1. SENSITIVE BUT UNCLASSIFIED - NOFORN -- ENTIRE TEXT.

2. FOLLOWING IS THE 1997 COUNTRY HUMAN RIGHTS REPORT FOR COLOMBIA.

3. (BEGIN TEXT:)

COLOMBIA IS A CONSTITUTIONAL, MULTIPARTY DEMOCRACY OF 40 MILLION PERSONS, IN WHICH THE LIBERAL AND CONSERVATIVE PARTIES HAVE LONG DOMINATED POLITICS. SUBSTANTIAL, CREDIBLE PUBLIC EVIDENCE THAT LIBERAL PRESIDENT ERNESTO SAMPER PERSONALLY SOUGHT OUT AND ACCEPTED AN ILLEGAL $6 MILLION DOLLAR CONTRIBUTION FROM THE CALI-BASED NARCOTICS TRAFFICKING CARTEL DURING HIS 1994 ELECTORAL CAMPAIGN SEVERELY WEAKENED HIS ADMINISTRATION. THE ENDURING CRISISDRAMATICALLY DIMINISHED THE PRESIDENT'S MORAL AUTHORITY...
AND POLITICAL ABILITY TO GOVERN WHILE FURTHERING THE PUBLIC'S LACK OF FAITH IN THE NATION'S POLITICAL CLASSES AND GOVERNING INSTITUTIONS.

THE CIVIL JUDICIARY IS LARGELY INDEPENDENT OF GOVERNMENT INFLUENCE, ALTHOUGH THE SUBORNING OR INTIMIDATION OF JUDGES, WITNESSES AND PROSECUTORS BY THOSE INDICTED OR INVOLVED IS COMMON. THE SEPARATE MILITARY JUDICIAL SYSTEM, LONG ACCOUNTABLE ONLY TO THE UNIFORMED MILITARY LEADERSHIP, WAS DIRECTED BY THE CONSTITUTIONAL COURT IