy fighting in southern Colombia in what was thought to have been the worst defeat for the military at the hands of the guerrillas. **[14d]**

3.14 Voting for a new congress went ahead on 8 March despite the violence. President Samper issued a communique on 10 March in which he announced the victory of democracy over violence. The communique stated that absenteeism had dropped considerably compared with the parliamentary elections of 1994 and that incidents disrupting public order only adversely affected 0.14% of potential voters in the entire country. The ruling Liberal Party won the majority in Congress with over 50% of the seats in the Senate and the Chamber of Representatives in the elections. The new Senate comprised of 51 Liberals, 15 official Conservatives, 7 from new Conservative groups and 28 from independent movements. **[14e]**

3.15 On 2 April President Samper installed the National Peace Council with the aim of following up the preliminary peace agreement reached with the ELN (National Liberation Army). (The preliminary peace agreement was later suspended by the ELN.) Samper expressed hope that FARC (Revolutionary Armed Forces of Colombia) would join the process and abandon its links with drug trafficking and its practice of kidnapping. **[14f]** (See Recent History: 3.24 and Human Rights: Introduction vii) Peace Talks)

3.16. The run up to the presidential elections saw an increase in rebel attacks. On 26 April the campaign offices of the Liberal Party presidential candidate, Horacio Serpa were bombed, killing one person. Guerrilla rebels were suspected of being behind what was thought to be the start of a wave of pre-electoral violence. **[14r]** On 12 May unknown gunmen killed Fernando Landazabal Reyes, a retired rightist army general who served as defence minister under President Betancur in the early 80s. **[14v]** This was followed by reports that Serpa's helicopter was attacked on 15 May when he was landing in Bolivar though he was unhurt. **[14w]**

3.17 The four leading candidates in the presidential election were as follows: Andres Pastrana, standing as an independent, though previously a Conservative still backed by the main opposition Conservative Party; Horacio Serpa Uribe, a member of the then ruling Liberal Party and Samper's chosen successor; Noemi Sanin Posada, a former foreign minister who presented an independent alternative to Colombia's traditional two-party system dominated by the Conservative and Liberal parties; Harold Bedoya Pizarro, former head of the armed forces. **[14y]**

3.18 The first round of the presidential elections took place on 31 May 1998. As neither Andres Pastrana nor Horacio Serpa won more than 50% of the votes needed for outright victory (Serpa gained 35.2% whilst Pastrana won 35%), a second round was arranged for 21 June 1998. On the election day there were reports of rebels burning ballot papers, downing power lines and blocking votes in a handful of rural townships. A guerrilla bomb in the northeast oil-refining town of Barrancabermeja exploded just before the polls opened, killing three civilians and wounding two soldiers. In another incident, a wounded soldier was shot dead in an ambulance at a rural guerrilla roadblock. Despite this the Interior Minister, Alfonso Lopez declared the day a total success. **[14z]**

3.19 Andres Pastrana, the Conservative Party candidate, won the presidential run-off on 21 June 1998, beating President Samper's chosen successor and ending 12 years of Liberal Party rule. Pastrana won the election with 50.4% of the ballot, 46.4% for Horacio Serpa. Pastrana promised both before and after the election to make the implementation of a peace policy his first responsibility **[14aa,14ab]** The election day was once again marred by violence. **[14ac]**

3.20. Pastrana pledged to take steps towards peace and on 28 June 1998 the ELN (National Liberation Army) and Civil Society signed an agreement, in a move

independent of Government negotiations, to begin peace negotiations at Mainz, Germany, agreeing that the peace negotiations would take place outside Colombia.

[14ad] The President-elect also met with leaders of FARC. **[14ae]**

3.21 A coalition of political forces that support the new administration of Andres Pastrana took control of Congress in July 1998. The coalition, which ended 12 years of control by the Liberal Party, was formed by Conservatives, dissident and pro-government Liberals and independents. Conservative Fabio Valencia was elected president of the Senate and Emilio Martinez, a Liberal, as president of the Chamber of Representatives. A group of Liberals who continued to be loyal to Horacio Serpa Uribe, the former presidential candidate and leader of the Liberal Party, were left as the opposition minority. The new Congress was elected for a four-year term. **[14af]**

3.22 President Samper conceded on 20 July 1998 that his 1994 election campaign was partly funded with drug money. However, he insisted that he knew nothing about it at the time. The admission came during his speech to inaugurate a new Congress. **[14ag]** Samper followed this confession nine days later with a public apology for the security forces murdering a total of 49 people in five separate incidents between 1991 and 1993. All the killings allegedly took place before he took office in 1994. His apology was part of an accord brokered by the Inter-American Human Rights Commission, which reports to the Organisation of the American States. **[14ah]**

3.23 Pastrana took office amidst the violence that, in the five days leading up to his installation on 7 August, was reported to have resulted in the deaths of more than 300 people, including 40 civilians. In his inaugural speech Pastrana pledged to make his administration "the cleanest of all Colombian governments" and affirmed that peace was his most urgent task in the country's agenda. **[14h,14i,14j]**

3.24 One of the guerrilla group FARC's conditions was that talks would only be held after the government agreed to demilitarisation. On 14 October it was announced that, beginning on 7 November and for 90 days, the army would withdraw from five of the country's municipalities to comply with the demands of the guerrillas and allow the peace talks to commence. **[14o,14p]** By November 1998 the peace process was threatened when FARC accused the government of reneging on its pledge. (See *Human Rights: Introduction vii*) *Peace Talks for full details of the peace process.*) **[14a]** Nevertheless, a preliminary meeting was held on 7 January 1999, followed by a second meeting on 14 January. A 10 point policy of peace for change was proposed by the government to the guerrillas. There was a further meeting on 26 January. **[15a]** Throughout, the violence persisted with skirmishes between guerrillas and paramilitaries. **[14l,14m,14n]**

3.25 On 29 January 1999 the government decreed an economic emergency for a period of 30 days after Armenia was hit by an earthquake, killing at least 907 people. After the earthquake the region experienced looting and the security forces had some difficulty in re-establishing order. **[15b,15c]** The paramilitary groups took advantage of the chaos, in the meantime, to the step up their activities. Four human rights workers were abducted in Medellin and two others were killed. **[15d]**

3.26 It was reported on 17 February 1999 that Colombia's neighbouring countries were stepping up security on the Colombian borders. **[15e]**

3.27 In March 1999, the peace process came to another halt when it was reported that three American hostages, humanitarian workers working with the indigenous U'wa tribe, had been killed and their bodies were found across the border in Venezuela. Both FARC and the ELN initially denied involvement, but FARC later admitted that one of their Commanders acting unilaterally was to blame. **[15f,15g]** (See *FARC*)

3.28. Since March 1999, the peace talks have been the main thrust of the Pastrana administration. President Pastrana has talked to the US and European governments,

explaining his plan for peace, Plan Colombia. (see *section A.68 - A.89 peace talks*) The talks with FARC have been heralded by the Pastrana administration as a relative success, and seen by the government as having encouraged talks with the ELN: other commentators are far less sure about the progress of the peace talks. The demilitarized zone held by FARC has encouraged the ELN to demand parity in Tolima Department. Killings related to the political conflict have continued throughout the year, including during the Christmas truce. The economy has continued to weaken. US aid to combat the expanding drugs trade has caused concern about a possible escalation of the political violence. (see *section 4.21 - 4.28 the Drugs Trade*)

B. Current Political Situation

3.29. President Pastrana has had political difficulties since April 2000. **[17gn]** More than 80 percent of Colombians disapprove of his handling of the peace process, and only 25 percent approve of his presidency generally. The presidency has been rocked by the announcement by FARC of its "peace tax" and the resultant slide of the economy, and Pastrana's calling for a referendum to dismiss Congress. The opposition Liberal Party, the dominant party in the legislature, has said it would sponsor a referendum in which Pastrana's own mandate is put to a popular vote. The situation was diffused by a power-sharing accord reached in May 2000. **[17co,17dc]**

3.30. On 11 July 2000, Pastrana changed his cabinet, leaving only the Defence and Foreign Ministers in post. **[17ei]** The presidential website proclaimed that "this is a national unity cabinet, an open cabinet and with a significant presence of women in keeping with the law." **[17ef]** The Liberal Party was outraged by Pastrana's move, and rejected the "national unity" cabinet. **[17ec]**

3.31. By early August, public polls showed little confidence in Pastrana, with a leading newspaper summing up the general mood as "there is a feeling that Pastrana has not met the challenge (of the presidency), that he underestimated its complexity." **[17fm]** Public polls taken in late August 2000 showed 56 percent of respondents favoured direct US military intervention as a solution to the country's problems. **[17gn,17go]**

3.32 The period after the US financial input to Plan Colombia saw popularity for Pastrana momentarily climb, but by early November 2000, the president's rating had hit new heights (70 percent in the National Consulting Centre monthly survey). **[17ee]** FARC freezing peace talks from November 2000, compounded with time running out for the FARC Demilitarized Zone in late January, a weak economic recovery, prompted commentators to give a gloomy assessment for the president. **[17cf]** Though the end of the year 2000 looked bleak, the end of year presidential speech emphasised that peace negotiation was going to be a long but ultimately successful process. **[17dz]** As the DMZ deadline of January 31 approached, the political temperature increased, with the DMZ extended by 4 more days to facilitate a favourable ruling by the Constitutional Court and for Pastrana to visit the DMZ and make contact with Manual Marulanda, the FARC leader. **[18y-18ad,18ai]**

3.33 On 23 February 2001, President Pastrana reshuffled the cabinet, one of the changes being the post of interior minister, with Armando Estrada Villa replacing Humberto de la Calle. **[18ar]** Within a week, Estrada Villa was talking of contacting and negotiating with the AUC. **[18ax]** Such negotiations with armed groups has split regional governors and strained political loyalties. **[18az]**

4. INSTRUMENTS OF THE STATE

A. Political System

4.1 Executive power is exercised by the President (assisted by a Cabinet), who is

elected for a four-year term by universal adult suffrage. Legislative power is vested in the bicameral Congress, consisting of the Senate (102 members elected for four years) and the House of Representatives (165 members elected for four years). The country is divided into 32 departments and one Capital District. [2a]

B. Security

4.2 In Colombia the Ministry of Defence is responsible for internal security, overseeing both the armed forces and the police, comprising of the Army (Ejercito Nacional), the Navy, which includes the Coast Guard and Marines (Armada Nacional), the Air Force (Fuerza Aerea Colombiana) and the National police (Policia Nacional) [3a,8g]. The Department of Administrative Security (DAS) was set up in 1962 to organise intelligence gathering for the counter-insurgency effort. It is the only Colombian security agency which is directly responsible to the civilian authorities and is therefore independent from the armed forces [6b]. The DAS, with broad intelligence gathering, law enforcement, and investigative authority reports directly to the President [3a].

The Armed Forces

4.3. The Colombian armed forces deal with the main issues of border security and defence against the guerrilla movements. The army is organised in eighteen brigade-level units, and works closely with the National Police, using intelligence gathered by both DAS and its own intelligence units.

4.4. The Colombian armed forces have in the past been demoralised and, in their own estimation, under-resourced. Since September 1997, they have regained areas of control. There has been pressure and promises from the United States to improve the Army in its actions against drugs growers and traffickers. The US aid deal is worth \$1.5 billion over 3 years, and is currently (March 2000) going through the US Congress. The monies are to assist anti-drug programmes, but such a move has been criticised by NGOs as being partial to the military, and thus by implication the paramilitaries. Such an implication is prohibited by the operation of the Leahy law within the agreement, a legal aspect that expressly insists that all groups receiving US military assistance be vetted for human rights abuses. [16d,16nnn,16sss,17bi,23a]. President Clinton overturned the Leahy law on August 22. [11n] (*See Breakdown of human rights waiver*)

4.5. US monies, according to one source, have been previously channelled to the Colombian police on the grounds that they have a better human rights record than the Colombian army. However, the US now views the police as needing further assistance in tackling the drugs trade, and will now be concentrating aid in Army based projects for increased strategic effectiveness. The US government has noted an improvement in human rights awareness over the years 1998 and 1999. [16j,17n] The need for discipline in human rights is important to the military to secure the US funds, as an injection of \$1.5 billion over three years into a defence budget of \$4 billion per annum (1998 figure) is seen as operationally significant. [16j,8g]

4.6. There has previously been US involvement in training and equipping, such as (with 18 helicopters) the elite anti-drugs battalion, launched on 15 September.[16n,16bn] On 17 September, the launch of an elite anti-drug squad was announced [6n]. The 1,000 strong unit started operations in December 1999, as part of the army's 1st battalion, La Jungla. [23a, 23e]. The incidents of 17 November 1999, (killing 35 rebels, Puerto Inirida, Guainia Department [16by]; and 100 plus rebels generally in joint police / army operations after FARC attacks all over the country on 16 November [16bf]) were interpreted by journalists as showing the effectiveness of the US training. Two new anti-narcotics battalions are being created with US aid, equipped with 30 Blackhawk and 33 Huey helicopters [17n].

4.7. The Department of Antioquia has the largest military presence, according to *Jane's Intelligence Review* in December 1999, with three army brigades, a tactical air force

squadron, marine infantry, and a large police presence. [20s]

4.8. July 1999 saw the introduction of reforms to the armed forces. A major reform of July 1999 was to drop the conscription of minors. Prior to July 1999, 4,000 minors were conscripted into the army at any given time [17ah]. UNICEF praised the army for changes in recruitment policy [17s]. The Military penal code was also amended to improve transparency in the dealings of the military courts and their relationship with the civil process. [12e] Further reform has been undertaken in October 2000, with the armed forces dismissing 89 officers and 299 other ranks on 16 October 2000.

[11ao,17jb,17hn]

4.9. Rodrigo Lloreda Caicedo, the former Colombian defence minister, the architect of the reforms, died from cancer on 13 January 2000. He resigned his post in the Pastrana government in May 1999 in protest at the institution of the FARC demilitarised zone [17m]. Lloreda was credited with the current restructuring of the army, boosting its air mobility and replacing conscripts with a volunteer force [17m]. Lloreda had a distinguished political career, most notably as a founder in 1983 of the Contadora Group of regional peacemakers, a diplomatic mechanism to achieve democratization, national reconciliation and development in the Central American region [11k,8b,19a].

4.10. In July 2000, the army reiterated that the guerrillas dedicated to a plan to exterminate members of the security forces. Casualties of 91 soldiers killed, off-duty and unarmed, "over the past few months" were quoted. Likewise, 55 soldiers were kidnapped while on vacation. The departments in which uniformed officers run the greatest risk were given as Antioquia, Santander, Arauca, and Huila. [17eq]

4.11 The army claims that there are over 100,000 land mines still buried in minefields in about 15 percent of the country. The army says it has implemented the Ottawa Treaty, and since last year has not used anti-personnel mines. In 1998, over 100 people were killed by land mines, 55 of who were soldiers. [11bj] Another army report of July 2000 puts casualties from landmines planted by guerrillas since 1998 at 253 killed and 812 injured up to July 2000 [17ed].

4.12. Military service. Military service is compulsory for males between the ages of... If a male Colombian citizen is the "only child" of his parents (i.e. has no brothers or sisters), then he is exempted military service. [20aa]

4.13. To obtain a discharge from the military services, three routes may be taken - voluntarily, through the discretionary power of the President, and forcibly. Forcible discharge (*retiro forzoso*) occurs as the result of disciplinary proceedings. The discretionary power of the President occurs when the head of state decides that an officer must retire from service. It does not constitute a punishment, and is normally exercised due to operational requirements. It can only be effected on officers of over 15 years' service. An officer at any point of his or her military career can request a voluntary discharge. For up to the rank of colonel, the request is reviewed by an advisory board (*junta asesora*) whose decision in turn is approved by the Minister of Defence. For higher ranks, discharge is dependent upon a request directly to the President.[20z].

4.14 On 17 November 2000, the Army called for the recruitment of 10,000 more troops. The deputy defence minister, Bernardo Ortiz Bravo, stated that the extra troops were needed for the strengthening and modernising of the armed forces. He denied it was in response to FARC's pullout of the peace talks and rumoured recruitment drive. [11at]

4.15 Military service is compulsory, and regulated by Law n.48 and Presidential decree no. 2048 (both passed in 1993). All men between the ages of 16 to 28 years are liable for military service. [19c]

4.16 The period of service differs according to educational status - one year for graduates of secondary education (*bachilleres*), two years for others. Only 40% of

bachilleres ever do military service. **[19c]**

4.17 Regarding military service evasion, young men who fail to respond to their call-up are declared remiss (*remiso*) and are unable to enter university, work or obtain a passport. Those who refuse to do military service are considered deserters.

Conscientious objectors have no special CO status nor is there substitute service available. In practice they either desert or serve time as prison guards; sometimes, the army will drop them from service citing redundancy. **[19c]**

4.18 According to War Resisters' International *Refusing to bear arms* (1998) **[19c]**, the penalty for desertion during military service is between 6 months and two years' imprisonment, under Art 115 of the Military Penal Code. Penalties are doubled if the desertion occurs in wartime, in times of civil unrest, and in the vicinity of active service where rebel forces are in operation. (Art.116) The sentence is halved if the deserter gives themselves up within eight days of desertion. (Art. 117). **[19c]**

The Police

4.19. The National Police is organised police Departmental headquarters, coinciding with the 32 administrative Departments (*departemento*, pl. *departamentos*), and police officers carry military style ranks, except at the Executive level. **[20i]** The National police according to a 1999 source number 100,000 nationally, with 12,000 police in Bogota.

[20x] In May 2000, the Bogota authorities announced that 100 CCTV cameras were to be deployed around the capital, to aid crime prevention and detection. **[17cm]**

4.20. The armed forces and the National Police work closely together, with specialist operations drawing from both groups, such as the anti-kidnapping forces, the GAULAs (see below at *Kidnapping*). **[20s]**

4.21. All crime is encouraged to be reported, with anonymous direct lines advertised. Victims of crime are required to make sworn statements (*denuncias*) at the start of an investigation, and are encouraged to do so as soon as possible after the crime. The police, or likewise the Fiscalía, will then bring a charge (*querella*) if they arrest a suspect. **[20i, 20q, 33a, 33b]** The Supreme Judicial Council (CSJ) has estimated, on the basis of a 1997 survey, that 63 percent of crimes go unreported, and 40 percent of all reported crimes go unpunished (no indication of how many crimes are linked to suspects and brought to trial). **[3h]**

4.22. Changes were announced in the National Police Directorate in October 1999. The success of the drug trafficking initiative, Operation Millennium, afforded General Rosso Jose Serrano the chance to change staff around. A new head of the Judicial and Investigative Police Directorate - the DIJIN - was appointed, General Leonardo Gallego, a respected and highly successful former Head of the Anti-Narcotics Police (ANP).

[16vv]

4.23 Police presence has emerged as a problem in 2000 and 2001. A *Semana* magazine poll in January 2001 has lead to the conclusion critical of the government that many Colombians perceive police protection as lacking. The commentator reporting the *Semana* poll extends the argument, claiming that Colombians are increasingly looking to paramilitary groups for protection. He further argues that that political peace with the guerrillas may not affect the pervasive perception of imminent danger from violent crime. The commentator suggests an increase in numbers of police as a short term solution, in conjunction with a refinancing measure that splits cost between municipality and central government as a longer term solution. **[18l]**

4.24. The question of impunity is of serious concern to the UNHCR. In its 1999 report, the Colombia Office of UNHCR highlighted that the Colombian authorities admit that barely 20 per cent of offences committed are investigated; there was a backlog of 214,907 unexecuted arrest warrants; the general atmosphere of violence and intimidation favours impunity; and investigators are often at risk of being murdered. In

addition, overwork and shortage of funds and professional technical resources, similar overloading of the judicial system, and the general unwillingness of people to give sworn statements (*denuncias*) compound the problem of impunity. The Inter-American Commission for Human Rights (IACHR), in its 1999 report, has alleged that such impunity is structural and systematic in nature, and not simply a case of leaving numerous individual crimes unpunished. [20j]

4.25. In 1999, the rebel forces killed 360 policemen, injured 1,385 and kidnapped 280. [20x] The defence Minister, Luis Fernando Ramirez, in August 2000, admitted that security forces' response to rebel attack seemed to be slow. He explained that the irregular nature of the war hampered security efforts. He was asked to remark on the incident of the town of Arboleda being over run by over 300 FARC guerrillas on 29 / 30 July, killing 14 people, and pinning down the 26 policemen of the town for 24 hours before the town was relieved. [17fc,17fd,17fg,17fk] The police have announced that they will begin to build "bunkered" police posts capable of withstanding "any" guerrilla attack, at a cost of 80 to 200 million pesos each. The objective would be to provide a security presence in 165 municipalities, out of a total of just over 1,000 municipalities, currently lacking a police presence. [17ej]

4.26. The DAS and the US and Israeli police dismantled an arms trafficking ring in May 2000, after three years' investigation into a criminal gang's activities. The arms' deals were reportedly for 50,000 rifles, rocket and grenade launchers. [17cn] The authorities estimate that FARC transports arms in an average of two flights a week into the country. [17gm]

Administrative Security Department (DAS)

4.27 The Administrative Security Department - Departamento Administrativo de Seguridad - DAS is an agency that reports directly to the President. DAS is independent of but works with the National Police and the armed forces (both of which are accountable to the Minister of Defence). [3c,20ag]

4.28 DAS's mission statement, stated on its website, is "to contribute to State security by producing strategic intelligence and safeguarding the integrity of the constitutional regime." [20ag]

4.29 The website states that there are four main branches: intelligence branch, a protection directorate, an investigations branch, and a foreign affairs directorate. The intelligence function is DAS's prime function, put as obtaining information required to control conduct and events that could be harmful to the country and its law and order. The foreign affairs directorate has migration of foreigners responsibilities including deportations. [20ag]

4.30 The last major report of allegations of DAS being involved in human rights violations was the US State Department country report for 1996. (source [3b]). [20ag]

C. The Judiciary

4.31. The Judicial system, which was reorganised under the revised 1991 Constitution, is largely independent of the Government and Congress. It includes the Constitutional Court, the Supreme Court of Justice, the Council of State, the Higher Judiciary Council, tribunals and courts. In the main the system is held to be structured very much on the US model, with the exception of the bodies, *Procuraduria General de la Nacion* (Office of the Procurator General) and *Fiscalia General de la Nacion* (Office of the Attorney General or the Office of the Prosecutor General). [3b,20q]

4.32. The Fiscalía. An independent prosecuting body, the Office of the Prosecutor General (*Fiscalia General de la Nacion*), was created in 1991. The Fiscalía has both investigative powers as well as a representational role. The Fiscalía ensures that alleged offenders appear before the courts; qualify and exclude those investigations already realised; coordinate its activities with the National Police; and ensure the

protection of victims, witnesses, and other participants in the process. The Fiscalía does not deal with cases of security forces' extrajudicial abuses [3b,20i].

4.33. The Procuraduria. The office of the Procurator General is responsible for carrying out investigations and disciplinary hearings against State agents, both military and civilian. The Office is further divided into the offices of the delegate procurators (*procuradurias delegadas*) with delegate offices dealing with the Military forces, the National Police and the Judicial Police. The powers of the office include being able to investigate human rights violations and order sanctions against members of the military forces. Likewise, the office can intervene in proceedings of all courts, including the Military Courts service, when necessary to preserve respect for human rights. In practice, the use of such powers, up to September 1999, has been very limited in relation to criminal proceedings going through the military courts. [20q]

4.34. A military judge has filed a complaint with the Office of the Prosecutor-General about "pressure" put upon him by the National police director Rosso Jose Serrano after ordering Serrano's aide's arrest on a charge of corruption. The military judge, Diego Coley Nieto, has since been taken off the case. He alleged that he was "advised" to leave the country, but he did admit that he had thought about leaving Colombia voluntarily anyway [17y]

4.35. Threats to the Judiciary and the "faceless system of justice". The judiciary has long been subject to threats and intimidation from guerrillas, paramilitaries and drug interests. In the 1980s drug barons threatened to kill 10 judges for every Colombian extradited on drugs charges. They used bribery and intimidation to persuade most judges to release any of their members arrested. On 18 January 1989, 12 members of a judicial commission of enquiry in La Rochela were murdered by paramilitaries. These judges had been sent to investigate a series of political killings and disappearances attributed to paramilitary groups in that area [6b].

4.36. The level of threat resulted in a 'faceless' system of justice being introduced in order to protect the anonymity of prosecutors, judges and witnesses alike [3b]. This system of regional justice reached its deadline for elimination on 30 June 1999. Against a backdrop of increasing violence, Congress voted for its continuance, with a few changes. [15s] From 1 July 1999, the "specialised judges" are responsible for investigation of crimes involving drug trafficking, terrorism, paramilitary activity and, in some cases, illegal enrichment.[15v]

4.37. The system has been criticised by human rights groups who believe that it violates legal norms and has procedural shortcomings, such as the difficulty for defence lawyers to cross-examine an anonymous witness. As a result of some of the concerns raised, judges can no longer base a conviction solely on the testimony of an anonymous witness [3d]. The 1999 legislation determining the specialised jurisdiction, which took over from the anonymous regional courts system on 1 July 1999, was ruled as unconstitutional by the Constitutional Court on 6 April 2000. [3h]

4.38. The Constitutional Court struck several blows against impunity during 1997. In August it directed the separate judicial system, long accountable only to the uniformed military leadership, to relinquish to the civilian judiciary investigation and prosecution of human rights violations and other alleged crimes not directly related to acts of service. On September 23, the Constitutional Court declared null and void a statute of the Penal Code (dating from the 1930's) that prohibited punishment of politically motivated rebels for any criminal acts committed in combat, except those that constituted acts of savagery or barbarism. [3c]

4.39. It was claimed by human rights activists that, although in 1998 the Attorney General's Office issued a growing number of warrants for paramilitary leaders, including AUC leader Carlos Castano, the security forces made few arrests. A notable exception,

however, was the capture of Victor Carranza, a powerful Castano ally, on February 25 1998. Human rights groups reported that the civilian security agency that captured Carranza did not notify security force agencies beforehand for fear they would alert him. **[9b]** In July 1999, reportedly for the first time in Colombia's legal history, a public hearing was held against Carlos and Fidel Castano. The brothers are accused of theft and destruction of their own fingerprint records and identity documents from the Public Registrar's Office. **[15ae]**

The Prison System

4.40. A scandal broke out surrounding conditions in the country's largest prison. On 22 October 1999, Reuters ran a television story with accompanying text and pictures on life in El Modelo prison, showing the FARC prisoners running a separate regime along FARC field camp lines. The news feature led to the director of the prison being sacked immediately **[16ao, 16aq]**. The National Prisons Institute - INPEC - has recorded 203 murders inside jails between January and November 1999 **[16at]**.

4.41. Fabio Campo has been appointed the new head of INPEC, the National Prisons Institute. He replaces Laureano Villamizar, who has headed the agency for nine months **[17z]**.

4.42. On 28 April 2000, fighting broke out between paramilitary prisoners and common criminal prisoners in El Modelo prison, two months after a much touted non-aggression pact. 26 prisoners were killed in the riots. The prison was in April 2000 holding 5,000 prisoners in accommodation built for 1,800. **[17br]** The new prison in Valledupar should accommodate 1,600 prisoners and additional construction / modernisation programmes are under way.

Key Social Issues

Drugs Trade

4.43. The drugs industry, which had taken root in Colombia with the marijuana boom of the 1970s, remains a problem. **[11p]** By the end of the 1970s the cocaine production overtook marijuana cultivation, and by 1984 it was estimated that Colombia's cocaine magnates had an annual income of between 10,000 and 12,000 million US dollars **[6b]**.

4.44. The authorities arrested six prominent Cali cartel members during 1995. In February 1997 Congress approved legislation that would substantially increase the terms of imprisonment for drug traffickers and heads of criminal organisations. In November 1997 extradition legislation was adopted but it was not effective retroactively. **[3d]**

4.45. The cocaine industry has brought with it "...unprecedented violence and corruption" **[6b]**. Drugs cartels have been linked with right-wing paramilitary groups and have been implicated in a number of assassinations **[6a]**. "Narcoterrorism" and other drug related violence apparent in mainstream Colombian society seemed to have disappeared as the cartels have broken up, but incidents in November 1999 caused widespread concern. There was a car bomb attempt to assassinate a police chief in Bogota, on 11 November, at the same time as a car bomb in another part of Bogota killed six people and injured 43 **[16bm, 16bo, 16bp]**. The latter bombing gained worldwide attention. It held to be a worrying return to the "narco-terrorism" of the 1980s, and as the cartels' response to recent drugs arrests and proposed extraditions. The official response was swift: extradition proceedings to the US for Jaime Lara, an alleged heroin trafficker were cleared on the day. There have no further related incidents, and fears of a resurgence of drug related violence have been unfounded. **[16bo, 16bp]**. In June 2000, the Colombian Constitutional Court introduced further decisions that eased extraditions to the United States, with the allowance of the extradition of Orlando Garcia Cleves. **[17dn]**

4.46. In 1999, the drugs trade has expanded to a degree that has alarmed both the

Colombian and US governments. In 1999, Colombia exported 464 tons of cocaine. The trade is estimated to be worth \$46 billion in 1999 [17bl]. Of the \$46 billion, \$3.5 billion was repatriated to Colombia, rivalling the \$3.75 billion earned from exporting oil, and 2½ times the amount earned from coffee sales. [17bl] Other sources have put the earnings of the drugs trade at 2.3 percent of the gross GDP in 1998. [17ca] A glut in the supply of cocaine has fuelled the Colombian heroin industry, temporarily disrupted by the arrest of a key figure, Osvaldo Rico Delgado, who reportedly controlled the shipment of heroin to New York via the port of Arauca [17af].

4.47. Of particular concern is the way the drugs industry has infiltrated the political process. Corruption of officials is a constant accusation within Colombia, and public sector corruption, estimated by the Colombian government, costs Colombia nearly US \$4.4 billion each year [17ai]. The Attorney-General Edgardo Maya in March 2001 claimed that corruption was a greater problem than the guerrillas, and called for "administrative death" for corrupt officials.[18bh] The Colombian political system in March 2000 has been rocked by contracts scandals in the Congress, culminating in the resignation of the House Speaker. [17bl] The Canadian Immigration and Refugee Board have published a report of Colombian government measures regarding the drug trade, 1996-1998, including the tackling of involvement of officials, concluding that "narco-related corruption in all branches of the government continues to undermine counternarcotics effectiveness in Colombia". [20c] The rejection of \$3 million bribe offered to police by a drug dealer at the moment of arrest, in December 1999, has been cited as an example of the police's integrity [17d].

4.48. In turn, the military in November 1999, through the Military Forces Commander, General Fernando Tapias, has charged rebel groups with active involvement in the drugs trade. This charge came after a Nicaraguan official admitted arms for drugs charges [16bq]. FARC rejects the accusation that it lives on drugs money [17x]. Raul Reyes of FARC has said that FARC is committed to eradicating drug crops in its areas of control in 3 to 5 years, claiming that FARC has nothing to do with drugs traffickers. [11u,20c] However, outside analysts have put income from drugs (for all the guerrilla organisations, dated 1996) at US \$1.2 billion a year, as opposed to \$300 million from extortion and kidnapping. This figure has been disputed with Colombian government sources putting *total* guerrilla income from *all* sources at US\$ 1.16 billion in 1996. [20a] Evidence of guerrilla involvement in the drugs trade is overwhelming: one source reported a set of fees charged by guerrillas relating to drug trade protection [20a]. *Campesinos* from Putumayo Department have reported that FARC controls the sale of coca base in that area, with active smuggling by coca growers of base to other buyers in areas outside FARC control. [11u] (*see extortion 4.29.*) FARC has attempted to deflect criticism of its own involvement with the argument that the US ought to concentrate on home consumption of cocaine rather than Colombian production, and that peasant farmers are driven to produce coca as a cash crop rather than alternative cultivates by the US market. [17dp] To destroy crops, in FARC's rhetoric, would take "the food out of the peasants' mouths." [17dv] The Finance Minister, Juan Manual Santos, has argued that the US could assist by opening markets up to Colombian exports to assist in breaking coca production reliance. [18bc]

4.49. The growth outlined above (see 4.24.), and a CIA-estimated future capacity to produce 520 metric tons of cocaine, has prompted the US to offer military aid in terms of hardware and training to the Colombian armed forces. The US aid deal is worth \$1.5 billion over 3 years, and has hit a stalemate in the US Congress. Ostensibly, the money is to assist anti-drug programmes, but such a move has been criticised as being partial to the military, and thus by implication the paramilitaries [16d,16bn,16bs,23a]. (*see Security Forces - armed forces at 4.3, and Human rights - Security forces at A.33.*)

4.50. The main areas of drug cultivation are the southern departments, particularly Putumayo Department. A Colombian army estimate of coca cultivation is between 75,000 and 100,000 hectares. Most coca workers are campesinos, known as raspachinos ("scrapers"), harvesting the coca leaves to create coca base, further refined by "laboratories" into crystalline cocaine. **[11u]**

4.51. In the meanwhile, anti-drug operations have been increased, such as extending to include night-time raids of coca plantations and laboratories in February 2000 **[17ar]**. Substitution of illegal cultivates programmes have also begun in June 2000 under the auspices of the Agriculture Ministry. **[17dk]** Two years' campaign of spraying drug crops in Putumayo Department has apparently led to an increase in such crops and an influx of 120,000 people to neighbouring Narino, according to reports in the Colombian press in August 2000. **[17fj]**

4.52. The National Police also have extended protection to human rights workers and trade unionists who denounce drug trafficking activities. Such protection has included for example in June 1999, CCTV, armoured doors, bodyguards, and personal protection measures for 8 labour leaders who had received death threats. **[20g, 20h]** Such protection has sometimes been inadequate through difficulties in coordinating resources. **[20g]**.

4.53. The Human resources Directorate of the Ministry of the Interior has also contributed to protection efforts. By mid-1999, thirty persons at risk were linked to the security forces by pager, with other pager schemes in the pipelines. Bulletproof vests, security personnel, and 17 vehicles were also provided to people at risk. **[20r]**

4.54 The Colombian army claimed major achievements in the battle against drugs in January 2001 **[11bf]**, with major pushes in Guainia and Vichada departments near the Brazilian border. **[18ay]** Likewise, there have been operations in Caqueta department, with allegations that US civilian personnel subcontracted to fly aerial fumigation helicopters have also been involved in clashes with guerrilla units. **[11bh]**

4.55 Medellin is still held to be a city dominated by gang related violence, a legacy of Pablo Escobar's encouragement of violent gangs known as *sicario* ("assassins"). In year 2000, there were almost 4,000 violent deaths in a city of two million. There is reportedly a large gang war in operation as La Terraza, a notorious *sicario* gang is in a fight "to the death with its former paymaster, a feared right-wing paramilitary". **[11be]** The AUC claimed the murder of the leader and six gang members in August 2000. **[3h]**

Extortion

4.56. The guerrilla organisations are often quizzed as to their method of financing. One of the main documented methods is extortion. Colloquially known as *la vacuna* "the vaccine", it is also known as "protection" to FARC and "war tax" to ELN **[20a,20b]**. Foreign and large state companies such as the oil companies officially, on principle, do not pay protection money to guerrillas. They usually make their own security arrangements to supplement government protection. Some companies, particularly BP in 1997, have been criticised for the security firms that they have used, with allegations that there are links between such security outfits and the paramilitaries. **[20b,4g]**

4.57. FARC announced, in April 2000, a "peace tax", known as "law 002", on all businesses and multinationals with assets totalling more than \$1 million, and has vowed to kidnap anyone worth more than \$1 million if they do not "contribute". **[3h]** How an individual's worth is to be assessed or how much the "tax" is to be, has not been released by FARC. **[17bo,17bq]** The effect of the "tax" has been estimated possibly cost the country \$750 million a year in debt servicing, with \$250 lost through Colombia's credit risk perception deteriorating. **[17cd]** In application of "law 002", FARC blew up 64 head of cattle in September 2000 after farmers refused to pay the extortion. **[17he]**

4.58. The FARC also announced another "law" on 3 June 2000, designed to halt

administrative corruption. FARC will demand that those they hold responsible for misappropriation to pay a fine that will be calculated according to the sum and the gravity of the crime, as well as paying back the misappropriated sum in total. Impunity in corruption cases is held to be a "direct consequence of the mutual solidarity among the members of the politicking caste that governs the country." [17ct]

4.59. General extortion rackets have been uncovered, with blackmailers posing as guerrillas or paramilitaries.[11i] No reports could be found by the Canadian IRB in June 1999 of incidents where the victims of guerrilla extortion were perceived as guerrilla collaborators by virtue of paying the demands by the paramilitaries, the army or the police. [20i] The national prison service INPEC has reported in July 2000 that an extortion ring has been uncovered operating from within prisons. The leaders, both of paramilitary and rebel factions, used 105 mobile phones, 300 phone cards and telephone books to run the scheme from two prisons in the city of Ibagué, netting an estimated \$1 million. [17ev] In May 2000, the provincial and municipal government pension schemes were found to have been defrauded of 80 billion pesos, equivalent of tens of millions of US dollars by organised criminal gangs. [17cb]

Kidnapping

4.60. Colombia has been held recently (in September 2000) to have the highest incidence rate of kidnapping in the world. An estimated 2,000 people are taken for ransom each year. [11i] The extent of kidnapping is reflected in the types of kidnapping differentiated in the Colombian Penal Code: extortive kidnapping (*secuestro extorsivo*) in Article 268, simple kidnapping (*secuestro simple*) in Art. 269, punitive aggravating circumstances (*circunstancias de agravacion punitiva*) in Art. 270, and illegal confinement (*constreñimiento ilegal*) in Art. 276. The offences of torture (Art. 279) and hijacking of public transport (Art. 281) are also often directly applicable. Other offences including collusion to commit a crime (Art. 186); terrorism (Art.187); instigating a crime (Art. 188) and extortion (Art. 355) are often found to apply. [20s]

4.61. The National Police and a private organisation, the Free Country Foundation (*Fundacion Pais Libre*) separately promote safety awareness and precautionary measure for reducing the risk of being kidnapped. [20u] Since 1997, there have been reports on the growing business of "insurance against kidnapping": such insurance is not against the act of kidnapping, but can assist in a number of ways, including paying a ransom, and other aspects surrounding a typical kidnap. [20u]

4.62. The National Police and Armed Forces operate joint anti-kidnapping teams. Created in 1996, the Unified Action Groups for Personal Liberty or GAULAs are in turn co-ordinated by the Anti-kidnapping and Anti-extortion Directorate. As of July 1999, nine urban areas had GAULAs; and 15 rural GAULAs were undergoing reorganisation and training. [20u]

4.63. The National Police will undertake proceedings if a kidnap is reported to them. However, a number of families of victims will not report and / or negotiate directly with the kidnappers. It is not illegal not to report a kidnapping. Likewise, legally, a family may pay a ransom to kidnappers if they so wish: a 1993 law penalising such a move was declared unconstitutional and never enforced. [20s,20y]

4.64. Statistically, kidnapping is increasing. In the period January to June 1999, 1,475 people were kidnapped, a 27 percent increase year-on-year compared with January to June 1998. Of the 1,475 persons, 546 were released after ransoms were paid; 270 were rescued; 52 killed by kidnappers; 13 released by kidnappers after pressure from authorities; 29 escaped on their own; and 565 still captive by the end of the year. [20s]

4.65. All guerrilla groups continued to engage in hostage-taking for extortion or to press a political point. Police reported 2,600 abductions in 1998, a 30% increase. About half of the incidents were blamed on the guerrillas (FARC and ELN) and between a third and a

half on common criminals. In June 1999, 50,000 Colombians marched in Bogota to protest against the rising tide of kidnappings. In July 1999, at least 1,200 people were reportedly being held by the rebels awaiting ransom.[15w] By the end of 1999, 2,945 cases were reported in total, as opposed to the 1998 figure of 2,216, an increase of 30% again. Pais Libre attributed 1,985 to financial extortion, and 372 as being for political purposes. 728 attributed to FARC, 695 to ELN, 167 to EPL, 55 to other guerrillas, 300 to common criminals, 6 to family members of the victim, and 891 to unidentified kidnappers. [3e] For the period January to June 2000, out of a total of 1,750 people kidnapped, the Free Country Foundation (Fundacion Pais Libre) holds FARC to be responsible for 477 people and the ELN, 381 people kidnapped. [11ad] By February 2001, police figures corroborated by FPL registered 3,706 kidnappings in year 2000, an increase of about 18 percent on the 1999 figure; 280 linked to paramilitaries, 2,104 to the guerrillas, 371 by common criminals, and 944 to persons unknown. [3h]

4.66. Protest at kidnapping in general was a key protest issue in the *No Mas* (No More) marches of 24 October 1999, attracting over 5 million people. [16am,16an] Similar protests, but attracting less support, were held on 10 September 2000, ahead of the full implementation of Plan Colombia. They involved over 2000 civic groups, and the main march was attended by Horacio Serpa, the Liberal party leader, and Navarro Wolff, the former M-19 rebel group leader. [11o] The latest protests may have been fuelled by two events that horrified the nation: the use of a "necklace bomb" in a botched extortion attempt [17cg,17ci,17ck] and the death of six children caught in crossfire [17fx,17gl]

4.67. Abduction is used for political purposes and gestures. The ELN in particular has used spectacular kidnaps. On 21 April 1999, ELN commandos hijacked a commercial airliner and kidnapped its 41 passengers and crew, all have been released by the end of 2000, though one victim died from the want of medical treatment. [3h] On 30 May, ELN fighters abducted more than 140 people from a church in Cali.[15q] The practice has continued throughout year 2000, with a mass kidnap of 40 tourists between Beuna Ventura and Cali on the 17 September 2000. The Free Country Foundation, has claimed the ELN to be responsible for 381 kidnappings in the period January to June 2000. [11ad]

4.68. A practice developed by the ELN in particular is that of *pesca milagrosa* ("bountiful catch" or "good fishing") whereby a roadblock is set up on a highway, and the kidnappers choose their victims from the resulting build-up of traffic. [20s]

4.69. Also in May, Amnesty International reported the abduction in Medellin of Piedad Cordoba de Castro, Liberal Party Senator and president of the Senate's Human Rights Commission (later released unharmed). Carlos Castano, leader of the United Self-Defence Forces, claimed responsibility for the abduction and demanded that AUC be granted political recognition and a direct role in the forthcoming peace talks.[4f]

4.70. Reports of April 1999 indicate that the kidnapping industry is "growing in sophistication": "small-time kidnappers have begun to free-lance, selling their captives to larger, better-funded groups, often guerrillas, with the ability to extort larger ransoms".[20s] Conversely, guerrilla groups will sub-contract the task of kidnapping to common criminal groups. These groups are sometimes known as "para-guerrilla" (*grupo paraguerrillero*) [20s,20x,3h]

4.71. Increasingly, children are being targeted for kidnap for ransom. By the end of 2000, an estimated 164 minors were held as kidnap victims, Pais Libre having recorded 126 children kidnapped in the period January to June 2000. [3h,11r] The case of a five-year-old boy attracted media attention between July and October 2000. The child was rescued by an anti-kidnapping squad in mid-October, and seven members of FARC arrested. [11aj,17ix] 48 children were rescued by the end of 2000. [3h]

4.72. FARC has denied that it uses the DMZ as a base for holding kidnap victims.

[17dx,17ea] It does however hold captured members of the security forces, and in October 2000, released video footage of over 250 prisoners, of an estimated total of 400 such prisoners captured over the past three years. Prisoner swaps are often brought up by FARC at the negotiating table, but refused as an issue by the government. The government has put forward the idea of an "amnesty" for FARC members in turn for releases of the captured security personnel. **[11ah,11ak, 17hy,17ir]** The Army alleges that FARC has been moving all sorts of prisoners into the DMZ. **[17hm]**

4.73. The paramilitaries are also known to kidnap for bargaining purposes. On 23 June 2000, the AUC released Guillermo Leon Valencia Cosso, the brother of one of the government's chief negotiators in the FARC / government peace talks. Held for two days, he was released as "a gesture of the AUC's willingness to work for peace". Castano of the AUC had ordered the kidnapping because of the alleged "accommodating" attitude of Fabio Valencia Cossio, the negotiator, in insisting that military authorities did not label FARC as "narcotraffickers". **[17dm]** The AUC mainly abduct with a view to executing the abducted, as in the case of 13 October 2000 near Medellin. **[3h,11am,11an, 17iz]**

4.74. Foreign workers are attractive to kidnappers on the expectation that a foreign multinational can be charged a higher ransom fee. **[3h]** Oil workers have allegedly been kidnapped by Colombian guerrillas in Ecuador and flown over to Colombia for "safe-keeping". **[11al]** In September 2000, the kidnapping of a Russian and a Lithuanian, employed as oil engineers, led to national media attention, with the focus on whether FARC was holding the abducted in the DMZ. **[17hg]** The oil industry has been further hit with the kidnapping of 92 Occidental Petroleum Corp on 16 April 2001. **[18bs]**

5. HUMAN RIGHTS

5A. Human Rights: Introduction

i) General assessment

A.1 The Constitution specifically prohibits discrimination based on race, sex, religion, disability, language, or social status. In practice, however, many of these provisions are not enforced. The US State Department Report for 1998 reported however, that the "social cleansing" of street children, prostitutes, homosexuals and others deemed to be socially undesirable continued to be a serious problem in that year. The Report for 2000 also mentions "social cleansing" with estimates given between 279 [NIFM] (for the first six months of 1999) to 182 [CINEP] (for the first nine months of 1999). According to the National Institute for Forensic Medicine, such killings occurred with greatest frequency in Bogota and the departments of Magdalena and Antioquia. Most of these incidents were attributed in 1997 to police or paramilitary groups; modified to unknown social cleansing groups in 1999. CINEP (Centre for Research and Popular Education) attributed 2 social cleansing murders and one injury to police; other cases were not reported. **[12f,3e]**

A.2. The statistics of murder in Colombia in 2000 have made Colombia's murder rate one of the highest in Latin America, with police figures (DIJIN) for 2000 showing a total of 25,660 murders, as opposed to 24,081 in 1999, and 23,096 in 1998. This continues a jump after a decade of year-on-year decrease in the murder rate. **[3h]** There are differing official figures for massacres given by Colombian government sources for year 2000: 235 massacres (3 people or more) resulting in 1,073 deaths in the period January-June, according to the Human Rights Ombudsman's Office (as opposed to 1,863 fatalities in 1999, which in turn was a 40 percent increase on 1998; 216

massacres (4 people or more) resulting in 1,286 deaths in the period January-December, according to the Central Directorate of the Judicial Police (DIJIN). **[3h]** A year 2000 police report classifies as being the result of "massacres", defining a massacre as a killing involving three or more fatalities. There had been a 40% increase on the 1998 figure of such massacres, totalling 402 incidents in 1999. The civil conflict in 1999 claimed 975 combatants, in whom 686 guerrillas (of which 419 were held to be FARC members), 263 soldiers and 26 paramilitaries were killed. **[11h,11j]** A Government report released on 4 February 2001 blamed 80 percent of reported human rights abuses on the guerrilla forces, killing 1,074 civilians and kidnapping 1,625 others in year 2000. They staged 783 "acts of terrorism". **[18ag]** Antioquia is the department most affected, and the AUC held to be the main perpetrators. **[17dh (for January to May 2000 figures),17gw]** An army report of July 2000 states that 168 towns, (147 settlements according to the Vice-President's Office) have been attacked by guerrillas in the previous 18 months, and that they had planted landmines that have killed 253 and injured 812 people to July 2000. **[17ed]** Violence and instability in rural areas displaced 288,000 people in 1999 (as opposed to 308,000 in 1998) according to CODHES figures. **[3d]** The official government figures for year 2000 break down the murders by type, attributing 30 percent to common criminal activity, 25 percent to organised crime, 25 percent to the equivalent of bar room fights, and 13 percent to guerrilla subversion. **[17gl]**

A.3. With such a background of violence, high levels of extrajudicial killings and forced disappearances have been attributed to government forces, paramilitary groups and guerrillas. Reports by non-government organisations (NGO's) suggest that the police and armed forces have been responsible for serious human rights abuses, including activity in paramilitary death squads, and have been implicated in the torture and beating of detainees **[3a]** Both the guerrillas and the paramilitaries contravene international humanitarian law (rules of war), targeting civilian populations and installations; using landmines and children as human mine detectors; attacks on ambulances with executions of patients, misuse of ICRC symbols, and raiding and looting hospitals; coup de grace executions and torture; and insidious, unusual weapons and tactics, such as sulphuric acid gas canister bombs and attaching grenades to the collars of dogs **[3e]**.

ii) Paramilitary, Guerrilla and other groups

FARC

(See Annex B, section 4 for group details)

A.4. In the US State Department Report for 1999, active fighters for all the guerrilla movements total about 11,000 to 17,000, figures repeated in the year 2000 report. **[3e,3h]** In some sources, FARC membership is now given as between 17,000 and 20,000 active members **[16bg,23f, 28b]** A Colombian army report of February 2001 puts the number at 21,000 rebels in total, 16,492 in FARC and 4,500 in the ELN. **[18aj]** Most sources agree that FARC is made up of cadres known as fronts, with the number of fronts (in 1996) in the main estimated at 60, with one source going as high as 100, comprising 10,000 fighters at arms (1996) **[3e,20f]** Reports in 2001 tend towards a figure of 120 fronts in total across all the guerrilla groups. **[3h,18aj]** An example of such a front is "24 de Julio" set up in Norte de Santander, purportedly, in response to AUC atrocities on 23 May 1999 in the area. **[16aa]**

A.5. The question of how much control the guerrilla organisations have over the country is difficult to answer, according to one source, depending on definitions sliding between "control", "influence", "activity" and "presence". Thus the statement that "FARC controls 40% of the country" are hard to gauge. However, most activity takes place in the Departments of Cesar, Putumayo, Antioquia, Cauca and Choco **[20f]** and with a

presence in Tolima [20e]. In August 2000, the Defence Minister Luis Fernando Ramirez dismissed the notion of 40 percent control of the country by FARC as "such reports are virtually always fuelled by biased reporting". [17gv] The US State Department report for 2000 mentions rebel groups have "initiated armed action in nearly 1,000 of the country's 1,085 municipalities during the year. [3h]

A.6. In August 2000, public support for the rebel groups combined, according to two public polls, was held to stand at 6 percent of the population, though public support may be higher or lower in localised areas depending on guerrilla intimidation and integration. [17fa]

A.7. One source has reported FARC deserters claiming that foreign trainers have been used by FARC in their military training camps. The nationalities of the trainers were not revealed. The deserters had given themselves up to the army recently because of "mistreatment" by their FARC commanders [17am].

A.8. The Colombian Institute for Family welfare has estimated (in February 2000) that there are around 3,000 minors still active in Colombia's insurgent organisations, with 2,000 under arms [17ah]. The army has estimated 4,000 minors involved [17w]. The head of FARC, Manuel Marulanda, has stated that FARC will continue to recruit minors over the age of 15 years [17w].

A.9. After three Americans were abducted and murdered in March 1999, the kidnapping seemed to highlight tensions between FARC cadres and FARC high command. On 27 October 1999. FARC leadership announced the murders were an "immense mistake" and would identify and execute the killers amongst its own ranks [16as]. FARC performed a mock trial of the squad who killed three US nationals in 1999. (see section A.9 above) [17jt] Alfonso Cano, widely regarded as the head of FARC's political wing, insisted there were no splits in the ranks, though the head of the military ring, Jorge Briceno, has re-emerged as a prominent figure [16bg]. Before the peace talks on 24 October, the FARC held a number of media interviews, mainly through its spokesperson Raul Reyes, a leading light in the peace talks themselves. FARC reiterated its basic ideology in these interviews and gave a guarded welcome to the peace process [16ae,16bg,16al].

A.10. One of the major points of friction throughout the peace talks were over FARC's status as a "belligerent" organisation. "Belligerence" is seen as an important concept. If accepted, as FARC wishes, then the rebels (with FARC as leading organisation) represents the "true" opposition to a "corrupt" political system [16al]. Otherwise, as the government wishes, the rebels are beyond the political process, and effectively criminal organisations. The issue of belligerent status was most recently raised in a proposal by the former president Alfonso Lopez Michelsen in October 1999. [8d] The High Peace Commissioner, Victor G Ricardo, immediately rejected any notion of belligerency being applicable. [16ak]. In May 2000, the FARC continued to press, claiming that they were not asking for recognition of this status but had already "won (it) in combat". When asked to about territorial control, FARC answered that they controlled "All of Colombia. This is not a matter of having a territory where the government's military forces do not enter, but of maintaining our presence in an area for a certain amount of time." [17cq]

A.11. In 1996, FARC was known to have an urban support network known as *Milicias Bolivarianas*, estimated to number 1,200 members, and reaching into the Bogota barrios, set up in 1987. [20f]. Other reports talk of urban militias (*milicias urbanas*) as groups of un-uniformed guerrillas operating from or within a city. [20t] A 1999 report on urban militias has reasoned that these groups have ceased being just purely logistical support groups, but have increasingly become self-financing, militarily semi-autonomous groups present in many of the major cities. Also referred to as "urban cells" (*celulas urbanas*), they blend in with the local inhabitants who in turn do not identify

them for fear of reprisal. [20t]

A.12. One source described FARC fronts as being highly autonomous and self-financing, with the large rural fronts as mobile units protecting commanders and carrying out the main attacks, and the smaller urban units "carry out smaller actions that 'contribute to blur the distinction between political and criminal violence'". [20f] *Further information on guerrilla financing above at Extortion, 4.29 Kidnapping 4.31, and The Drugs Trade, 4.21.*

A.13. A July 2000 National Police report claims that the secretariat of FARC has lost control over its guerrilla fronts. [17el]

A.14. The Colombian government forces, through the National Planning and Inter-Institutional Committee to Struggle Against the Finances of Subversion, have estimated that FARC received 352.161 billion pesos from drug trafficking, extortion and kidnapping in 1999. Between 1991 and 1998, the combined income of ELN and FARC was held to be 5,670 trillion pesos (\$3.4 billion). [17bq]

A.15. On 15 February, FARC was asked by the main trade union confederations not to block the Panamanian highway [17ao].

A.16 FARC has been accused of using cruel and unusual weapons, mainly directed at civilians, namely the use of gas cylinder bombs. [3h] FARC has issued contradictory messages on the issue: on 12 February, Jorge Briceno / Mono Jojoy said that FARC regretted the use of gas cylinder bombs, and would "use these cylinders only against the armed forces" [18am] contrasted with the breaking of the pledge 11 days later in San Antonio, south Tolima [18aw] and the threat of their use by FARC around Barrancabermeja in March 2001.[18bj] Likewise, the Colombian army has found in February 2001 the deployment of a new type of "radio" bomb, a system for detonating bombs by remotely and without time limits by linking to FM or AM radio signals and pre-recorded channels with a specific volume. [18aq]

A.17 FARC, in February 2001, has denied involvement in the murder of the congressman Diego Turbay Cote, or planning to attack the journalist Claudia Gurisatti. [18ba] Turbay was killed on 29 December 2000 and plunged FARC / government negotiations to a further low. [3h]

Demilitarized Zone around San Vicente del Caguan

A.18. Talks on the 24 October 1999 were staged in the demilitarised zone set up in November 1998, around San Vicente del Caguan, with initial talks begun in January 1999. The zone is effectively now given over to FARC control. [16x,16ba].

A.19. FARC has been accused of abusing the demilitarisation zone. There has been killing, rape, alleged cases of forced disappearance, arbitrary detention, denial of free speech and fair trials, forced political indoctrination, and the forced recruitment of children. Two priests have left under pressure. [3e] At other times, through other spokesmen, FARC has claimed that the DMZ has only been used for the purposes of meeting with the Government. [17eu]

A.20. The DMZ has great publicity value for the FARC. It has from the beginning been a meeting place between journalists and the FARC. It is set up to deliver a number of key messages: that members are young, keen, idealistic and not coerced into active service [5i,5k]; that life is relatively peaceable under FARC control - with emphasis upon community patrolling and the disciplined lifestyle of the FARC members [5i,5k,17ey]; and that popular support for the cause abounds. [5k]

A.21. The Colombian Catholic Church has proposed international verification of FARC's involvement in the DMZ, claiming kidnap victims were being held in the DMZ. The bishops also claimed many stolen vehicles were taken to the DMZ. [17dx] FARC has denied that the DMZ is a hostage repository, and dismissed the proposal of international verification. [17dx,17dy,17ea] The Human Rights Ombudsman Jose Fernando Castro

has criticised FARC for being obstructive in monitoring human rights within the DMZ, with FARC branding the Office "an enemy of peace". [17eo] Castro further condemned the disappearances of seven people including a baby within the zone. [17ex]

A.22. A police report has concluded in July 2000, that FARC are aiming to expand the DMZ through military action. FARC has launched 45 actions within 24 outlying municipalities, forcing the National Police to withdraw permanently from 10 towns. The report claims the rebels are working towards "liberating" a corridor between the DMZ, via Huila, Tolima, along the Cauca and Valle borders, to the sea, to facilitate drug and arms trafficking. [17ek]

A.23. FARC has stated publicly that all people between 13 and 60 in the zone are liable for military service for the guerrillas. [3e] Orders have gone out to various commanders to increase the number of squads throughout the country at all costs in order to combat Plan Colombia, including within the DMZ. [17eu] Sources also report that FARC is widening its recruitment base to all available campesinos and indigenous peoples in Putumayo and Caqueta Departments. [17fw] Families fleeing the DMZ have reported that they were asked to surrender children to FARC upon their fourteenth birthday. [3h]

A.24. The system of justice within the DMZ has been filled by FARC's Office of Grievances and Complaints. The Office deals with 50 to 100 cases a day, mainly dealing with land disputes or separation of assets, collecting debts and resolving murders. Local residents interviewed visiting the Office have claimed that the local murder rate has plunged since FARC's involvement in local peace-keeping. [17ey]

A.25. In the wake of murders in the DMZ, the civil authorities and FARC agreed on 9 June 2000 to increase patrols together, to examine documentation of all vehicles entering the DMZ, and ask the community to respect the need for greater security measures in the DMZ. [17cz]

A.26. The army has claimed that most of the FARC key commanders are now in the DMZ, hence relatively few arrests of FARC commanders in 2000; that 34 commanders have been captured outside the DMZ previously. [17bx] One commander, Adan Izquierdo, died "accidentally" when he "shot himself while cleaning his rifle" in late August, in the DMZ, according to FARC. [17gq]

A.27. The deadline of the DMZ was originally set for the 7 June 2000. On the 6 June 2000, the High Peace Commissioner Camilo Gomez announced that the government had not yet decided to extend, but that an extension was likely. The commissioner believed that the zone had positively advanced dialogue with FARC. [17cu] It was duly extended. [17cx] On 2 August 2000, the Commissioner again defended the DMZ as a valuable meeting place. [17fe] The government insisted on 29 August 2000 that it was still "in control" of the DMZ - "The national constitution continues to be upheld in the DMZ. Mayors continue to exist there, as do councillors, Colombian law and the Colombian constitution." [17gv]

A.28. The Army again repeated that FARC was recruiting children as guerrillas. The Army has caught youngsters aged as young as eleven in guerrilla columns, though FARC says they don't recruit anyone under the age of fifteen. [11ax] The Army on 14 November 2000 claimed to have forced a FARC retreat in Putumayo. [17jp] A loss of support in Putumayo for FARC was also claimed. [17jq]

A.29. Drug gang arrests in November 2000 have led to renewed allegations that FARC is actively involved in drug trafficking. The Mexican authorities on 3 December announced that they had arrested Dr Carlos Ariel Charry Guzman, an alleged go-between in drugs and arms shipments between Mexican drugs gangs and FARC. [11ay]

A.30. Town of Villavicencio, just outside the DMZ, has been the scene of conflict between FARC and the government. On 19 September 1999, the mayor of Vista

Hermosa, Marco Emilio Londono, was assassinated in the town. In January 2000, FARC attempted to erect roadblocks, the army intervened, and in the ensuing battle, 50 persons were killed, of whom 40 were FARC rebels. [20ae]

A.30. Throughout 1999, the AUC was alleged to have made incursions into the DMZ. [20ae]

ELN

(See Annex A, section 4 for group details)

A.31. In October 1999, the Military Forces Commander, General Fernando Tapias, rejected the idea of releasing the ELN commander, Luis Gerardo Bermudez, alias "Francisco Galan". The release of Galan was an ENL precondition to peace talks, and until February 2000, the release of prisoners as a precondition was thought to rule out peace talks. [16t] The High Peace Commissioner Victor G. Ricardo announced on 2 November that talks had been achieved between ELN and the Government in Cuba on 30/31 October. The ELN were prepared to continue releasing more hostages [16zz] The group announced on 15 November that it was now prepared to enter talks in December 1999, after 18 months of preparatory contact [16bx]. The High Commissioner in the same interview said that EPL negotiations were making progress, working towards an agreed agenda.[16zz]

A.32. The ELN has continued bombing electricity pylons in protest at the privatisation of ISAGEN, the state-owned power generating company [17ae,20d,20f]. It has extended its demands to include the preferred setting of the DMZ [17v]. ELN is also held to be responsible for the Cano Limon pipeline being bombed a record 79 times in 1999 [17j]. On 3 January 2000, ELN shot four people dead.[17i] Further ELN / FARC bombings of electricity pylons have occurred in Narino and Putumayo Departments in August 2000. From February 1999 to August 2000, 397 pylons have been blown up. [17fz] On 1 March 2001, pylon bombings caused a five hour power cut in eight of the 32 provinces and in two major cities. The ELN were suspected. [18bb]

A.33. In December 1999, a joint communique was issued refuting feuding between ELN and FARC [17k] On 15 February 2000, Nicolas Rodriguez Bautista, alias "Gabino" called upon the government to include ELN within the FARC talks through the process of creating a National Constituent Assembly [17ap] FARC and ELN were known previously in the 1980s to coordinate activities through the umbrella body the Coordinadora Guerrilla Simon Bolivar (CGSB), but rarely coordinate activities nowadays. [20f]

A.34. Reports of August 2000 indicate that inter-rebel co-operation is very localised, and that there are often conflicts between the different movements. In early August 2000, the area around Barrancabermeja, Santander Department was caught up in an intensified battle for control. [17fh] Barrancabermeja has a history of being fought over, being at the centre of the Colombian oil industry, in a wide valley of prime coca land and other natural resources, and also in a remote, relatively inaccessible part of the country. [3d,14m,11s] CREDHOS, the regional human rights organisation, claims there is a high level of impunity, with only 10 out of 300 murder cases proceeding to trial this year. Barrancabermeja combat is typified by "sicarios" (killers for hire) contracted by paramilitaries and guerrillas to assassinate suspected enemies. The pattern of co-opting criminal gangs is repeated in other urban areas. [17fn] However, many of those killed are ordinary citizens. The city, total population of 250,000, is further divided as 18,000 of the population of the city live in guerrilla-controlled "comunas", such as the slum district of Maria Eugenia, on the outskirts. The residents of these areas risk being labelled as a "sapo" (frog) or informer if they cooperate with the authorities. [11s] The comunas are out of the reach of the police and the armed forces, except in exceptional

shows of force. Further, the population discredits the government forces after the 1993-1994 massacres [3d] and the paramilitary atrocity of 30 murdered in 1998 [14m]. The *comunas* are patrolled by the *milicianos*, guerrilla based plain-clothes militias. [11s] Some of the *milicianos* are FARC based, others ELN based and the EPL also has its own areas and patrols. In the clashing of these patrols circa 1 August, the ELN / EPL claim FARC killed 8 ELN rebels and captured 32 others. [17fh]

A.35 The level of violence has increased in Barrancabermeja in 2001. 50 murders were recorded in the city in January alone. [11az,18k] The city is currently a battleground between the ELN and the paramilitary umbrella group, the AUC, since the AUC lead a campaign in the summer of year 2000 to clear the *comunas*. Two dominant figures have emerged, Commandante Julian, the AUC's second-in-command, and Commandante Jorge, of the ELN urban network. The prime AUC tactic has been to buy guerrillas over to their side. [11az] The government has deployed a unit of urban special forces into the city. Police patrols are attacked. [11az,18c] The local populace, led by the city mayor, have disagreed with police and military measures to restore public order, arguing for more social investment rather than increased security forces' presence. [18e] The city, near the fringes of the proposed ELN DMZ, is all the more strategically important for the ELN, and so correspondingly for their opponents. Prominent figures in Barrancabermeja have complained that the government has not permitted sufficient consultation in the city on the DMZ, as opposed to seeking the views of Bucaramanga, another city in the vicinity of the DMZ. [18i] Likewise members of human rights organisations such as Peace Brigades International (PBI) and the Popular Women's Organisation (OFP) have claimed to have been targeted by paramilitaries in Barrancabermeja in February 2001. The paramilitaries accuse such organisations of being guerrilla front organisations. Representatives of these organisations state that in situations such as Barrancabermeja, no organisation is recognised by the warring factions as neutral. [18ak]

A.36. While clashes were occurring on a local level between the ELN and FARC, the ELN leadership sent out many invitations to different groups for its national convention, set for the 15 July 2000, within northern Bolivar. The Liberal party was invited, on the grounds that the opposition "has been excluded from the (peace) process. We propose that more participative peace must be built, that it is less exclusive and, along this line of thinking, different views from the party must be heard." [17df] FARC was invited, with Antonio Garcia, ELN second in command, dismissing ELN / FARC clashes as "it is like a family with brothers and sisters who despite having the same parents and the same background, have problems and difficulties." [17dg] Newspaper speculation on the FARC invitation centres around the ELN wishing to know more about the operation of a DMZ. [17di] In the area of Barrancabermeja, FARC declared in March 2001 that it intended to wage a "very intense" war against paramilitary groups in conjunction with the ELN. The new FARC tactic of using domestic gas canisters will be deployed "if the public force continues to shamelessly support paramilitary groups" with FARC and ELN "completely united with regard to this issue". [18bj]

A.37. On 26 July 2000, reports emerged of ELN reverses at the hands of the AUC in the San Lucas mountain range in Bolivar Department. The ELN central command (Coce) let it be known that the clashes had endangered Coce itself. The ELN claimed the situation was "very serious" as there had been undertakings that military operations would cease. [17er]

A.38. The Canadian IRB produced a report on the ELN in Decemberr 1999, published September 2000. Most points are covered within the CIPU Colombia Assessment (see above). One new point is that the ELN have only offered two concessions in discussions with the government, to be delivered upon the setting up of a DMZ. First is

labelled "the humanisation of the war", whereby the ELN will exclude women, children and old people as targets of kidnapping. Secondly, the ELN will desist in blowing up oil pipelines, on the condition that a national oil forum is set up, with representation of the oil workers unions. Up to December 1999, there were no reports of the government having set up an oil forum. [20ad]

A.39. On 6 January 2001, it was reported that the ELN had threatened the forcible displacement of 1,1000 campesinos along the Bogota-Medellin road, apparently in retaliation for a similar threat by the AUC. [18b]

The ELN Demilitarized Zone (DMZ)

A.40. However, according to the Interior Minister Nestor Humberto Martinez, the government and the ELN reached a secret agreement on 22 December 1999 to commence talks in an established demilitarized zone (DMZ) akin to the FARC zone around San Vicente del Caguan. On 14 February 2000, Martinez attributed an early breakdown of the December accord to dissension within the ELN leadership, and urged ELN to take up the proposal again. [17an]

A.42. By 7 January 2000, ELN was insisting on an area of southern Bolivar as a DMZ, with widespread protests from the community leaders in those areas.[17g] The areas proposed are an ELN stronghold, and an area where the ELN are holding hostages from a plane hijack committed in April 1999. [17h] The ELN released a hostage from the plane hijack on 26 July 2000, but at that point still had four hostages remaining. [17ew] The AUC were also in agreement that the ELN have a DMZ. [17cr]

A.43. In early February 2000, the ELN staged the largest highway hostage crisis on the Bogota - Medellin highway, trapping over 1,200 people, and creating chaos for four days [17ae]. Afterwards, the government said it had proceeded to increase security on roads [17aj]. On 14 February, opposition to an ELN DMZ culminated in a road block protest by local people. The action lasted until 19 February, when the locals and the government agreed on "zone of coexistence" [17aq]. The government agreed in June 2000 that there would be full public consultation before the government entered into talks with the ELN. [17cs] There are two main opposition protest groups identified in the US State Department report for 2000 - Asocipaz and the "No to the Despeje" Committee. [3h]

A.44. By 20 April 2000, the government and the ELN agreed on the three municipalities of Yondo, Antioquia Department; San Pablo, southern Bolivar Department; and Cantagallo, southern Bolivar Department as a DMZ. [17bn]. The details of the DMZ have been settled as 4,727 square kilometres excluding the Magdalena River from the area. Two committees will verify respectful treatment of the civilian population; one made up of government and rebel representatives, and the other an international committee. Assurances of protection from the paramilitaries were given. [17bt]

A.45. The ELN and the government entered into talks on 24 July 2000 in Geneva, which reiterated the government's recognition of the ELN and reopened discussion of the proposed DMZ. The talks were held to be disappointing, as there was no agreement on a cease-fire, release of kidnap victims, or human rights monitoring. The concurrent difficulties faced by the ELN at the hands of the AUC (see below at A.xx) were held to have distracted the ELN negotiators. [17ep,17es,17et]

A.46. In mid-October 2000, the ELN met the government and NGOs in San Jose, Costa Rica, to discuss solutions (FARC had also been invited, but declined to attend). [3h] In January 2001, the establishment of a ELN DMZ came a step closer with the ELN's release of Cesar Augusto Duran Abello, a Cesar department police commander and the government's approval of the terms of a pre-agreement of a meeting zone drafted jointly in December 2000 in Cuba. [18f,18g] Paramilitary groups engineered road blocks in response to the government releasing details about the pre-agreement. [18h,18x] Local

residents of the proposed zone have also expressed concern. [18l,18x,18af] About 12,000 citizens from the affected area protested in demonstrations recently, stated a news report dated 4 February.[18af]

A.47. The town of San Pablo is the key community within the designated zone. Local commentators are convinced that the local populace is equally fearful of the ELN and the paramilitaries. [18bd] On 7 March, the Peace commissioner, Camilo Gomez, announced a "positive" meeting between the ELN, the government and observer countries, discussing "different aspects of the regulation of observation". [18bi,18bk] On the 10 March, there was a temporary suspension by the ELN in protest at an army offensive in southern Bolivar. [18bl]

EPL

(See Annex B, section 4 for group details)

A.48. Luis Alberto Barrios, alias "Caliche", second in command of the EPL was arrested on 20 January 2000. The EPL is the smallest of the guerrilla organisations with no more than 500 members in 1999. [17u,11j] Indications are that the EPL may no longer be operating as a separate organisation. One of the key figures of the AUC had roots in the EPL up and until the early 1990s. [8c]

The Paramilitaries

(See Annex B, section 4 for group details)

A.49. Paramilitary groups emerged in the main in the early 1980s. Although some paramilitary groups reflect rural residents' desire to organise solely for self-defence, others are vigilante organisations, and others are actually the paid private armies of narcotics traffickers or large landowners. There is a pre-eminent paramilitary umbrella organisation, the AUC, whose membership totals approximately 5,000 to 7,000 armed members, divided into 7 main organisations. The largest is the ACCU, operating in Cordoba and Antioquia departments. The AUC has its own force of as many as 4000 combatants. Carlos Castano heads both the AUC and the ACCU. [3e,11m] One source has claimed that paramilitary groups can and are operating on a national level, and identifies the departments of Meta, Choco, Norte de Santander, and Putumayo as the main locations of conflict with FARC. [11b] An example of such conflict is the execution by FARC of 20 alleged AUC members in Meta, in October 2000. [11ai,17it] It has been estimated that in 1999 there are about 3000 minors involved in the paramilitary organisations, mainly used for intelligence work [17ah]. Reports in 2001 have tended towards 8,150 paramilitaries in AUC control. [3h,18aj]

A.50. The paramilitaries have been reported as basing their actions on selective killings, intimidation and the forced displacement of persons not directly involved in the hostilities. They have targeted teachers, labour leaders, community activists, mayors, town council members and peasants whom they accused of supporting the leftist guerrillas. [3d,3e,12a]

A.51. Guerrilla groups and paramilitary groups continued to be responsible for numerous killings in 1998. Although it is difficult to confirm, the Data Bank run by CINEP and the Intercongregational Commission of Justice and Peace, human rights groups, reported that 619 people were killed for political reasons in the first six months of 1998. In cases where a perpetrator was suspected, 73 percent of these killings were attributed to paramilitaries, 17 percent to guerrillas, and 10 percent to state agents. These figures did not include combatants killed in action. [9bb] In June 2000, the police commander of Valle del Cauca Department stated that the presence of paramilitary groups had significantly increased the amount of violence in the Department. [17da]

A.52. It was reported that in the first eight months of 1998 paramilitaries were linked to most of the massacres committed, meaning the killing of four or more people at the

same place and at the same time. In many cases, bodies were dismembered, decapitated and mutilated with machetes, chain saw and acid. **[9b]** In 1999, the Human Rights Ombudsman attributed 153 massacres to paramilitary forces, comprising 889 victims.**[3e]** Recent examples include a bomb that killed 5 people in Cali on 3 February 2000. **[17aa]** Other paramilitary killings have included 26 killed in La Loma, Antioquia and 7 in Northern Cesar on 18 January **[17o]**.

A.53. Paramilitary groups continued to target and kill judicial and criminal investigative employees for their efforts to enforce the rule of law. The number of killings of Prosecutor-General's office employees during the last 2 years was 30 and in the Medellin office alone, 7 were killed between January and June 1998. **[3d]**

A.54. Paramilitaries have often been alleged to wear regular army uniforms; and such is still being reported in 1999, as in one report of paramilitary killings in Guadalupe, Huila Department. The gunmen were hooded and wore black paramilitary armbands.**[23c]** (See section A.33 on allegations of paramilitary / army collaboration)

A.55. The paramilitaries have wished to be involved in the peace talks between the Government and FARC. Hence the paramilitaries agreed to a Christmas cease-fire in December 1998 (after a wave of violence in November 1998) whilst the main guerrilla group, FARC, refused to join in as it claimed that the government had not fulfilled its promise to demilitarise the five municipalities in the south. However, immediately after the Christmas ceasefire there was a resurgence of paramilitary terror. At least 120 people accused of being left-wing sympathisers were reported to have been murdered by hooded vigilantes calling themselves the Self-Defence Force of Colombia. The group blamed the violence as its response to being "left out" of the peace negotiations under way between FARC and the Government. The attacks began on 7 January, the day the left-wing rebels initiated peace talks with the government to end the country's 40-year civil war. **[14ak,14al,15h]**

A.56. In response to this attack, the Colombian government issued a communique in which it announced new measures against the paramilitaries, including the creation of an intelligence service tasked with compiling information that will lead to the capture of prominent members and ultimately the disintegration of the groups.**[15i]** There was also pressure on the Colombian government from US human rights organisations and US congressmen. **[15j]** Action emerged on 7 March 1999 when an army helicopter crashed in dense fog as the army hunted for the mountain stronghold of the AUC. Army sources said that at least two army brigades were involved, while another three were trying to encircle territory controlled by another paramilitary leader, Ramon Isaza, in Colombia's Central Middle Magdalena region. **[15k]**

A.57. In January 1999 the region of Armenia was hit by an earthquake which claimed the lives of at least 920 people. During the ensuing chaos the paramilitary squads took advantage of the situation to step up their activities. The AUC, the most powerful death squad, claimed responsibility for the kidnapping of four human rights workers whom they accused of being subversives who sympathised with the guerrillas. The kidnapping was followed by the murder of two workers for the Committee of Solidarity with Political Prisoners (CSPP), who were forced from a bus in Antioquia and shot by the roadside. **[15b,15d]**

A.58. Further demands emerged when the AUC announced in an open letter to the President sent in October 1999, that they would disband if the rebels (mainly the ELN) stopped setting up kidnapping checkpoints **[16af, 16ar]** The Government welcomed the move but were sceptical **[16af]**. Likewise in February 2000 the paramilitaries have threatened the ELN over further pylon bombings: the ACCU killed 10 people on 21 January in northwest Antioquia and said it would kill ten "rebel collaborators" in response to every time the ELN bomb an electricity pylon or other power facility **[17t]**

A.59. In early July 1999, in a show of strength in the run-up to peace talks (which in the event were postponed indefinitely), FARC launched a nationwide offensive, attacking security forces, raiding 15 towns, and bombing energy infrastructure across the country. A fierce battle between the army and FARC left at least 85 people dead and 96 soldiers missing in the mountains 16 miles south of Bogota. Heavy fighting so close to the capital is rare. **[15aa]**

A.60. The upsurge in violence has been described as a rebel tactic to jockey for position in the peace talks. FARC leaders have said they would try to seize power by force and set up a socialist government if they did not win all their demands at the negotiating table. The military and other analysts doubt their ability to do so. **[15aa]**

A.61. The government responded to the violence by declaring a dusk-to-dawn curfew across more than 30% of the country, on 9 July. The curfew order was clamped on all travel between nightfall and sunrise for an indefinite period in ten of Colombia's 32 provinces in the east and south and ten towns on the southern and eastern edge of Bogota. People were still allowed to move freely around towns and villages. The army claimed to have routed the rebels and inflicted heavy losses on FARC. **[15aa]** The curfew is described by some sources as "indefinite", but one source has reported that it was amended in October / November 1999, lifting restrictions on roads that connect the municipal capitals. **[20ab]**

A.62. The paramilitaries have violently won ground in the guerrilla dominated region of Uraba, north-west Antioquia Department. Clashes occurred in June 2000 from Uraba down to Benaventura in Valle del Cauca department. **[17de]** There were particularly violent clashes in Antioquia, around the towns of Betulia and Urrao, with 1,000 *campesinos* displaced, and 10,000 ordered by the 34th Front of FARC to remain at home in Urrao. **[17dd]** By 15 June, the ELN was also reported to be fighting for ground in the area. **[17de]** The clashes coincided with clashes in September 2000 between FARC and the security forces, which left 19 government soldiers dead. **[11ac]** Clashes between paramilitaries and an unidentified guerrilla group round about 19 February 2001 left about 30 people dead. **[11bg]**

A.63. Carlos Castano (AUC) has claimed in an open letter to Congress (in September 2000) that financial support for paramilitary groups has recently increased as "businesses seek to protect their investments from left-wing guerrilla attacks." **[11v]** The AUC has also admitted that it gleans a percentage from drug shipments, and has taken land for self-sustaining camps. **[17do]** Support for the paramilitaries has increased as the paramilitaries have developed a well-financed recruitment scheme, seen especially in Barrancabermeja city, typically comprising of the equivalent of £150 plus cellphone and gun, recruiting boys as young as 12. **[18ak,18bf]**

A.64. On 4 August 2000, the AUC announced the creation of a new front called Paez, of 600 men. The announcement was made in Valle del Cauca Department. The Paez Front will apparently join the Calima, the Pacifico, and the Farallones Fronts to form a Western bloc. **[17fi]**

A.65. The AUC called for a one week September ceasefire for all parties, presenting the proposal on 24 August 2000. It was in reply to FARC's proposal of a ceasefire announced on 19 August. The AUC and FARC have yet to announce jointly a ceasefire, as requested by High Peace Commissioner Gomez. **[17gj]** A civil society body, the Movement for Peace has latched on to the proposals and promoted the idea of a week's ceasefire. **[17gk]**

A.66 The paramilitaries were responsible for the massacre of 60 fishermen circa the 23 November on the northern coast. **[11au, 11av]** Likewise, they were possibly behind an attempt to kill two US congressmen in Barrancabermeja, a town where rebels and paramilitaries have clashed in the year 2000. (See above at A.33) **[11aw]**

A.67 Paramilitary groups rarely fight face to face with rebel groups. [11] However violent clashes have recently escalated. The Southern Bloc of AUC are battling with the 48th, 32nd and 15th FARC fronts in Putumayo. Likewise in Valle Department, the Calima Bloc (paramilitaries) are attacking both the ELN and FARC. In eastern Antioquia, the paramilitaries are on the retreat from attacks by the 9th and 47th FARC fronts, and the ELN "Carlos Alirio Buitrago" front. In Caqueta Department, FARC are under attack from AUC fronts expanding from Meta, Casanare and Putumayo. [17ju]

A.68 FARC, according to the paramilitaries, has sent out for reinforcements to join the 48th, 15th and 32nd FARC fronts. Likewise the paramilitaries' Southern Bloc is also looking for reinforcements. The army has deployed the 24th Brigade and Special forces in the region. [17jr]

A.69 In 1999, Vice-president Gustavo Bell set up a new unit to combat paramilitaries drawing from military intelligence, the police, *Procuraduria General de la Nacion* (Office of the Procurator General), DAS and the Ministry of Defence. The *Fiscalia General de la Nacion* (Office of the Attorney General or the Office of the Prosecutor General) was also provided with an additional support unit. The AI report questions the effectiveness of the unit. [4i]

A.70 In a report dated September 2000, the Canadian IRB stated that "No report stating a definitive number of paramilitary groups or their specific areas of operation could be found among the sources consulted. As described below, some reports refer to paramilitary actions or presence of paramilitary groups throughout the country, with varying degrees of autonomy, coordination and mobility." [20af]

A.71 The Human Rights Watch reports contend the paramilitaries are closely linked with military intelligence and armed forces sources; the UNHCR and HRW also concentrates on the danger to government officials especially from the Human Rights Ombudsman's Office in pursuing inquiries. The UNHCR's description of the current cycle of conflict places the paramilitaries' military efforts as being directed towards the declining ELN, and their retaliatory efforts directed towards the civilian populace. A February 2000 report, *Le Monde Diplomatique* cites a Colombian sociologist estimating paramilitary presence as being in 350 of the 1,070 municipalities (now 1,089). [20af]

A.72. The AUC announced on 19 January 2001 that it had set up a new front based in Bogota, to be known as "the Capital Front". It is purportedly set up to cut off supplies from Bogota to the guerrilla forces. Police suspect it may follow the pattern of the AUC Metro Bloc based in Medellin. In Medellin, the bloc recruits from the criminal gangs (the sicario), running extortion rings, directing assassinations, and staging "actions" such as bus burnings. [18m]

A.73. The army and the paramilitaries are engaged in a propaganda war, each running their own radio stations and programmes. [18a]

iii) Security Forces

A.56. According to the US Department of State Report for 1996, the armed forces committed around 10% of the human rights abuses (between 8%-10% of all violent crime in Colombia was attributed to the parties involved in the internal political conflict [7a]). Subsequent annual reports have stated improvements: Members of the security forces continued to commit extrajudicial killings, but at a substantially reduced rate (from 126 identifiable killings in 1996, to 86 in 1997, 21 in 1998, and then 24 in the first nine months of 1999, according to CINEP) [3b,3c,3d,3e]. CINEP reported in 1998 two further killings resulting from specifically National Police abuse of authority; no figure separate from the 24 quoted above in 1999. [3d,3e]

A.57. According to the U.S State Report for 1998, the human rights delegate of the Attorney General's office processed 467 cases during 1998. It concluded investigations

for alleged infractions committed in previous years by 173 members of the security forces, a majority of whom were officers. The office exonerated the accused in 72 cases, and imposed administrative sanctions (e.g. fines, temporary suspensions, dismissals) in the other 99 cases. Of the 173 security force members investigated in criminal activity, 77 were members of the army and 71 were members of the national police. During the year, the human rights group of the Prosecutor General's office pursued 65 criminal processes against members of the security forces and civilians. In total, it issued 276 arrest warrants during the year, on the basis of which the authorities arrested 60 persons. **[3d]**

A.58. By comparison, 586 complaints and cases were lodged in 1999; concluding 285 investigations of 80 members of the security forces, of whom 32 were exonerated, 38 received administrative sanctions, and 10 dropped for lack of merit at the later stages of investigation. The 80 accused split into 42 members of the National Police, 17 members of the army, and 20 DAS members. The Prosecutor General took up 303 cases of members of the security forces and 86 of civilians, issuing a further 435 arrest warrants. **[3e]**

A.59. According to the US State Department Report for 1997, the military services and police have established 225 human rights offices throughout the nation since 1994. These offices accept and investigate public complaints of abuse and coordinate human rights training programmes for public security personnel. **[3c]**

A.60. The security forces have often been charged with complicity with the paramilitary groups, in recent years after the 1993-94 Barrancabermeja massacres. The activities of paramilitary groups caused the deaths of at least 50 persons. In an October 13 1998 ruling, the Attorney General's office "severely reprimanded" four officers and one non-commissioned officer for their roles in establishing, promoting, financing and fomenting paramilitary groups, and for assisting members of these groups. **[3d]**

A.61. In 1998 human rights observers, particularly the Human Rights Watch continued to accuse the security forces of committing serious violation "with little apparent will to investigate or punish those responsible". **[9b]** In particular, in 1998, the army strongly rejected a report published in the Washington Post which claimed that there was a possibility that members of the 20th Brigade of the National Army committed murders of political leaders and human rights activists. This was followed by newspaper reports on May 18 that a massacre committed by right-wing paramilitaries had been carried out with the full knowledge of the authorities and that the security forces had offered no protection. This was refuted by the Defence Minister. **[14t]** The Defence Minister, Gilberto Echeverri, acknowledged the fact that the Colombian military did not have the capacity or the resources to answer every call for help but denied that the army was negligent in its failure to respond to extreme right-wing threats. **[14u]** On 20 May, however, it was reported that Colombian military forces had announced the disbandment of the 20th Intelligence Brigade. **[14x]**

A.62. In 1998, the authorities were reported to have assigned two senior officers with links to paramilitary groups to top leadership positions: Brigadier General Rito Alejo del Rio Rojas and Brigadier General Fernando Millan Perez. However, the new military high command, appointed by President Pastrana and under the leadership of General Fernando Tapias, stated repeatedly that it would not tolerate collaboration between military personnel and paramilitary groups. **[3d]** On 18 October 1998, Vice President Gustavo Bell admitted that despite official policy, "some members of the armed forces have maintained some degree of links to paramilitary groups". He stated that there was no evidence of an "institutional decision" by the armed forces to cooperate with paramilitary groups. **[3d]**

A.63. On the occasion of the commemoration of the 50th anniversary of the Universal

Declaration of Human Rights, army commander General Jorge Enrique Mora argued that his institution has made great strides in observing human rights. According to the statement, it was reported that the Colombian armed forces had captured 222 alleged paramilitaries in 1998 and killed 34 whilst in pursuit, affirming by these figures that the armed forces showed their commitment to fighting paramilitaries. [14mm]

A.64. The armed forces claimed that between January and July 1999, they killed 733 guerrillas and 11 paramilitaries. During the same period, they said that they had arrested 371 rebels and 49 paramilitaries. This is considerably higher than figures reported in previous years.[15cc] In August 2000, the army reported 1,076 guerrillas and 35 paramilitaries killed, 1,243 guerrillas and 287 paramilitaries captured as a 199 annual total. [17eg] In June 2000, government forces captured "Carlos Fonseca", a FARC leader in Duitama, northeast of Bogota. [17dl]

A.65. In 1998 human rights activists claimed that, although the Attorney General's Office issued a growing number of warrants for paramilitary leaders, including AUC leader Carlos Castano, the security forces made few arrests. A notable exception, however, was the capture of Victor Carranza, a powerful Castano ally, on February 25 1998. It is claimed that the civilian security agency who captured Carranza did not notify security force agencies beforehand for fear they would alert him. [9b]

A.66. In November 1998 the AUC leader, Carlos Castano held a telephone conversation with the military leader of the ELN guerrillas which was later printed in the newspaper El Tiempo. Castano argued that the paramilitary groups are independent of the government, but the ELN leader, Antonio Garcia, argued that the guerrillas had seen AUC members exchange their armbands for army armbands, and that the guerrillas did not believe that the paramilitaries were entirely autonomous. Castano admitted that some elements of the armed forces tolerate the paramilitary groups, but asserted that the military had increased pressure on his forces. [3d]

A.67. On 1 July 2000, the 3rd battalion of the army launched a major attack against the Jose Maria Becerra column of the ELN, a group responsible for infrastructural damage in Valle de Cauca. [17dr]

A.68. On 14 January 1999 the Colombian government issued a communique on measures against self-defence groups. The security forces were reported to have been ordered to redouble its actions against the groups. [15i] Human Rights Watch 1999 however, concluded that the "army continues to engage in serious violations of the laws of war, with little apparent will to investigate or punish those responsible. At the root of these violations is the Colombian Army's consistent and profound failure or refusal to properly distinguish civilians from combatants." [9b]

A.69. The Ministry of Defense has reported that 63,000 security force members have received human rights training during 1999. [3e] The army, in a major article in *The Washington Post* in August 1999, days after a charge of inaction by the UN in a paramilitary atrocity, demonstrated its own basic training programme in human rights. It was criticised by human rights workers, notably the Human Rights Watch. [16j,31c]

A.70. The National Police have incorporated the language of human rights and international humanitarian law in its official discourse. It conducts regular training on international standards for its agents. It is accepted by human rights activists that "in general, police commanders are more responsive than their military counterparts to reports of violations by their members and act more readily to investigate abuses." Nevertheless, police agents continue to be implicated in human rights violations. The US State Department Report for 1998 stated that, although their human rights record showed some improvement, the armed forces and the police committed numerous, serious violations of human rights throughout the year. In contrast, the US State Department Report for 1999 has welcomed an improved climate of respect for human

rights, courtesy of the training programmes provided by the ICRC, the Colombian Red Cross, the Roman Catholic Church, agencies of the Government and the security forces, and foreign governments. [9b,3d,3e]

A.71 Complaints of human rights abuses by members of the security forces fell from 3,000 in 1995 to 430 in 2000, according to an army report published 4 February 2001. The report lays the blame for 80 percent of 19,830 cases of human rights abuse recorded in the 1995-2000 period with the rebel forces. 57 civil court investigations were launched on the basis of the year 2000 complaints. [18ag]

A.72. The Attorney-General's Office has been increasingly busy. On 7 December 1998, the Office launched a disciplinary process against nine officers and policemen for presumably failing to prevent a paramilitary incursion where 30 people were killed in Barrancabermeja in May 1998 and for not pursuing the perpetrators and refusing to assist the town. [14am] Three military officers were given dishonourable discharges by a military court on 28 August 1999. [16j] Likewise on 1 October 1999, 21 soldiers were convicted by military court of opening fire at a roadblock, killing 5 civilians. [16ah] An army general and 2 police officials were relieved of their commands after paramilitaries' atrocities in La Gabarra and Tibu, August 1999. The regional police commander and the regional director of DAS (the intelligence service) were also sacked [16j]. The case of the six children killed in crossfire in August 2000 led to a sharply criticised ruling by the military tribunal, after eighteen soldiers were cleared of any wrongdoing on 29 September 2000. [11ae, 17fx,17gl,17ih]

A.73 On 8 January 2001 it was reported that Army Colonel Rafael Alfonso Hani Jimeno was arrested in connection with the activities in August 1999 of a paramilitary group operating in La Habana, nr Buga, in Valle department. [18d] Likewise, on 12 February 2001, a military tribunal found two officers, former General Jaime Uscategui and Colonel Jorge Orozco, guilty of allowing a series of massacres by the AUC in May 1997. [18ao] In February 2001, a police captain, Carlos Gomez, was arrested in connection with the attempted murder of a trade union leader, Wilson Borja. [11ba] On 1 March 2001, the National Police discharged 135 officers (mirroring the 388 army officers discharged in October 2000) as part of a purging of individuals alleged with human rights abuses and / or with possible links to paramilitary groups. [11bk]

A.74. An amendment to the law regarding impunity was presented to the Congress on 1 December 1999, and approved by the President on 19 January 2000. It tackles impunity through manipulating legal delays [17p,12f]

A.75. The Human Rights Watch report produced a report on 25 February 2000 about, again, alleged close links of the armed forces and the paramilitaries [9c]. The report claims to present "detailed, abundant, and compelling evidence of continuing close ties" of "half of Colombia's eighteen brigade-level army units". The area of intelligence sharing is held to be the main area of collaboration. Most of the allegations were collected by Human Rights Watch and given by anonymous contacts. The report lists allegations about the Third Brigade and the Calima Front; the Fourth Brigade, the El Aro massacre, and the "legalization" of corpses; and the Thirteenth Brigade and intelligence sharing. The Colombian government had earlier refuted similar claims in the 1999 Human Rights Watch annual report [17aw,5g]. The head of the FARC negotiating team at the peace talks however said he did not believe the military had a direct link to the paramilitaries, altering the usual FARC allegation that the paramilitaries are part of a policy of "state terror" [11k]. Vice President Gustavo Bell responded to the report saying that the suggestion of a "deliberate, institutional will to help and support" the paramilitaries was untrue, and that as most of the information quoted in the report came from the Prosecutor General's Office, it was in itself proof of the Colombian government's commitment to investigate such crimes. [3h]

A.76. The last Convivir was wound up in 1999 [3e]. In 1998 the Government discontinued its practice (begun in December 1994) of organising and registering civilian rural defense cooperatives, known collectively as "Convivir", which were to provide counterinsurgency intelligence to local police and military commanders. On 25 July 1998, Convivir president Carlos Alberto Diaz announced the disbanding of 289 of the program's 414 officially recognised Convivirs. However, credible outside observers place the total number of such groups at over 700. [3d] Although the authorities had originally intended these groups to be unarmed, they subsequently authorised an undetermined number to carry small arms in self-defence. [3d]

iv) Repression of human rights activists

A.77. Many human rights workers claimed to be working under constant fear for their physical safety. The US State Department Report for 1997 reported that human rights groups were subjected to surveillance, harassing phone calls, graffiti campaigns and threats by military, intelligence, police, paramilitary and guerrilla forces. [3b] Human Rights Watch noted that Human Rights activists were often charged with slander by army officers and that the courts rarely acted on these, a tactic that was widely seen as an effort to silence critics. [9a]

A.78. In October 1996 Jose Giraldo Cardona, the President of the Comité Civico por los Derechos Humanos en el Meta (Meta Civic Committee for Human Rights) and an activist with the legal left-wing Union Patriótica (UP), was shot dead in the presence of his two daughters by an unidentified gunman outside his home in Villavicencio, Meta department. He had received repeated death threats in recent years which he had attributed to members of the Colombian armed forces. The Inter-American Court of Human Rights (IACHR) urged the Colombian Government to adopt measures to protect the lives of his family and other members of the Meta Civic Committee and to investigate his murder and punish those responsible. [4c] However, the USSD report for 1997 reported that there was no progress in the investigation. [3c]

A.79. The Meta Civic Committee had been founded either in 1989 (according to the Human Rights Watch in 1996) or in 1991 (Peace Brigades International in 1997). The committee represented 32 local popular, religious and trade union groups. Since then, up to September 1999, five members have been killed, three disappeared and that, by 1996, 25 members had been forced to flee Meta because of safety concerns. There have been no reports found on the committee since 1998. [20p]

A.80. The US State Department reported that at least 10 governmental and NGO human rights workers were killed during 1997, including two CINEP workers, Mario Calderon and Elsa Alvarado, along with Elsa's father Carlos Alvarado, killed on May 19, 1997. The Human rights watch continued that the investigators of the murder was also at risk: "After the Human Rights Unit of the Attorney General's Office issued arrest warrants for Carlos Castano and his elder brother, Fidel, as the alleged intellectual authors of the 1997 killings of CINEP employees Mario Calderon and Elsa Alvarado and her father, Carlos Alvarado, the unit received death threats from Castano." [9b] Other human rights workers were forced to relocate within the country, or flee abroad, following threats. The Bogota-based representative of the UNHCR for Human Rights requested special protection for nongovernmental human rights workers and organisations. [3c] Paramilitary groups were reported to have attacked offices of some human rights groups in 1997 with at least one human rights group was forced to close its Bogota office. [3c] Catholic priest Alcides Jimenez Chicangana was shot in Popayan, Putumayo department on September 11, hours after he led a public rally for peace. On September 22, investigators detained an alleged narcotic trafficker, Luis Angel Canas for the crime. [3d]

A.81. In April 1998 Edward Umana Mendoza, Colombia's leading human rights lawyer

was killed in his office. On the same day, Jose Noe Rios, President Samper's leading peace negotiator, left Colombia. It was reported that he had been receiving death threats after he brokered a peace deal with the ELN. **[14s]** A human rights ombudsman, Gabriel Jaime Cano Montoya, was murdered by unknown persons on the evening of 12 November in a rural area of Pueblo Rico Municipality. **[12c]**

A.82. Human Rights Watch reported that "defending human rights remained a dangerous profession in Colombia." citing the fact that "in the first nine months of 1998, at least six human rights defenders were murdered, among them government investigators, officials charged with investigating complaints about human rights abuses". **[9b]**

A.83. In January 1999 the region of Armenia was hit by an earthquake which claimed the lives of at least 920 people. The AUC, using the earthquake as a smokescreen to carry out their attacks, eventually claimed responsibility for the kidnapping of four human rights workers whom they accused of being subversives who sympathised with the guerrillas. The kidnapping was followed by the murder of two workers for the Committee of Solidarity with Political Prisoners (CSPP), who were forced from a bus in Antioquia and shot by the roadside. **[15d]** Human rights groups in Colombia and abroad condemned the attacks and urged the Colombian government to take strong action. Amnesty International issued a report in February 1999 in which it accused the government of failing to take effective steps to protect human rights defenders. Amnesty also reported that the two human rights workers who were killed (Everardo de Jesus Puertas and Julio Ernesto Gonzalez) worked for the Committee of Solidarity with Political Prisoners (CSPP). Shortly after their murder the CSPP closed its offices fearing for the safety of the workers. **[4e]** Later accounts on 3 February 1999 reported that the paramilitaries had murdered a total of seven human rights workers and kidnapped seven more, all of them from agencies funded by Oxfam and other international organisations. **[15i]**

A.84. It was reported on 10 February that two of the kidnapped human rights workers, Olga Ruth Rodas and Claudia Tamayo, from the IPC (People's Training Institute), had been freed near Monteria. According to reports, the two women were handed over to the International Red Cross, the organisation that mediated their release. The other two workers, Jairo Bedoya and Jorge Salazar, were released on 18 February at an undisclosed location in the northern province of Cordoba. **[15m,15n]**

A.85. In March 1999 the peace talks came to a halt after three American human rights activists, working with the indigenous U'wa tribe, had been kidnapped and then murdered. Their bodies were found across the border with Venezuela. Both FARC and the ELN denied responsibility for the killings and blamed the "enemies of peace". However, US officials blamed FARC and demanded that the organisation should hand over the murderers. FARC later admitted the killing, blaming a rogue faction overstepping orders. **[3d,3e,16as]**

A.86. Members of the organisation CREDHOS (Corporacion Regional para la Defensa de los Derechos Humanos) have reported alleged police harassment in 1999 **[4h]** In May 1999 Amnesty International reported the abduction in Medellin of Piedad Cordoba de Castro, Liberal Party Senator and president of the Senate's Human Rights Commission. Carlos Castano, leader of the United Self-Defence Forces, claimed responsibility for the abduction and demanded that AUC be granted political recognition and a direct role in the forthcoming peace talks. **[4f,4h]**

A.87 Members of Peace Brigades International (PBI) and the Popular Women's Organisation (OFP) have claimed to have been targeted by paramilitaries in Barrancabermeja. **[18ak]**

A.88 Amnesty International have produced the document, in May 2000, entitled

Protection of human rights defenders: one step forward, three steps back. There is a lengthy analytical introduction, and an assessment of the Colombian government's protection program for human rights defenders. It includes a month by month incident breakdown for the year 1999, of incidents involving human rights workers. [4i]

A.89 The protection program. This has been instituted by Presidential Directive no. 07 of 9 September 1999, reiterating the commitment given within Presidential Directive no. 011 of June 1997. The directive includes orders to all public officials to abstain from questioning the legitimacy of human rights organisations, and from making false accusations which could compromise their security or reputation. This aspect, the report alleges, is not enforced effectively and proceeds to give examples. [4i]

A.90 The number of human rights defenders killed in last 3 years is given as 25. The report argues that as Special Committee for the Promotion of Investigations into Human Rights, created in 1999, has not brought any investigation to trial, police impunity in killings of human rights defenders is absolute. [4i]

v) The role of the government and the international community

A.91. The Government has made some efforts to reduce human rights violations. The Defensoria del Pueblo (National Human Rights Ombudsman) reported in 1996 that the police had substantially improved their human rights record. This decline in security force abuses appeared to be confirmed in 1995 when a study by the Colombian Commission of Jurists (CCJ) found that political killings, forced disappearances and social cleansing operations had decreased from 54% in 1993 to 16% in 1995 [3a]. The US State Department Report for 1997 noted that the Government were responsible for fewer killings than in 1996. [3c]

A.92. The US State Department Report for 1997 noted that in late June of that year the Government approved compensation for the relatives of members of the April 19th Movement (M-19) guerrilla group who died during an army operation in the southeast area of Bogota on September 30, 1985. This decision followed a recommendation by the Inter-American Commission on Human Rights (IACHR). [3c]

A.93. In April 1997 the UNHCR for Human Rights opened a field office in Bogota. The office was tasked with monitoring and analysing the human rights situation throughout the country and with the provision of assistance to the Government, civil society, and NGOs in the field of human rights protection. The office submitted private reports to the Government and to the U.N. and occasionally spoke out publicly on particularly flagrant abuses committed by government, paramilitary, or guerrilla forces. [3c]

A.94. Several international human rights organisations conducted official trips to Colombia in December 1997. IACHR commissioners were reported to have carried out intensive on-site analysis of the human rights situation. Both Amnesty International and Human Rights Watch/Americas were said to have visited, conducting investigations and meeting with government, military and NGO representatives, as well as other independent observers. [3c]

A.95. The ICRC, working with the presidential human rights adviser and the public security forces, helped provide training programmes in international humanitarian law. These programmes were directed not only at affected civilian populations but also were integrated into the military training curriculum. The security forces sent 26,000 persons to an average of 4.5 hours of training. Many observers credited these programmes with having done much to foster a climate of increased respect for human rights and international humanitarian law within the military forces in recent years. The ICRC continued to expand its operations, with an office in Bogota plus 15 offices in various conflict zones. [3d]

A.96. During the fifty-fourth session of the UN Commission on Human Rights, the office submitted its first report, which was considered hard-hitting. During her visit to Colombia

in October 1998, the UN High Commissioner Mary Robinson spoke out forcefully in defense of human rights defenders. [9b]

A.97. In 1999, a new UN special adviser for international assistance to Colombia was appointed with effect from 1 December, the former Norwegian deputy foreign minister Jan Egeland [16ap,17av]. On 19 January 2000, Mr Egeland said he was optimistic about the peace talks [17q]. The UN showed further interest in Colombia with a visit in February 2000 of the UN High Commissioner for Refugees, Mr Soren Jessen-Petersen [17ab]. The UN has asked the paramilitaries and the guerrillas to respect the municipality and regional elections set for October 2000. The elections set for 29 October will decide upon 32 governors and more than 1080 mayors. [17ga] The plea was in response to reports in mid-July 2000 of increased paramilitary intimidation; and a message sent by the AUC that "the politicians of Cauca, especially those aspiring to be governor, mayors and assembly and council members, 'will not find it advisable or useful to attend the assemblies in San Vicente del Caguan, because they will be considered to be military targets'." [17en,17fl] The municipalities have stated that they would like elections to be postponed in rebel dominated areas. [17gf] (see C.2)

A.98. International opinion to the peace talks and Plan Colombia in 1999 has varied. Brazil's President Cardoso has backed Pastrana's plan, though wary of US involvement [16ad,16cc]. Peru and Ecuador are supportive of Plan Colombia in principle. [16cc] President Chavez of Venezuela is keen, according to source, to intervene in the peace talks, but rebuffed by President Pastrana over Chavez's previous unilateral overtures to FARC [16ad]. The Colombian Government alleges that FARC is operating in other nation states, such as recruiting in Bolivia and operating from Panama and Venezuela [16bi].

A.99. In year 2000, other countries' support for Plan Colombia and tolerance of the Colombian conflict has reportedly changed. The Brazilian military are concerned that increased US military aid to Colombia could intensify the conflict and that it would spill over into Brazilian territory as the rebel forces are initially routed out. [11ab] The Brazilian government has stated that it will not be a participant in Plan Colombia, though reportedly the US government has hoped for cooperation in blocking the flow of arms and drugs over the Brazil / Colombia border. [11ab]

A.100. FARC, through its spokesman Ivan Rios, has claimed that it wished to confine the conflict to within Colombian borders. "The territory of our struggle is Colombia... our struggle should be carried out within our country." [11w] However, another FARC spokesman, the chief military strategist of FARC, Jorge Briceno, alias "Mono Jojoy" announced to his troops in May 2000 that he planned to seek sanctuary for his troops in Ecuador and Peru if forced to retreat. The speech was intercepted by government troops' military intelligence. [17bz] Border concerns in Ecuador and Venezuela have mounted in 2001, with reported incursions by FARC and the Colombian army into Ecuador [11bd] and the Colombian government is currently (March 2001) in negotiations with the Venezuelan government over the extradition of a ELN suspect. [11bn]

A.101. On 4 October 2000, the International Committee of the Red Cross announced that it was withdrawing its assistance in the evacuation of wounded people from conflict zones. This decision was prompted after two attacks on ambulances. [11ag,17io] After resumption, the Red Cross on 9 March suspended operations again after a wounded rebel was taken at gunpoint from an ambulance, and later found murdered. [11bi]

A.102 The Colombian government response to the publication of the US State Department report for the year 2000 ([3h]), on 26 February 2001, was that it was "... a very balanced report, it is quite good, and it recognises the progress made by Colombia regarding human rights. It is a report that also points out some of our country's

problems, and it identifies the major violators of international humanitarian law, meaning the guerrilla and paramilitary groups." (Luis Fernando Ramirez, Defence Minister).

[18at,18au]

vi) The peace talks

A.103. On 2 April President Samper installed the National Peace Council with the aim of following up the preliminary peace agreement reached with the ELN (National Liberation Army). Samper expressed hope that FARC (Revolutionary Armed Forces of Colombia) would join the process and abandon its links with drug trafficking and its practice of kidnapping.**[14f]**

A.104. The then President-elect Pastrana also pledged to take steps towards peace and on 28 June 1998 the ELN (National Liberation Army) and civil society signed an agreement to begin peace negotiations. The agreement was signed in Mainz, Germany, and stated that the peace negotiations would take place outside Colombia. **[14ad]**

A.105. It was reported that on 9 July 1998 Pastrana held face-to-face talks with the head of FARC. The talks were apparently set up by the Red Cross and were said to have taken place at an undisclosed location in eastern Meta province. During the meeting Pastrana was said to have agreed to a demilitarisation of five municipalities in the south - one of the guerrillas' conditions for participation in a peace process. **[14ae]**

A.106. Members of the Peace Commission met with several paramilitary leaders in an attempt to persuade them to join the peace negotiations along with the guerrillas. The senior leader of the paramilitaries, Carlos Castano, publicly stated that he was prepared to engage in talks with the new administration but warned that the demobilisation of his men could take place only when the guerrillas laid down their weapons. It was reported that a seven-point agreement was signed, endorsed by the national government. The paramilitaries promised peace talks at the same time as the guerrillas and not to involve civilians in their clashes with the guerrillas. **[14ai,14g]**

A.107. On 3 December 1998 the paramilitaries declared an 18-day Christmas cease-fire and promised to halt attacks on the guerrilla groups and leftist sympathisers. The AUC (Outlawed United Self-Defence Forces of Colombia) called on the guerrillas to join in the cease-fire. FARC leaders remained adamant that they would not engage in negotiations until the government ordered the final soldiers out of the demoralised zone. In the opinion of FARC, the president's reasons for maintaining the unarmed recruits in the region were not acceptable because, as president-elect, he had agreed to a total withdrawal from the towns of Uribe, Vistahermosa, Macarena, Mesetas and San Vicente de Caguan. **[14ai]**

A.108. Immediately after the Christmas ceasefire there was a resurgence of paramilitary terror. At least 140 people accused of being left-wing sympathisers were reported to have been murdered by hooded vigilantes calling themselves the Self-Defence Force of Colombia. The group blamed the violence as its response to being "left out" of the peace negotiations under way between FARC and the Government. The attacks began on 7 January, the day the left-wing rebels initiated peace talks with the government to end the country's 40-year civil war. **[15h]** (See ii) Paramilitary and guerrilla groups.)

A.109. On 14 January 1999 the Colombian government issued a communique on measures against self-defence groups. It pledged to undertake the necessary actions to promote the recommendations emanating from Commission 1290, which held a meeting on 8 January 1999, so that the various government institutions will establish concrete plans for the defence and protection of international humanitarian law. The government ordered the creation of a technical committee for intelligence planning which will aim to compile information that will ultimately lead to the capture of the principal members and the disintegration of the self-defence groups. The security forces were reported to have been ordered to redouble its actions against the groups. **[15i]**

A.110. The massacres however, caused the leading rebel group FARC to suspend the peace talks, accusing the government of backing the paramilitary groups. The commander, Raul Reyes, said that the peace process would restart only after President Pastrana had achieved "satisfactory results" in fighting the illegal paramilitary gangs. On 21 January 1999, the day after this announcement it was reported that Colombian troops had detained five alleged paramilitary gunmen. The detainees reportedly had in their possession a blacklist of about 100 alleged supporters of FARC whom they had targeted for execution or death threats. [15o]

A.111. FARC responded to this by giving the government a three-month deadline to show the results of the struggle against the paramilitary groups. This was followed by a further meeting on 26 January 1999. [15n]

A.112. By mid-February, both the ELN and FARC had broken off preliminary peace talks with the government. Claiming that the government had not agreed to provide adequate security guarantees, the ELN announced on 11 February that it had indefinitely postponed talks scheduled to begin on 13 February in Antioquia province. Also citing the government's failure to ensure security, FARC also suspended its peace talks which had begun on 7 January 1999. [15g]

A.113. The peace process came to a complete standstill in March 1999 after three American hostages, humanitarian workers working with the indigenous U'wa tribe, were found murdered across the border with Venezuela. Both FARC and ELN denied responsibility and blamed "the enemies of peace" for the killings. Political observers stated that, as long as official evidence points to FARC and the rebel group ignores US demands that the murderers be handed over for trial in a US court, Colombia's peace process was unlikely to be revived. [3d,15f,15g]

A.114. The peace process has provided FARC with a demilitarised zone the size of Switzerland. FARC has refused calls for a ceasefire and ELN was excluded from the peace process whilst it held captives. The start of official peace talks were postponed indefinitely in July 1999 after negotiators failed to agree on the creation of a team of international observers.[15w]

A.115. The government and FARC then finally established peace talks with October 7 initially set as a date for talks, but again delayed by FARC's rejection of international verification. October 24 was finally agreed upon.[16al,16am] FARC has continued to object to international "interference". [17db]

A.116. Talks on the 24 October were staged in the demilitarised zone set up in July 1998, around San Vicente del Caguan, and now given over to FARC control.

[16x,16ba]. Notably, the talks were the first with a defined agenda and without international mediation. [16am] In a pre-talks move, the Government announced the proposal of setting up local forums for the meeting of the Government, civilian bodies, and rebel organisations, with a central operations centre based in San Vicente del Caguan, maintaining a website for contributions from ex-patriot Colombians. FARC expressed concern about rebel participants' safety.[16ba]

A.117. The inauguration ceremony started an hour later than planned. [16am] As the 24 October talks began, a march by 5 million people for peace was staged throughout Colombia, with 2 million marching in Bogota.[16an] A twelve point agenda was begun, and the talks moved on to a second day, 2 November.[16ba] The talks broke down after FARC produced a list of preconditions to a ceasefire and a series of retaliatory actions on both sides [16cf]. A new date was set on 21 November for talks on 4 December [16ch].

A.118. After the stalling of peace talks with FARC on 2 November, the president took an unexpected turn (unexpected by all observers) when, on 8 November, he announced the creation of a 'National Advisory Commission for Peace' [16bk]. At same time, he

called for a one month ceasefire beginning 15 December "for the Millennium". [16bl] The ELN announced they were looking into the ceasefire's 'viability', making it conditional on the paramilitaries' multilateral acceptance. [16bz]

A.119. The peace talks with FARC scheduled for 4 December 1999, started on Friday 3 December. The government proposed a 30 day Christmas truce, starting on the 15 December [17at]. Even as the peace talks were to begin and were underway, both guerrillas and government forces put on shows of strength, with FARC notably attacking the town of Inirida with a force of 1,200 in late November [17as] and the government rolling out the new Rapid Deployment Force on 7 December, three units backed up with 15 Blackhawk and 6 Mi-17 helicopters, and two Hercules transporter planes [17au]. The 15 December truce date passed without an announcement of acceptance from FARC.

A.120. On 19 December 1999, the army distributed Christmas cards to the guerrillas. It was a further stage in an on-going effort to persuade guerrillas to desert, with the promise of lenient jail sentences or complete pardons and cash payments for decommissioning of arms [17a]. FARC then announced the first truce within a decade the next day, declaring "a unilateral truce in offensive actions against the state security forces" [17b]. The truce was welcomed by the government, with some scepticism from army commanders [17b]. One of the main factions of the AUC, a leading paramilitary body, rejected any notion of a truce, and threatened to intensify their fight with the guerrillas in their area (the ELN in middle Magdalena) [17c]. The end of the truce came with a FARC attack in Putomayo Department, killing 4 civilians, on 12 January, as a reply to the announcement of the \$1.6 US anti-drugs military aid package. 20 guerrillas were killed in counter-attacks. [17i,11g]

A.121. Six senior members of FARC and a team of government delegates have travelled through Europe on a fact-finding mission and extended negotiations trip, from 2 February to 25 February. As the group travelled through Sweden, Norway, Switzerland, Italy, Spain and France, positive developments have emerged. In Sweden, both sides agreed that peace was their common goal [17ac]; the Vatican gave its encouragement when the group arrived in Italy [11a]; and by the end of the trip, FARC said it wished to pursue a similar trip to other Latin American countries and possibly the USA as well [11k].

A.122. The Government of President Pastrana has made the peace talks a priority, with the President himself strongly identifying with the government's peace plan, known Plan Colombia [1r,1bc]. He has approached both European governments and the United States government for financial aid to underpin the plan. According to one source, there are differing emphases when talking to different governments, with a military assistance emphasis with the Americans, and a societal infrastructure emphasis with the Europeans [1bc].

A.123. The beginning of the peace talks with FARC have encouraged peace talks with the ELN. (see section **A.13** above). However, one report has stated that the whole peace process is hampered by the many splinter terrorist groups - the report states 17 - that operate outside the main guerrilla groups. In many cases, the presence of a group is not known until they commit an atrocity. [17fp] (*Details incorporated in Annex B, below*). This aspect opened up in June 2000 the question of whether regional dialogues might again be permitted by the government - whereby regional governors talk to regional fronts of guerrillas - after the governors of Cundinamarca and Valle del Cauca Departments talked with "Alfonso Cano" of the FARC Bolivarian Party. [17dq]

A.124. The effect of peace talks upon the conflict has, in practical terms, been minimal. The Canadian Immigration and Refugee Board has stated "Besides the government withdrawal from (the San Vicente de Caguan DMZ), no reports of concessions or reduction in activities by either side could be found among the sources consulted by the

Research Directorate." [20v]

A.125. The peace talks have continued over the period April to September 2000 with little progress emerging. After the public and international attention on the "necklace bomb" incident of 15 May 2000, FARC was indignant that FARC was held to be responsible, and the major international 29 May talks looked as though they would not proceed, dropped by the government responding to the public outcry. On the 19 May, the government was able to meet FARC and on the 21 May, the peace Commission agreed that FARC had not been responsible for the atrocity. The peace talks were back on track by the 23 May. [17cg,17ch,17ci,17ck,17cl]

A.126. In early July 2000, FARC was complaining of the new High peace Commissioner's "quarrelsome attitude". [17dt] FARC would not contemplate a ceasefire unless there was a "reduction of social ills" and will continue kidnapping, armed actions and anything that finances the "political means for the revolution" until "the government solves the problem of employment, housing, health and education." [17du,17dw] By mid-July 2000, the FARC was accusing the "militaristic right wing" of the government negotiating team of attempting to derail the peace talks. [17eb]

A.127. On 22 August 2000, FARC insisted that an exchange of prisoners was a more realistic goal for discussion than a cease-fire. The cease-fire had been a prime topic of discussion since 3 July. [17gg]

A.128 In late October 2000, in response to Plan Colombia, FARC warned the residents of Putumayo Department that the "worst is yet to come". FARC has threatened to "burn alive" any populace of Putumayo who flees the Department, and has on several occasions shot at refugees. Refugees talk of FARC coercion to join "the cause". FARC have established a total blockade around Putumayo. (see below at elections and FARC) [17jd]

A.129 650 refugees fled over the border to Venezuela in late October 2000. The Venezuelan authorities blamed tension over Plan Colombia. [17jc]

A.130 The FARC has suspended peace talks. On 14 November, spokesman Andreas Paris announced that FARC had taken exception to the government holding talks with Carlos Castano, leader of the AUC paramilitaries. [11as]

A.131 The government in response, on the 16 November, was, in part, to grant a time extension to the DMZ, 20 days before the DMZ was due to wound up on the 7 December.[17js] This decision was reiterated through the National Peace Council on the 1 December 2000. [17jv]

A.132 After the New Year, when the president admitted that the peace process was still going to be a long and difficult process [17dz], the prospect of renewal of the peace talks looked bleak. The government was insistent that it "would not beg" FARC back to the negotiating table, [18o] saying FARC must show "signs of peace" and unfreeze the talks. [18q] President Pastrana by the 26 January 2001 said that he was confident that by the end of the month "FARC will go back to the table". [18s]

A.133 A key element to the situation was the temporary time extension to the FARC DMZ running out on the 31 January. On the 27 January, "thousands" of Colombians demonstrated in events organised by Paz Colombia in Bogota, Medellin, Bucaramanga, and Pasto for the continuation of peace talks with the guerrillas.[18t] Likewise, the Peace Front in Congress called for the DMZ's extension. [18z] Carlos Castano, the leader of the AUC, surprised commentators by sending a letter on 26 January and further word on 3 February supporting continued peace talks. [18v,18ah]

A.134 Meanwhile, it was reported that the government had made alternative plans in case FARC did change their position. The army moved 5,000 troops to close to the DMZ on 25 January; the Bishop of the diocese of Sincelejo, Nel Beltran Santamaria, called for the taking of the DMZ if necessary. [18r,18u] One report later suggested that

FARC had become nervous in the run-up to the deadline, and had started to mobilise for a withdrawal. [18ae]

A.135 On 29 January, it was reported that the peace commissioner, Camilo Gomez, had succeeded in making contact with Manual Marulanda, the FARC leader and figurehead. [18y] A four day "window" extension was then announced on 1 February, to enable Pastrana to meet Marulanda in the DMZ, and the extension was ruled as constitutional by the Constitutional Court on 2 February, deciding that the president was autonomous in this matter. [18aa,18ab]

A.136 The president arrived at La Uribe airport, inside the DMZ on 3 February, and met with the local community. [18ac] Opinion was hopeful and supportive that the president would bring FARC back to the talks. [18ad]

A.137 By 8 February, news reports were emerging that Pastrana and Marulanda had met for five hours and that talks were back on track [11bb,18ai] The resumption of talks was settled for the 14 February. [11bc,18al] On 17 February, Pastrana came out of the renewed discussions, talking of the possibility of a ceasefire "within eighteen months", and FARC's agreement with plan Colombia as far as social investment was concerned. [18ap]

A.138 President Pastrana met the Liberal leader, Horacio Serpa Uribe, in order to fully inform Serpa of the latest positions at the peace talks. Pastrana welcomed Serpa's initiative that all national political party leaders meet and look for a consensus on the peace process. [17jo] Just before the 14 February talks began, Horacio Serpa Uribe, the Liberal Party leader, on 12 February, announced that he intended to be involved in the peace process discussions. [18an] The violence has not abated, however, during the peace talks, for instance, sixteen government troops were killed and 40 kidnapped in a FARC ambush on 10 March 2001.

A.139 On 26 February 2001, after the publication of the US State Department report, which the Colombian government acknowledged as a fair description of Colombia's human rights situation [18at,18au], Pastrana called upon the US to assist in mediation. [18as,18av] The US has declined, and still will not talk with FARC after the 1999 murders. (see A.9) [18av]

A.140 The economy is expected to suffer from the difficulties over the peace solution, with the 3 percent recovery in 2000 changing to a probable below 2 percent growth rate in 2001. [18be]

Plan Colombia

A.141. One of points at issue at the negotiating table has been the US aid package for anti-drugs work as part of plan Colombia. Prior to April 2000, it has been hotly debated in the US Congress and Senate [17bb], with considerable opposition to giving monies to the Colombian army raised by human rights groups [17az,17ba]. The monies were agreed in principle by Congress and the President on 1 February 2000 [17ax,17ay,3f].

A.142. The aid package continued through the House of Representatives and the Senate with considerable wrangling throughout June and July 2000. This included the question of which helicopter manufacturers were going to gain most from the Colombian order [17dj]. The actual monies were finally set with \$122 million for human rights and justice programs, \$29 million more than the Clinton administration had requested. [11n]

A.143. The package was finally left requiring Colombia to meet the Leahy requirements on human rights, but also allowing President Clinton to waive the certification process in the interest of national security. President Clinton signed the waiver on 22 August 2000. This was to the dismay of Senator Leahy, who on 18 August declared "waiving the conditions would contradict the intent of the law and make a mockery of the arguments and expectations of the many supporters of Plan Colombia in Congress who insisted that the conditions are necessary." The dismay was echoed by major NGOs such as

Amnesty International, who had previously sent a letter to the State Department. A meeting on 1 August 2000 with between the State Department and 5 main NGOs was cancelled at the NGOs request on the grounds that the meeting would be "superficial" [17ez]. The Human Rights Watch were strident in their criticism: "Not a single one of the five human rights provisions contained in the legislation has been satisfied." [17gc]

A.144. President Clinton was however persuaded that the US has "a system in place for specific case-by-case investigation of serious allegations" and that Pastrana "has submitted legislation to the Colombian parliament ... for civil trials for allegations of military abuses of human rights." [11n,17gc] Further, Clinton said "What I did was to permit Plan Colombia to go forward and to be implemented because I'm convinced that the president is committed to the proper course in human rights". [17gd] The Acting Secretary of State issued a press statement supporting Colombian police and military efforts stating, "We believe that an integrated, comprehensive approach to Colombia's interlocking challenges holds the best promise of success." [17gi]

A.145. The US contribution has five main elements. Firstly there is drug trafficking interdiction (with an appropriation of 465.6 million US dollars); alternative economic development (\$174.0 million); boosting governing capacity (\$122.0 million); and support to the Colombian Nation Police (\$115.6 million). The most controversial element in the eyes of NGOs and other commentators is the \$441.9 million for "the Push into Southern Colombia." This move comprises of 2,800 US trained and armed Colombian troops, three special anti-narcotic battalions, moving directly in 60 Black Hawk and Huey attack helicopters into FARC held territory. [11n,11y,17gt] During the package's journey through Congress, an amendment was proposed to halve the amount for the Push into Southern Colombia in favour of alternative crop development, but was defeated.[11n]

A.146. On 30 August, President Clinton spent nine hours in the port of Cartagena, in a trip to cement support for Plan Colombia and President Pastrana. [11w,11x] The authorities rounded up 300 street children and beggars in Cartagena and banished them to "recreation centres" in the outskirts of the city ahead of the visit. [17gb] US President Bush has since pledged his support for the Clinton initiative, symbolically meeting with president Pastrana on 27 February 2001. [11bi]

A.147. As a gesture of opposition, FARC increased their attacks in the week after Clinton's visit, with 22 members of the security forces and 60 rebels killed in clashes. The army placed the total casualty rate for the five days after the Clinton visit at 112 people killed. [11w] The ELN added to the disruption by ensuring the Cano Limon pipeline was holed and out of action for the week. [11w,17gh] FARC and the ELN launched attacks in five municipalities in Cauca Department to coincide with the visit. The Pan-American Highway was blocked by the ELN with a torched roadblock of four buses and a lorry. [17gx] The ELN had previously mounted roadblocks and stoppages in early August, setting light to 46 vehicles by the 10 August, as part of its plan colombia protest. The protests were lifted on 12 August. [17fs,17fu]

A.148. Other opposition to Clinton's visit included an occupation by Bogota students, and a noisy march of about 5000 protestors. [17gp,17gr,17gs] Thirty seven NGOs within Colombia registered their rejection of the Plan. [17fy]

A.149. Newspaper speculation has outlined that FARC has a force of some 3,000 guerrillas and has been in control in effect since the 1960s in the Department of Putumayo. FARC has declared that it will not allow the destruction of coca crops, arguing that left in the hands of the Colombian military, the exercise will be a cover to oust the rebels. [11z]

A.150. The speculation continues that as military thinking states that three times as many government troops would be needed in order to begin rooting out FARC, the result is likely to be a compromise of a series of high-profile operations of limited actual

damage to the coca crop. [11z] Other commentators also think that the US aid is needed but anticipate new lows before the situation improves. [17gl]

A.151. The Push into Southern Colombia has attracted criticism from peasant farmer associations, claiming that the *campesinos* of the Putumayo region grow coca as a cash crop to supplement subsistence crops such as pineapples, maize, plantains and yucca. Thus to randomly fumigate fields of coca will destroy other crops, and contaminate the soil and local water supplies. The Colombian government has countered that to leave the coca crop unchecked will lead to it ever expanding. Environmentalists have argued that jungle will be lost either way: to a growing coca crop or to fresh areas cleared to replenish the lost crop. [11u,11aa]

A.152. The US monies have upset FARC, who on 1 March 2000 "declared war on the United States" though declined to give details of what they intended to do [17bc]. There are reports that FARC has been forcibly recruiting and arming campesinos in Southern Colombia, in preparation of the impending attack. [17eu] In late September 2000, FARC declared US troops to be considered military targets. [11af, 17ik]

A.153 In August 2000, Amnesty International, Human Rights Watch, and the Washington Office on Latin America produced a report listing objections to US military aid as part of Plan Colombia.[4k]

A.154 The report takes issue with the meeting by the Colombian government of the requirements of US Public law 106-246 governing the transfer of funds (reproduced in appendix A of the document), and waived by Presidential privilege. It takes issue on:-

- 1) civilian court jurisdiction, whereby military personnel may be tried in civil courts on credible, gross breaches of human rights
- 2) suspension of military officers accused of human rights abuses
- 3) full compliance of A & B by the armed forces
- 4) cooperation of the armed forces with civilian authorities
- 5) prosecution for paramilitary activities [4k]

5B. Human Rights: Specific Groups

i) Women

B.1 The 1991 Colombian Constitution prohibits any form of discrimination against women and the authorities are required to "...guarantee adequate and effective participation by women at decision-making levels of public administration". However, discrimination persists in practice. Women in non-agricultural employment are paid 85% of what men in comparable employment are paid. The U.S. State Department Report for 1996 suggested that women applying for jobs must be able to demonstrate that they are better qualified than men for the same position if they are to be successful. A high proportion of those in very low paid jobs are women [3a].

B.2 Rape and other violent crimes against women are common in Colombia and these offences are rarely prosecuted successfully. When prosecutions do proceed sentences for sexual abuse range from 6 months - 8 years, although these may be reduced as a result of 'good behaviour'. It must be noted, however, that police may not legally detain an individual for sex abuse unless it was committed in conjunction with other crimes. Until recently there was no provision for spousal abuse. In July 1996 a law was passed by President Samper (Law 294) relating to family violence. In this was a provision for action against acts of spousal sexual violence, introducing sentences of between 6 months and 2 years for offenders (section 25). [3a] Mistresses are not held to be protected under section 25, except in cases where the woman has had a child with the perpetrator. [20w] This law also allowed for immediate protection for victims of family violence from physical or psychological abuse, as well as for judicial authority to remove the abuser from the household. Protection under law 294 is extended from married

couples or permanent partners (*los conyuges o companeros permanentes*), to male and female heads of household, regardless of whether or not they live in the same dwelling (*el padre y madre de familia, aunque no convivan en un mismo hogar*), to younger or older relatives, including adopted children, to all other persons who have become part of the family unit on a permanent basis (*todas las demaas que de manera permanente se hallaren integrados a la unidad domestica*). [3a,20w]

B.3. A 1997 law also made additional, substantial modifications to the Penal Code and introduced sentences of between 4 and 40 years for crimes against sexual freedom or human dignity, including: rape, sex with a minor, sexual abuse, induction into prostitution and child pornography. The law also repealed an old law that fully exonerated a rapist if he subsequently offered to marry the victim and she accepted.

[3d]

ii) Homosexuals

B.4. It is not against Colombian law to be homosexual, but a considerable amount of public ill-will exists, as in most Latin American countries where a machismo attitude is widespread [8]. Homosexuals are occasionally attacked by vigilante groups who excuse their actions as 'social cleansing' [4b]. Hundreds of people have allegedly been killed by 'death squads', presumably paramilitaries, who are believed to have the support of the security forces, to rid towns and cities of homosexuals who are considered 'disposable' [4a]. Prostitutes, including child prostitutes have been similarly treated [4b].

B.5. The US State Department report for 1998 reported that the killing of homosexuals as part of the practice of social cleansing continued. [3d]

B.6. Sexual orientation is less of a barrier to administrative office. In 1997, the Department of Valle del Cauca (where the cities of Cali, Palmira and Tulua are located) elected an openly gay governor, Gustavo Alvarez Gardeazabal, former mayor of Tulua. [19d]

B.7. One human rights organisation, Grupo de Ambiente, has documented 328 murders by death squads of homosexuals between 1986 to 1990. The group maintains there is still strong societal prejudice against homosexuals. [19d]

B.8. However, a raft of administrative changes and court decisions since 1995 have brought in a different environment of rights and precedents. In December 1998, private contract same-sex marriages evolved. In September 1999, partners of same-sex relationships nearly won the right of inclusion in obligatory health insurance plans. In July 1999, ruling by the Constitutional Court forbid bans on gays serving in the military forces. The same court ruled, in September 1998, schoolteachers could not be fired for being openly gay, having ruled in April 1998 that students could not be dismissed by any school, including private religious schools, for being gay. domestic partnership recognised in inheritance and disability benefits cases in May 2000 and November 1999 respectively. [19d] The Constitutional Court in May 1999 and August 1999 forbid non-consensual intersex genital mutilation (IGM) - where surgeons alter atypical genital mutations at birth, where there is no reason other than "normalisation" of sexuality.

[19e]

iii) Religious Freedom

B.9. About 95% of the population is Roman Catholic with small Protestant and Jewish minorities [2b]. Other forms of religion are permitted in Colombia provided their exercise is "not contrary to Christian morals or the law" [1a].

B.10. There is little religious discrimination and exclusively Roman Catholic religious instruction is no longer compulsory in state schools [3a]. However, both the Constitutional Court (on 7 October 1998) and the Council of State (on November 19 1998) found that Jehovah's Witnesses and Mennonite seminarians had been regularly forced into military service, in violations of constitutional and other provisions for

conscientious objectors. Both the court and council directed the Government to exempt the two churches' seminarians in the same manner that it exempted Roman Catholic seminarians. [36] Individual Mormons have occasionally been subject to abuse [20m].

iv) Healthcare system

Healthcare system

B.11. The Basic Country Health Profile of Colombia, produced by the Pan American Health Organization, an organisation acting in concert with the World Health Organization, gives a periodic summary of the Colombian health care system, issues associated with health in the country, and health policy and organisation. [19b]

B.12. Social security and health. Healthcare is subsidised in part, with grants of money from the National Solidarity and Guaranty Fund. It is a form of mandatory health insurance. All persons with an income equivalent to twice the minimum wage and above are required to make contributions to the Fund. Those people below this financial threshold are entitled to subsidised healthcare without contribution. The subsidised programs rely on a variety of taxes and duties, both local and national; grants from government and share of national expenditure; and copayments and prorated fees from the members of the fund (i.e. patients) and their families. [19b]

B.13. Health policy. The Compulsory Health Plan sets out national minimum standards of healthcare, promoting the principles of free and subsidised healthcare to the whole population. Its legislative background is found in Law 100, which incidentally specifies that local government health initiatives are provided free to the entire community. The Basic Health Care Plan covers the delivery of those objectives. [19b]

B.14. Organisation and delivery. The chief organisations of the healthcare system are the Health Promotion Enterprises. They work to bring health policy to fruition; they are responsible for the basic mobilisation of financial resources, health promotion, and the organisation and delivery of medical services. They work with a variety of health plans: public, private, partnership-based, or mixed. [19b]

B.15. Institutions that provide health services (hospitals, GPs clinics, medical laboratories, etc) offer their services through the health promotion enterprises. Law 100 guarantees their right to administrative, technical and financial autonomy from the State; thus, public hospitals are social enterprises of the State run as a special type of decentralised public entity. [19b]

B.16. Treatments and pharmaceutical products. The Compulsory Health Plan has a list of essential drugs (currently about 300 principles and 435 presentations). This list regulates treatments given in the healthcare institutions, establishing a quality control of pharmaceuticals to the healthcare system. Decree 677 (promulgated in 1995) regulates all use and quality of pharmaceutical products.

B.17. "Because essential drugs are included in the Compulsory health Plan and must be referred to by their generic names, the private market has deferred to the institutional market of the health promotion enterprises and the health service delivery institutions." A result of this domination by the public institutions means that public hospitals average 79 percent discounts on the price of pharmaceutical products on market price, and are able to deliver on the list of essential drugs at affordable and subsidised prices. [19b]

B.18. Doctors, between graduating in medicine and professional practice, are subject to Mandatory Social Service (*Servicio Social Obligatorio* or SSO). SSO obliged doctors and other medical professionals to work in public hospitals after their internship. SSO has been in operation for several years and, up and until 1999, SSO lasted one year. In 1999, it was proposed the time cutting down to six months. Once SSO is completed, or if medical studies abroad have a contractual waiver built in, the doctor can receive his professional licence. [20ah]

B.19. Doctors and other health professionals are vulnerable to targeting by rebel and

paramilitary groups, particularly those medical professionals assisting human rights and humanitarian organisations in bringing medical services to particularly violent areas. The Canadian IRB were unable to find reports of police protection schemes specific to medical staff and facilities [20ai].

People with Disabilities

B.20. Although the 1991 Constitution enumerates the fundamental social, economic and cultural rights of the physically disabled, disabled persons' full participation in society is prevented by serious practical impediments. Access for people with disabilities is not compulsory although one exception is that physically disabled people must receive assistance at voting stations. Another provision of the Constitution is that the social security fund for public employees must provide services for disabled children of its employees regardless of the cost [3].

v) Ethnic Minority Groups

B.21. The Colombian constitution prohibits discrimination based on race, religion, sex, disability, language or social status. It also "recognises and protects the ethnic diversity of the Colombian nation". In practice not every aspect of the Constitution is upheld (see below) [3a].

Race

B.22. Around 2 million Colombian citizens of African descent live primarily in the Pacific region of the country, mainly in the departments of Choco, Valle del Cauca, Narino and along the Caribbean coast. The African-Colombian community represents about 4% of the general population and while they are entitled to all constitutional rights and protection, traditionally they have suffered from economic discrimination [9]. An African-Colombian Law was passed in 1993 in an attempt to address the problem of deprivation in predominantly black regions. Little progress has been made in expanding public services and private investment. In September 1996 the Colombian Government established a special fund to provide scholarships and to expand access to higher education for African-Colombian students [3a]. African-Colombians suffer disproportionately from political violence particularly in the area of Uraba where paramilitary and guerrilla forces struggle for control. Unemployment among some African-Colombian communities has been reported as high as 76%. Despite their traditional ties to the sea and maritime commerce, the Navy makes little effort to recruit them [3d].

B.23. In a report dated August 1998, the Canadian Immigration and Refugee Board stated that no reports of racially motivated killings of Afro-Colombians were to be found amongst their range of sources; and that black communities were affected by the general high level of violence predominantly for reasons other than their race [20d].

B.24. The Lebanese community is held by the authorities to be welcome in Colombia and to have fully integrated into Colombian society. [20o]

Indigenous People

B.25. It is estimated that amongst the 800,000 indigenous inhabitants of Colombia approximately 82 distinct ethnic groups live in some 334 designated Indian reserves. Although the Constitution gives special recognition to the fundamental rights of the indigenous people, members of these groups suffer discrimination in that they have traditionally been relegated to the margins of society [3a]. The rights of indigenous people are protected by the Office of Indigenous Affairs. The indigenous people are able to follow their cultural and religious customs, educate their children in traditional dialects and men are exempt from military service. They are, however, generally underprivileged and they suffer disproportionately from the internal armed conflict. They come under attack in disputes over land ownership and the security forces often accuse them of involvement with drugs traffickers and guerrilla groups [3a].

B.26. Members of indigenous communities continued to be victims of all sides in the internal conflict, and a number of them were killed. In August 1998, the national human rights Ombudsman stated in his annual report that the indigenous communities most affected by extrajudicial killings during 1996-97 were the Zenu, the Embera-Katio, the Paez, the Koreguaje, the Los Pastos and the Pijao. In 1997 alone, 63 indigenous leaders and 13 other indigenous community members were killed and 3 disappeared.

[3d]

B.27. In 1998 indigenous people remained under-represented in government and politics. Two of 102 Senate seats are reserved for indigenous representatives. **[3d]**

B.28. The plight of the U'was, an indigenous group, has continued to be reported in 1999. The forcible removal from the drilling site was effected by the army in early February 2000. 26 U'was were evicted by helicopter, 100 others scattered away from the site, and 300 troops deployed to ensure the protesters did not return **[17al]**

vi) Children

B.29. The Government provide public education, which is compulsory for children aged 6 to 14 years of age. Nine years of education for all children has been set as a target for the seven largest cities by 2007, and the whole country by 2017. Education spending accounted for 4.3 percent of GDP in 1998. Basic literacy stands at 90 percent. **[17fv]** Nevertheless, an estimated 25 percent of children of school age do not attend school. This is attributed to lax enforcement of truancy laws and inadequate classroom space. **[3d]** Another factor of the breakdown of education is that many children are dislocated by violence or the threat of violence, with children forming a high proportion of the internally displaced. **[17fo]**

B.30. The US Department of State reported in 1998 that despite constitutional and legislative commitments to the protection of children, these were only minimally implemented. The Constitution dictates the obligation on family, society and the State to assist and protect children, to foster their development, and to assure the full exercise of these rights. There is a special 'Children's Code' which sets forth many of these rights and establishes services and programmes designed to enforce the protection of minors. A new Law on Family Violence was also drafted to increase legal protection for women and children. (See i) Women B.2) The ICBF oversees all government child protection and welfare programmes and funds non-governmental and church programmes for children. **[3d]**

B.31. In 1998 there continued to be incidents of social cleansing -including attacks against street children. Most of these incidents were attributed to the police or paramilitary groups. On November 7, the authorities found the skeletons of 25 children in a common grave near Pereira, Risaralda department. Forensic experts concluded that the children had been murdered. Some observers speculated that the killings may have been the result of a social cleansing campaign; others suspected satanic cult members were responsible. The Bogota press reported that the Prosecutor General's office had developed a list of 15 people it believed may have been involved. In December the Prosecutor General's office arrested Pedro Pablo Ramirez Garcia in relation to the crimes. **[3d]**

B.32. In conflict zones, children were often caught in the crossfire between public security forces, paramilitary groups and guerrilla organisations. Children suffered disproportionately from the internal conflict, often forfeiting opportunities to study as they were displaced by conflict and suffered psychological traumas. **[3d,17fx]**

Minors in Conflict

B.33. The use of child soldiers was common. Paramilitary groups sometimes pressed children into their ranks. Although the ELN agreed to halt recruitment of children under the terms of the 28 June Mainz "Heaven's Gate" agreement, both it and the larger

FARC regularly pressed children into their ranks. According to a report by NGOs, at least 6,000 children are fighting for rebel or paramilitary groups in 1998. [15p,20v]

B.34. In a meeting with a special representative of the UN Secretary General, FARC rebels promised not to recruit or kidnap more minors. They pledged to consider removing those under the age of 15 from their ranks and to halt the conscription of children. [15af] The head of FARC, Manuel Marulanda, has however stated in February 2000 that FARC will continue to recruit minors over the age of 15 years [17w]. The guerrilla organisations also indoctrinate children with a view to recruiting after the age of 15. [11m,11t] The army has reported in May 2000 that the rebels are actively recruiting minors. [17bv] The commander of the GAULA anti-kidnapping groups has numbered forced abductions for recruitment purposes at about 6,000. [17ds]

B.35. The Colombian Institute for Family welfare has estimated (in February 2000) that there are around 3,000 minors still active in Colombia's insurgent organisations, with 2,000 under arms [17ah]. The army has estimated 4,000 minors involved [17w]. The army reforms of July 1999 have imposed a minimum recruitment age, ensuring minors are not combatants. [17ah,17s].

5C. Human Rights: Other issues

i) Freedom of Political Association

C.1 The citizens of Colombia have a democratic right to vote in secret ballot elections which have to date been regarded as fair and open. Presidential elections take place every four years. Public employees are not allowed to engage in any political campaigning but they are allowed to vote with the exception of the military. Officially political parties are not subject to government interference [3d]. The high level of violence prevalent in Colombia has had a profound effect on political life with freely elected officials often forced to leave the country because of death threats [3d].

Local Elections, 29 October 2000

C.2 Political system and country in turmoil after the announcement of US military aid and leading up to the local elections of October 2000. [11ap] Initially reported as six, eight Liberal Party members went missing, were suspected as kidnapped, and then later released after the elections by AUC paramilitaries. [11ap,17jg,17jn]

C.3 Pre-election tension leading up to the municipal elections of 29 October was responsible for the murder of 20 mayoral candidates, and the withdrawal of dozens of other candidates. Of the 1,089 municipalities, threats to candidates were registered in over half. The violence however is less than in 1997. [11ar,17jf]

C.4 There were reports of interference in the elections. FARC burned ballot papers from 79 polling stations in Narino Department. [17je] In Putumayo, FARC and the paramilitaries nominally allowed voting to go ahead, though the Mayor of San Vicente del Caguan accused FARC of pressuring voters not to support traditional parties. [17jf,17jh] The Army has accused FARC of forcibly removing ballot boxes in Santander and Caqueta Departments. [17jf]

C.5 The election results were held to be a defeat for the Conservatives, with many local losses. Most commentators view the local elections as being a protest vote on the national government's, especially the president's performance. The Liberal party gained seats, and have begun talking of having "majorities" over the government. The indigenous minority candidate, Floro Tunubala, in Cauca department, won to become the governor, and thus the first governor of indigenous background. [17jj,17jl,17jm]

Union Patriotica (UP)

C.6 The Union Patriotica (UP), set up in 1985, has lost hundreds and possibly thousands of members and supporters and endured considerable repression for a small opening in the political system [6b]. This campaign was initially precipitated by the

Medellin Cartel after the UP was formed as part of a 1985 peace accord that permitted several thousand guerrillas to turn in their weapons in exchange for participation in a legal political party. **[3c]** Between 1985 and 1987 a campaign of assassination of UP members resulted in an estimated 450 deaths **[2a]**. More recent reports estimate that 3,500-4,000 members of UP have been murdered since its foundation in 1985 **[7a]**.

C.7. Particular incidents have included the following. In October 1997, the Prosecuting Attorney's Human Rights Unit formally charged two army Sergeants, Hernando Medina Camacho and Gusto Gil Zuniga Labrador, and paramilitary leader Carlos Castano with the 1994 killing of the leader of the UP, Senator Manuel Vargas Cepeda. The two sergeants remained in preventative detention, while Castano was tried in absentia. UP leader, Senator Hernan Motta, Cepeda's successor, left the country with his family in October, following increasing threats to their safety. **[3c]**

C.8. In 1996 the UP brought a complaint before the Inter-American Commission on Human Rights (IACHR) charging the government with "action or omission" in what they termed "political genocide" against their party and the Communist Party **[3d]**. In 1998 there was no progress regarding the UP party's complaint to the IACHR that charged the Colombian government with "action or omission" in what the UP termed "political genocide" against the UP and the Communist Party. The government and the UP continued without success in their efforts to reach an amicable solution under the authority of the IACHR. **[3d]**

C.9. The government on 6 June 2000 announced that, in compliance its commitments to the Organisation of American states (OAS) it was creating a special protection scheme for the members of UP and for the Colombian Communist Party. The personal protection component is being handled by the DAS under a programme already agreed between DAS and PCC-PU. A new committee, the Committee for Regulation and Risk Assessment, is handling humanitarian aid and the protection of offices and residences. It fully meets the recommendations of the IACHR. **[17cy]**

C.10. Since 1999, the UP has faded from any position of political significance, and has not featured as being active in any news reports.

C.11. On 29 April 2000, FARC launched a clandestine political movement. The Bolivarian Movement for a New Colombia will operate in secret for the time being, as opposed to the Union Patriotica. There appear to be no plans to contest elections any time soon. The party is headed by Alfonso Cano. FARC is looking to the new movement to draw in peasants, workers, and other underprivileged Colombians. It is held to be, by Cano, a mechanism for ushering in the socialist revolution: "As revolutionaries, we would like the path to revolution to be as least painful as possible." Others have seen it as a mechanism of agitation, to complement recruitment up to 35,000 FARC members. **[17bs,17bu]**

C.12. In addition to the UP officials murdered over the years, the office of the High Commissioner for Peace estimated that 1,143 civil and political leaders of other parties were killed between 1990 and 1995 **[3d]**.

C.13 On 29 April 2000, the FARC announced the creation of a new political party, the Movimiento Bolivariano por la Nueva Colombia (MBNC) - Bolivarian Movement for a New Colombia. **[3h,17bu,17bs,17eh]** News reports stated that there were no plans to integrate the party into the mainstream political process or to contest elections. **[17bs]** FARC leader Marulanda announced that the party would operate secretly. **[3h,17bs]** Further, Marulanda stated "The FARC, the army of the people, will be (the movement's) guarantee against extermination" meaning that the movement should be viewed as a political front of an armed guerrilla movement, as opposed to the UP who renounced the armed struggle in 1985. **[17bs]** The Colombian army view the movement as part of a two-pronged offensive, the second being armed mobilisation, with a view to launching

an offensive to take power. [17bu]

Other Parties

C.14. In August 1997, the guerrilla group ELN abducted and killed Liberal Party Senator Jorge Cristo Shaiun in Cucuta, Norte de Santander department. A unit of the ELN reportedly accepted responsibility for the murder and threatened to kill other political figures in North Santander. In September 1997, five men were arrested in connection with the killing. [12c] In August 2000, the opposition Liberal Party found that its leaders were declared as military targets by the FARC and the ELN for their perceived involvement in Plan Colombia. [17fg,17fq] Previously in May 2000, however, two factions of pro- and anti- Plan Colombia had agreed days before that they would produce a statement setting out point by point the Liberal Party's stance to President Pastrana's referendum agenda. Differences could not be settled and a split was soon deemed inevitable, with the Party expelling Pastrana supporters a few days later. [17bw,17by] Horacio Serpa, a leader of the Liberal Party has also criticised the military component of the Plan in late July 2000, asking the government to emphasis reconstruction of the country rather than military action. [17em]

C.15. Ten mayors have been killed between January and November 1999, a fact highlighted by one particular case on 7 November [16bf]. Previously, on 29 October, 700 mayors at a Mayors For Peace summit had decried their lack of "minimum security" [16ay]. Five hundred municipalities were held to come under the sway of the rebels in the near future [16ay]. The ELN threatened 500 mayors, mainly from the Narino, Putumayo, and Caqueta Departments, in late April 2000. [17bp] On 30 May 2000, the mayor of El Copey municipality, Cesar Department was shot along with his assistant. [17cp] In the year 2000, 130 public servants were killed. The first mayor to be killed in 2001 was shot on 18 January by FARC. [18j]

C.16. There are no legal restrictions, and few practical ones, on the participation of women or minorities in the political process. However, they are under-represented in official and party positions. Indigenous people and those of African descent are also under-represented in government and politics; 2 of 102 Senate seat are reserved for indigenous representatives; in 1993 a law that set aside two seats for citizens of African descent was declared unconstitutional in September 1996 by the Constitutional Court. [3d,3h]

ii) Freedom of Speech and Press

C.17. Both Colombian and international journalists typically work in an atmosphere of threats and intimidation. Fearing for their safety, journalists often refrain from publishing or airing stories counter to the interests of paramilitary groups, guerrillas or narcotics traffickers. Unknown assailants were reported to have murdered at least 13 journalists during 1998, although not all the murders apparently were related to the journalists' work. Oscar Garcia, sports reporter for Bogota's second leading daily newspaper, El Espectador, was murdered on 23 February 1999, the day before he was to meet with representatives of the Prosecutor General's office, apparently to discuss organised crime links that he had uncovered to the bullfighting industry. [3d]

C.18. On 16 April, Nelson Carvajal, a radio announcer and a schoolteacher, was killed in front of his school in Pitalito, Huila department. His killing was apparently in retaliation for his charges of corruption against a former Pitalito mayor. On 19 May 1999, radio and television journalist Bernabe Cortes, who was rumoured to have links to organised crime, was murdered in Cali. On 14 August 1999, Luz Amparo Jimenez, a television reporter and coordinator of the Cesar and La Guajira department chapters of "Redepaz" (an NGO), was murdered in front of her home in Valledupar. She recently criticised local police links to paramilitary groups and regularly covered the plight of displaced persons in the region. According to Pais Libre, 16 journalists were kidnapped during the year.

Most of the incidents appeared to have been related to journalists' work and aimed at intimidation. **[3d]**

C.19 In January 2001, the Paris-based World Association of Newspapers ascribed 10 of the 53 killings of journalists worldwide in the year 2000 to Colombia. **[18n]**

C.20. The trend of media ownership continued, with large news firms purchasing small, previously independent newspapers. Wealthy families or groups associated with one or the other of two dominant political parties also continued to expand their holdings of news media, and regional firms continued to purchase local news media outlets.

Although the press remained generally free, these trends in news media ownership tended to narrow the range of political viewpoints offered. **[3d]**

C.21. Despite an attempt by some members of Congress to abolish it, the National Television Commission continued to oversee television programming throughout the year. Detractors charged that it was susceptible to political influence. **[3d]**

C.22. Academic freedom is assured and is respected by the State. The university campuses are occasionally the scenes of assassinations by paramilitaries or by rebel groups. On 4 May 1999, Hernan Henao, a professor at the University of Antioquia researching the situation of displaced people, was murdered, "apparently by right-wing paramilitaries". It has led to a number of related murders, attributed to the AUC. The rector of the University of Antioquia has met with Carlos Castano, leader of the AUC, and representatives of the ELN and the EPL to plead for the university's neutrality. FARC had likewise been contacted by letter in November 1998 but had failed to respond. **[20ac]**

iii) Freedom of Assembly

C.23. The Colombian constitution provides for the freedom of peaceful assembly and association. Public meetings and demonstrations usually proceed without interference from the authorities except on occasions where they determine that there is imminent danger to public order. Permits are required for demonstrations and the U.S. State Department Report for 1996 suggested that officials responsible for the issue of these permits have been put under pressure to discriminate against groups that organised to criticise the President. Demonstrations do not always pass off peacefully. In July, August and September 1996 an estimated 80,000 to 150,000 coca cultivators and field workers mobilized to impede Government counternarcotics operations. Confrontations resulted and although in general soldiers did not employ lethal force against the protestors, some protestors were killed and abuses were reported **[3a]**.

C.24. A major strike on 2 September lasted for two days. The main reason behind the general strike has been the implementation of drastic public spending austerity measures in the midst of a recession and a general inflation rate of 10 percent p.a.

[16l]. 65 people were killed in associated violence **[16l]**. At least one rebel group, the ELN, was involved in the strike **[16k]**. There was further industrial unrest in October **[16aj]**; and the Pan-American highway was blocked again on 1 November **[16bc]**.

C.25. The economy is in the worst recession since the 1930s. For the first time in decades, no growth was experienced, indeed, shrinking by 5.8% in first quarter in 1999 **[16a]**. Coffee output slumped by 28.5%, and imports had to be undertaken in order to meet export quota commitments **[16u]**. Unemployment is currently running at about 20% of the working population. **[16a]**. Industrial unrest included a 10 day strike by road hauliers in January / February 2000, after pressing for a 20% increase in cargo transit rates **[17ad]**. Recovery from the recession is expected to be slow. Export earnings are expected to pick up in 2000, but consumer confidence is held to be low. **[17gz]**

C.26. Public debt is set to increase in 2001 through increased government borrowings. This is to facilitate part of Plan Colombia and is a 15.6 percent increase on the year 2000. The Colombian government is under tight constraints to accord with a \$2.7 billion

loan from the IMF, and has been implementing ways to cut deficits. Such measures include a 6.2 percent pay offer to public sector employees (current inflation rate of 10 percent), privatisation of 20 state enterprises possibly entailing layoffs of about 5000 workers, a tax system restructuring. [17fi,17gz]

iv) Freedom of the Individual

C.27. The 1991 Constitution includes provisions to prevent illegal detention. In practice, however, individuals are subject to arbitrary arrest and detention in Colombia, and prolonged pretrial detention periods are a problem. The latter may be attributed in part to the overburdened judicial system [3e].

C.28. The Colombian government has been operating under states of emergency for 36 of the past 44 years. These circumstances enabled the government to rule by decree in broad areas of the country and this often limited due process rights and freedom of movement. Curfews have been imposed and check-points and safe conduct passes have been required in some areas [3b]. A typical state of emergency was declared by the governor of Tolima Department on 11 May 2000, after intense fighting, since the 28 April 2000, between the FARC fronts and the AUC in a large area of Southern Tolima. [17cc]

C.29. In general a judicial order is required before authorities may enter a private home and to authorise telephone monitoring or the interception of mail [3b].

v) Freedom to Travel/ Internal Flight

C.30. In general there are no restrictions on citizens' rights to travel either domestically or abroad. Travel may be restricted when police or military operations are in place in particular areas, however, and an outsider may only enter an Indian reserve by invitation [3b].

C.31. 5,000 Colombians crossed the border into Venezuela to escape the threat of paramilitary violence in North Santander, including a first wave of around 2,200 in one week in June 1999. Later that month, the Colombian and Venezuelan governments agreed to establish a joint mechanism to prevent and handle any future exodus. They are expected to establish the mechanism with the help of appropriate agencies, including international humanitarian organisations.[15r]

C.32. It was reported in July 1999 that, for the first time and because of the escalating violence and deepening financial crisis, wealthy and middle-class Colombians are exiting the country in large numbers. The US Embassy in Bogota was described as inundated with visa applications. An estimated 65,000 Colombians left the country in the first 4 months of 1999.[15ad]

Internal Flight

C.33. Colombia's topography splits the country into very distinct regions and the people in this relatively sparsely populated country (31.4 per sq. km) are closely identified with those regions [2a]. Many of those deemed to have been displaced simply leave their plots and/or villages and do not register with the authorities or NGOs out of a combination of fear and ignorance. There are parts of Colombia that may continue to be considered relatively safe (where there are no coca, oil or banana interests), but an individual may come to adverse attention merely by moving from one area to another. There are occasions when internal flight might solve an individual's problems but people do live in a state of fear and some of them may feel that they have little choice but to leave the country [7a].

C.34. The Colombian government has publicly recognised the gravity of the problem of displaced persons and is seeking solutions to it. However, it was reported on 29 November 1998 that almost a quarter of a million people were forced to flee their homes in the first nine months of 1998 to escape the political violence of Colombia's civil conflict. The report stated that this figure is equivalent to about 25 percent of the total

number of displaced civilians officially reported in the last 10 years, making 1998 one of the worst years on record for internal refugees. The summary, which came from the independent Consultancy on Human Rights and Forced Displacement (Codhes), said that 241,312 people from 48,000 separate families had abandoned their homes by the end of September 1998. No comparison was given for the same period last year. It also claimed that Colombia's displaced people rarely live in refugee camps, except for brief periods immediately after leaving their homes, but stay with relatives elsewhere or flock to the shanty towns that ring Bogota and other large cities. **[3d]** The US State Department Report for 1998 stated that the total number of internally displaced citizens during 1995-98 probably exceeded 750,000. **[3d]**

C.35. Official and unofficial estimates of displaced people vary between 400,000 (official Colombian government estimate) to 1.6 million (various human rights organisations) on differing bases **[16b,31a]**. Between 8 million to 11.5 million people have relocated over past 40 years, with a large unspecified contingent moving because of violence **[16b,31a]**. A private monitoring group, the Consultancy for Human Rights and Displacement, have quoted figures for 1999 as 288,000 people displaced by armed groups, with guerrillas blamed for 28 percent of cases, and unknown groups responsible for a further 16 percent. **[11q]** The government estimate of the homeless is of 700,000 people **[16b]**.

C.36. The government operates a card scheme for benefits that is fully transferable around the country. However the UNHCR alleges that refugees are targeted on the basis of the card. They call for its abandonment and greater access for international organisations to assist in administering relief **[31a,31c]**. Likewise, refugee camps / organised areas are targeted as well, creating a flee to shanty towns - known as "rings of misery" - around large cities **[31a]**. The International Monetary Fund has reached an agreement with the government to alleviate the problem **[31e]**.

C.37. The UN World Food Program launched an appeal for internally displaced in Colombia, announced on 17 November and was due to start in February 2000, but has been delayed because lack of contributions. **[16bu]**.

C.38. On 11 august 2000, the UNHCR opened an office, its fourth, in Putumayo Department. The Colombian and US governments estimate that as many as 10,000 refugees may flow through Putumayo and Caqueta Departments once the push into southern Colombia commences. **[17ft]**

C.39 In June 2000, Amnesty international produced a report into the displaced communities of Uraba and Medio Atrato region. The report investigated the dynamics at the heart of Colombian displacements, citing the example of the community of San Jose de Apartado, a group of 32 villages in Apartado municipality, Antioquia Department, and the communities of the Medio Atrato. **[4j]**

C.40 Law 387 of 1997 is the legislation recognising the Colombian Government's responsibility to prevent forced displacement, and to provide protection for the forcibly displaced. The report argues that the laws are poorly implemented, and little provision is given to the displaced, e.g. only 20 percent of displaced children had access to medical assistance and only 15 percent were registered for schooling. **[4j]**

C.41 The number of people displaced in the year 2000 was placed officially on 24 January 2001 as 126,000. Independent agencies put the figure at around 300,000. Sixty percent of the displacements were attributed to the actions of the paramilitaries. **[18p]**

C.xx. One commentator has suggested that the *desplazados* (the displaced) are a challenging issue for the security forces as much as the government. Firstly, the external flows of Colombians are causing border control problems, and secondly, the security forces are being obliged to reform to ensure sufficiency of protection is

extended to displaced populations as NGOs increasingly point to lapses and failures of protection, citing the massacres of Mapiripan (July 1997), Barrancabermeja (May 1998), and La Gabarra-Tibu (August 1999). [8d]

External flight

C.42. DAS, reportedly in a September 2000 news report, have estimated that 2 million Colombians have left Colombia in the past three years. Over 1,000 people a day were leaving Colombia in the first half of year 2000, an increase of 35 percent on the same period in the previous year. [11m,17ff]

vi) Persecution under the terms of the 1951 United Nations' Convention relating to the Status of Refugees.

C.43. There is no convincing evidence of any organised, systematic persecution by the State of individuals or specific groups in Colombia. Human rights reports do, however, indicate widespread internal conflict and high levels of forced disappearances and extrajudicial killings by government forces, paramilitary groups and guerrillas [3h].

ANNEX A

COLOMBIA: A GUIDE TO POLITICAL, GUERRILLA, PARAMILITARY AND TRADE UNION ORGANISATIONS AND GROUPS

1. POLITICAL PARTIES

Partido Liberal (PL - Liberal Party)

Established 1815; the PL has provided more political leaders than any other party. In the 1994 Presidential elections, Ernesto Samper Pizano, the PL candidate, was elected with 50.9% of the vote in the second round; the PL won 56 seats in the Senate and 88 seats in the House of Representatives.

Partido Conservador (PC - Conservative Party)

Established 1849; 2.9m members. There are internal divisions within the party: in 1990-94, the Social Conservative Party (PSC), as the PC was then known, split with the **Nueva Fuerza Democratica (NFD)**, led by Andres Pastrana Arango, participating in President Gaviria's administration and the PSC and the **Movimiento de Salvacion Nacional (MSN)**, led by Alvaro Gomez Hurtado until he was murdered in October 1995. In the 1994 Presidential elections, the PSC's candidate, Pastrana, won 49.1% of the vote. The PSC won 20 seats in the Senate and 40 in the House of Representatives. The MSN won 2 seats in the House.

Union Patriotica (UP - Patriotic Union)

Established 1985 by Farc and the Partido Comunista Colombiano (PCC) as a means of enabling former guerrillas and other Marxists to enter the political process. UP did not nominate a candidate for the 1994 Presidential elections due to the assassination of two of its leaders who had contested the Presidential elections in 1987 and in 1990. It currently has one Senator but no representatives in the Lower House. President: Antonio Jose Puentes; Vice -Presidents: Motta and Aida Abella (in exile in Europe).

Alianza Democratica (AD-M19 - Democratic Alliance (of 19 April))

Established 1990, AD-M19 originated in the Movimiento 19 de Abril (M19) guerrilla group, which was the military wing of ANAPO. In the May 1994 Presidential elections AD-M19 won 1 seat in the House of Representatives (Yaneth Suarez). President: Gloria Quiceno.

Partido de Esperanza, Paz y Libertad (EPL - Hope, Peace and Freedom)

This was established from the guerrilla group EPL (Popular Liberation Army) in March 1991 when it laid down its arms. Party leader: Bernardo Gutierrez Zuluaga.

Partido Comunista de Colombia (PCC - Communist Party of Colombia)

Established 1930. The PCC joined with the FARC to establish the Union Patriotica in 1985, but it has remained an independent organisation. Secretary- General: Jaime Caycedo

Movimiento Unitario Metapolitico (MUM, Metapolitical Unitarian Movement)

Established 1985; populist occultist party; Leader: Regina Betancur de Liska, the party's candidate in the 1994 Presidential elections, she obtained 64, 871 votes (1.8%).

Alianza Nacional Popular (ANAPO - National Popular Alliance)

Established 1970. ANAPO became the main opposition party in Congress in 1970-74. Some of its members then broke away and formed an armed wing, M19 de Abril with dissident members of FARC. Samuel Moreno now represents the party in the Senate.

2. Other Parties

Movimiento Obrero Izquierdo Revolucionario (MOIR - Left-Wing Revolutionary Workers' Movement). Left-wing workers' movement; Maoist. 1 Senator. Secretary-General: Hector Valencia

Frente por la Unidad del Pueblo (FUP - United People's Front).

Extreme left-wing front comprising socialists and Maoists.

Movimiento Unido por Colombia (or Colombia Unido) (MUC - Movement for Colombian Unity). Left-wing group allied to the UP. Leader: Adalberto Carvajal.

Movimiento Nacional Progresista (MNP - National Progressive Movement)
Democracia Cristiana (Christian Democracy). Established 1964; Christian Democrat party; 10,000 members; President: Juan A Polo Figueroa; Secretary - General: Diego Arango Osorio

Partido Demócrata Cristiano (PDC - Christian Democrat Party).

Banned from participating in the March 1986 elections because of fraudulent electoral registration, it allied itself in 1990 to AD-M19. President: Luis Jaime Pabon Mahecha.

Movimiento Nacional Conservador (MNC - National Conservative Movement).

Partido Nacional Cristiano (PNC - National Christian Party).

Union Cristiana (UC - Christian Union).

Mujeres para la Democracia (MD - Women for Democracy).

Established 1991; women's party; Leader: Angela Cuevas de Dolmetsch.

Partido Socialista de los Trabajadores (PST - Socialist Workers' Party).

Established 1978 by members of a former Trotskyite party, the Bloque Socialista, it is led by Maria Socorro Ramirez, who contested the 1978 Presidential elections.

3. Student groups

Juventudes Inconformes de Colombia (JIC, Disaffected Youth of Colombia), which called for the elimination of drugs dealers and kidnappers.

Movimiento Revolucionario Estudiantil (MRE, Student Revolutionary Movement).

NB: It is not clear how many of the 'Other parties' are still registered and how active and effective they are.

4. Guerrilla Groups

Fuerzas Armadas Revolucionarias de Colombia (FARC - Revolutionary Armed Forces of Colombia)

Originating in peasant self-defence groups in the 1950s, it emerged in 1964 as the pro-Moscow armed wing of the Partido Comunista Colombiano (PCC). It overshadowed the PCC and became an independent organisation, ostensibly, at least initially, supporting the interests of the poor (it called for example, for agrarian reform, nationalisation of foreign enterprises, a 50% reduction in land and property taxes and a 40% reduction in public utility charges). In 1983, the FARC accepted the government's offer of a general amnesty to guerrilla groups and a partial cease-fire, which was formalised in March 1984. The following year, the FARC joined with democratic left-wing groups, including its original sponsor, the PCC, in forming the UP. The cease-fire agreement was renewed in March 1986, but, following the government's failure to guarantee the safety of UP election candidates, the FARC returned, by late 1987, to a policy of "total insurrection". In 1997 FARC set out conditions for entering into peace talks with the government: the dismantling of what it described as the national security doctrine, paramilitary structures and legal self-defence groups (CONVIVIRS); suspension of special public order zones; and the introduction of a number of unspecified democratic reforms.

Leader: Manuel Marulanda Velez

Ejército de Liberación Nacional (ELN - Army of National Liberation)

Established in July 1964 by Fabio Vasquez Castano, a student leader ideologically linked to the **Movimiento de Obreros, Estudiantes y Campesinos (MOEC - Movement of Workers, Students and Peasants)**, Colombia's first revolutionary group.

A Marxist, pro-Cuban movement, its objective was the "conquest of power for the popular classes". A predominantly student and middle class movement, with strong ties to the University of Santander in Bucaramanga, it first operated mainly in rural areas in north-eastern Colombia. It also had links with guerrilla forces in El Salvador, Peru and

Venezuela. Leader: Manuel Perez Martinez, a Spanish-born ex-priest. The ELN previously included the **Corriente de Renovacion Socialista (CRS)**, **Frente Simon Bolivar** and **Frente Antonio Narino** but these ceased hostilities (CRS won 2 seats in the House of Representatives in the 1994 elections).

Ejercito Popular de Liberacion (EPL - Popular Liberation Army)

Established in 1967 by the Partido Comunista Colombiano (Marxist-Leninist), it was the first Colombian group with a Maoist orientation. Made up of peasants, workers and students, it advocated total nationalisation and confiscation of all important industrial and agricultural enterprises. In 1984, having been inactive for some time, EPL came to an agreement with the government and initially abandoned the armed struggle (but not definitely until 1991). A dissident group, the EPL-D, numbering about 120, is still active in Guajira, Santander, Magdalena, Risaralda and Narino.

5. Other groups

Jaime Bateman Cayon (JBC) Established in 1989, when the vast majority of M-19 supporters abandoned the armed struggle, the JBC is named after an M-19 leader killed in 1983, who, two years before his death, had emerged as a moderate leader favouring a constitutional approach but who then repudiated a peace agreement with the government. The JBC is now led by Alberto Morales Restrepo and Alonso Grajales Lemus. The JBC first aligned themselves with the ELN, and later the FARC, although it has operated essentially on its own. In 1995, it was the group responsible for the kidnapping of the British Defence Attache's Assistant in Bogota for 4 months.

Nuevo Frente Revolucionario del Pueblo (New Revolutionary Popular Front).

Established 1986; faction of M19; was active in Cundinamarca region.

Partido Revolucionario de los Trabajadores (PRT - Workers' Revolutionary Party).

It abandoned the armed struggle in January 1991 and joined AD-M19.

Patria Libre (Free Homeland) Established 1985.

Frente Ricardo Franco (Ricardo Franco Front). Emerged in the mid-1980s as a particularly violent, dissident group within the FARC totally opposed to peace talks, which even carried out attacks on the FARC leadership. Leader: Giver Delgado and Jose Fedor Rey.

Comando Quintin Lame. An indigenous organisation active in Cauca in the 1980s, it laid down its weapons in May 1991.

Movimiento Independiente Revolucionario - Comandos Armados Revolucionarios (MIR-COAR, Independent Revolutionary Movement/Revolutionary Armed Commandos). Leaders: Mario Gutierrez and Julian Guevara Zapata. It signed a preliminary peace agreement with the government in January 1997.

Coordinadora Nacional Guerrillera (CNG - National Guerrilla Coordination)

Established in late 1985 by FARC, ELN, M19, EPL, Patria Libre, Frente Ricardo Franco and the Comando Quintin Lame and was led by Giver Delgado. In 1986, the CNG reached agreement with the Movimiento Revolucionario Tupac Amaru (Peru), the "Alfaro Vive" Carajo! (Ecuador and other guerrilla groups in Panama and Venezuela to launch the **Batallon America** as the projected core of a Bolivarian army composed of guerrillas from countries liberated by Simon Bolivar in the 19th century. In 1987, the **Coordinadora Guerrillera Simon Bolivar (CGSB - Simon Bolivar Guerrilla Coordination)**, became the organisation in Colombia responsible for negotiating with the government. The CGSB is still in being as an umbrella organisation.

15 other minor guerrilla groups have also been identified, operating recently but thought no longer active:

Raices por Colombia (RPC), break-away faction of M19 operating in Cali.

M26, another break-away faction of M19, about 40 strong operating in the coffee belt.

Ejercito Republicano Independentista del Caribe (ERICA). Established 1993, a 70

strong separatist group based in the main cities along the Atlantic coast.

Comandos Revolucionarios Populares (CRP). Established 1992, active in Bolivar and Sucre, supported by ELN.

Ejercito Revolucionario Guevarista (ERG). Established 1993, a 100 strong break-away faction of the ELN, active in Choco, Risaralda and Antioquia.

Organizacion Revolucionaria Pueblo Armado (ORPA). Established 1992, about 30 strong, active in Risaralda, Caldas and Antioquia.

Comando Sur Alvaro Lucue Chocue (AUCH), 30 strong break-away faction of Quintin Lame, defending ethnic minority rights in Tolima and Cauca.

Fuerzas Populares (or Frente Popular) de Liberacion Nacional (FPLN), 40 strong group operating in the Medellin since 1994. It is said to consist of ELN and EPL dissidents opposed to peace talks.

Organizacion para la Liberacion del Putumayo (OLP). Established 1993, 20-30 strong independent movement.

Comando Miliciano Revolucionario (CMR), 30 strong urban guerrilla group operating near Medellin.

Fuerzas de Integracion Bolivariana (FIB), 45 strong dissident ELN group, active in Cundinamarca and Pereira since early 1995.

Comando Armado Popular (CAP), urban militia group based in Medellin.

Ejercito Revolucionario del Pueblo (ERP), another break-away faction of the ELN with 350 members, operates in Tolima and Quindio.

Fuerzas Armadas Revolucionarias Indigenistas del Pacifico (FARIP). Established 1994, and 80 strong group.

Movimiento Jorge Eliecer Gaitan (JEGA). Established 1987, another break-away faction of the ELN with 350 members, operates in Tolima and Quindio.

Fuerzas Armadas Revolucionarias Indigenistas del Pacifico (FARIP). Established 1994, and 80 strong group.

Movimiento Jorge Eliecer Gaitan (JEGA). Established 1987, another break-away faction of the ELN, operates in Cundinamarca, Risaralda, Quindio, Valle and Caldas.

6. PARAMILITARY GROUPS- Self-Defence Units (Autodefensas) organised mainly by property owners.

Autodefensas Campesinas de Cordoba y Uraba (ACCU - Peasant Self-Defence Groups of Cordoba and Uraba).

Established 1981. Led by Charles Castano, it is thought to be about 2,000 strong and operates in the Uraba area of Antioquia and in various towns in Cordoba, as well as in the south of Bolivar and Santander. In April 1997, it was reported that the ACCU was joining forces with similar groups in Magdalena Medio and the eastern plains to form the United Self-Defence Groups of Colombia (AUC).

Autodefensas de Victor Caranza (Victor Caranza's Self-Defence Group).

Caranza, the biggest emerald dealer in Colombia, and a large land and cattle owner, has various groups of 20-50 men operating in Casanare and in Puerto Lopez.

Autodefensas del Magdalena Medio (Self-Defence Group of Magdalena Medio).

Established 1982 by the army. It has 120 men and the support of some 200 peasant farmers.

Autodefensas de Patevaca (Self-Defence Group of Patevaca, Cundinamarca).

Established 1982 by a group that used to belong to the Autodefensas del Magdalena Medio, the two groups have worked together in the past three years. The Patevaca group has 70 men and 300 peasant farmers in support.

Autodefensas de Doradal (Self-Defence Group of Doradal, Antioquia).

Established 1991, it separated from the Puerto Boyaca group. Led by Emilio Isaza Arango, it has some 60 men. Previously looked after coca production facilities, but the

have been destroyed.

Autodefensas de Sincelejo (Self-Defence Group of Sincelejo, Sucre)

Led by ex-Senator Miguel Angel Nuleamin, it has some 20 men and is independent of the Cordoba-Uraba paramilitaries, but they occasionally help each other.

Autodefensas de Caucaasia, de Taraza y de Puerto Berrio (Self-Defence Group of Caucaasia, Taraza and Puerto Berrio).

These groups, all in Antioquia, are led by local farmers and businessmen and each has some 20-25 men.

Autodefensas de Planeta Rica (Self-Defence Groups of Planeta Rica). Operates in Cordoba, led by 2 cattle ranchers with some 15 men.

Guaviare Front. Claimed responsibility for the torture and massacre of 30 people in Mapirian, Meta province, on 20 July 1997.

Martyrs of Kidnapping. Believed to have been established by local drugs-traffickers, the ACCU having denied links with them.

7. Other groups

Alianza Anticomunista Americana. Established 1970s.

Norte Sierra Nevada de Santa Marta. Leader: Hernan Gerald.

Muerte a Secuestradores (MAS - death to Kidnappers).

Established 1982, with the aim of eradicating guerrillas.

Perseguidos por Pablo Escobar (PEPE - Persons Persecuted by Pablo Escobar).

Established 1993 with the aim of taking revenge on Escobar's family and associates for their crimes.

Movimiento de Restauracion Nacional (MORENA - National Restoration

Movement). Established 1989, MORENA is sometimes classified as a political group with links to right-wing self-defence forces. Leader: Ivan Roberto Duque.

Legion Aguilas Blancas (White Eagles Legion).

CONVIVIRS (Associations and Cooperatives for Rural and Urban Security). Legal bodies, established by the government in April 1995. 530 associations were in being by February 1997. In November 1997 the Constitutional Court determined that the Convivir were a constitutional means for combating guerrillas, but that the Convivir must relinquish rifles, machine guns and other restricted weaponry in their possession.

ANNEX B

(1-3) ACRONYMS

ACCU - Autodefensas Campesinas de Cordoba y Uraba (Peasant Self-Defence Groups of Cordoba and Uraba)

ADM-19 - Alianza Democratica (Democratic Alliance)

ANAPO - Alianza Nacional Popular (National Popular Alliance)

AUCH - Comando Sur Alvaro Lucue Chocue

CAP - Comando Armado Popular

CCJ - Colombian Commission of Jurists

CGSB - Coordinadora Guerillera Simon Bolivar

CMR - Comando Miliciano Revolucionario

CNG - Coordinadora Nacional Guerrillera (National Guerrilla Coordination)

CRP - Comandos Revolucionarios Populares

DAS - Department of Administrative Security

ELN - Ejercito de Liberacion Nacional (Army of National Liberation)

EPL - Ejercito Popular de Liberacion (Popular Liberation Army)

EPL - Established from the above in March 1992. Partido de Esperanza, Pay y Libertad (Hope, Peace and Freedom)

ERG - Ejercito Revolucionario Guevarista

ERICA - Ejercito Republicano Independentista del Caribe

ERP - Ejercito Revolucionario del Pueblo

FARC - Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia)

FARIP - Fuerzas Armadas Revolucionarias Indigenistas del Pacifico

FIB - Fuerzas de Integracion Bolivariana

FPLN - Fuerzas Populares (or Frente Popular) de Liberacion Nacional

FUP - Frente por la Unidad del Pueblo (United People's Front)

IACHR - Inter-American Commission on Human Rights

JBC - Jaime Bateman Cayon

JEGA - Movimiento Jorge Eliecer Gaitan

JIC - Juventudes Inconformes de Colombia (Disaffected Youth of Colombia)

MAS - Muerte a Secuestradores (Death to Kidnappers)

M-19 - Movimiento 19 de Abril

MD - Mujeres para la Democracia (Women for Democracy)

M26 - A break-away faction of M19

MIR-COAR- Movimiento Independiente Revolucionario - Comandos Armados Revolucionarios (Independent Revolutionary Movement/ Revolutionary Armed Commandos)

MNC - Movimiento Nacional Conservador (National Conservative Movement)

MNP - Movimiento Nacional Progresista (National Progressive Movement)

MOIR - Movimiento Obrero Izquierdo Revolucionario (Left-wing Revolutionary Workers' Movement)

MORENA - Movimiento de Restauracion Nacional (National Restoration Movement)

MRE - Movimiento Revolucionario Estudiantil (Student Revolutionary Movement)

MUC - Movimiento Unido por Colombia (Movement for Colombian Unity)

MUM - Movimiento Unitario Metropolitico (Metapolitical Unitarian Movement)

NGOs - Non-governmental organisations

OLP - Organizacion para la Liberacion del Putumayo

ORPA - Organizacion Revolucionaria Pueblo Armado

PC - Partido Conservador (Conservative Party)

PCC - Partido Comunista de Colombia (Communist Party of Colombia)

PDC - Partido Demócrata Cristiano (Christian Democrat Party)
PEPE - Perseguidos por Pablo Escobar (Persons persecuted by Pablo Escobar)
PL - Partido Liberal (Liberal Party)
PNC - Partido Nacional Cristiano (National Christian Party)
PRT - Partido Revolucionario de los Trabajadores (Workers' Revolutionary Party)
PSR - Revolutionary Socialist Party
PST - Partido Socialista de los Trabajadores (Socialist Workers' Party)
RPC - Raíces por Colombia
UC - Unión Cristiana (Christian Union)
UNHCR - United Nations High Commissioner for Human Rights
UNHRC - United Nations Human Rights Commission
UP - Unión Patriótica (Patriotic Union)

ANNEX C (1-20)

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Colombia: measures against the drugs trade, the implication of government corruption, and links between the Armed Forces and drug dealers (1998-1999)

20l. Canadian Immigration and Refugee Board, REFINFO, COL32100.E 22/06/99
Colombia: whether persons who have paid extortion to guerrillas are perceived as guerrilla collaborators or sympathizers by paramilitaries, army or police.

20m. Canadian Immigration and Refugee Board, REFINFO, COL26972.E 11/06/97
Colombia: *Information on whether a man who left Colombia as a minor (age 17) would be required to do military service upon his return 20 years later...*

20n. Canadian Immigration and Refugee Board, REFINFO, COL26753.E 16/05/97
Colombia: *Information on the situation of members of the Church of Latter Day Saints (Mormons), especially in Bogota.*

20o. Canadian Immigration and Refugee Board, REFINFO, COL25028.E 13/09/96
Colombia: *information on the Lebanese community.*

20p. Canadian Immigration and Refugee Board, REFINFO, 20 September 1999, COL32829.E, *The Meta Civic Committee for Human rights (Comite Civico de Derechos Humanos de Meta, CCDHM)...*

20q. Canadian Immigration and Refugee Board, REFINFO, 30 September 1999, COL32839.E, *The role of the Procuraduria General de la Nacion, the Vice Public Prosecutor and the Fiscalia General de la Nacion, and their degree of judicial independence (1998)*

20r. Canadian Immigration and Refugee Board, REFINFO, 29 November 1999, COL33167.E, *State protection available to persons who do not cooperate with drug traffickers who attempt to recruit their services.*

20s. Canadian Immigration and Refugee Board, REFINFO, 21 January 2000, COL33554.E, *Government measures to combat kidnapping of businessmen for ransom (1998-1999)*

20t. Canadian Immigration and Refugee Board, REFINFO, 25 January 2000, COL33574.E, *The Comando Milicias Urbanas (Urban Military Command or Commando); whether it is related to (FARC)...*

20u. Canadian Immigration and Refugee Board, REFINFO, 24 January 2000, COL33287.E, *Protection and redress available to persons threatened with kidnapping by guerrillas (1998-1999).*

20v. Canadian Immigration and Refugee Board, REFINFO, 3 February 2000, COL33848.E, *Forcible recruitment and extortion by guerrillas...*

20w. Canadian Immigration and Refugee Board, REFINFO, 8 February 2000, COL33769.E, *Individuals to whom Law No. 294 on domestic violence applies (1999-February 2000)*

20x. Canadian Immigration and Refugee Board, REFINFO, 14 March 2000, COL33987.E, *Kidnappings by (FARC) in Bogota...*

20y. Canadian Immigration and Refugee Board, REFINFO, 14 April 2000, COL34221.E, *Whether it is a criminal offence to pay a ransom demand to a guerrilla group...*

20z. Canadian Immigration and Refugee Board, REFINFO, 7 April 2000, COL34143.E, *Procedure for obtaining a discharge from the military career by an officer of the armed forces.*

20aa. Canadian Immigration and Refugee Board, REFINFO, 3 April 2000, COL34040.E,

Whether the only son of Colombian parents is exempted from military service.

20ab. Canadian Immigration and Refugee Board, REFINFO, 1 May 2000, COL34216.E, *Names of towns and provinces where the night-time curfew was imposed in July 1999 (follow-up to COL33987.E of 14 March 2000)*

20ac. Canadian Immigration and Refugee Board, REFINFO, 17 May 2000, COL34359.E, *A campaign of terror against persons associated with the University of Antioquia by the (AUC), May - August 1999.*

20ad. Canadian Immigration and Refugee Board, REFINFO, 20 December 1999, COL33434.E, *Activities of the ELN, forcible recruitment of young males, and state protection available to those who refuse to join the ELN.*

20ae. Canadian Immigration and Refugee Board, REFINFO, 26 May 2000, COL34431.FE, *(Police and FARC actions, police protection, etc around Villavicencio, 1999 to May 2000)*

20af. Canadian Immigration and Refugee Board, REFINFO, 15 September 2000, COL35058.E, *(Paramilitary groups' operations, etc, 1998 - August 2000)*

20ag. Canadian Immigration and Refugee Board, REFINFO, 13 May 1999, COL31867.E, *(Departamento Administrativo de Seguridad - DAS - Administrative Security Department)*

20ah. Canadian Immigration and Refugee Board, REFINFO, 8 August 2000, COL35097.E, *Requirements that must be met by a graduate from medicine studies before being licenced to practice medicine, such as internships or social service.*

20ai. Canadian Immigration and Refugee Board, REFINFO, 14 August 2000, COL35096.E, *Targeting of medical doctors by armed groups, particularly guerrillas: possibility of state protection for targeted doctors*

Bulletin – 2/2000:

August 2000

Documentation presented pre and post decision

Hitherto the FCO has been able to authenticate documents in Colombian cases. The FCO have found it increasingly difficult to perform such checks given the geographical location of most incidents and attendant documentation. The FCO are no longer in a position to refer requests for authentication of documents to the Colombian authorities, or to Colombian non-governmental organisations outside the Bogota area.

Presenting Officers who are asked by adjudicators to do this should explain the position that the FCO are no longer in the position to perform these checks. If investigation is considered absolutely necessary, whether pre- or post-decision, document checks will be made in the UK only, not in Colombia, with the possible exception of Bogota enquiries by arrangement with the FCO desk officer.

Nic Carlyle

The Americas and China / Far East

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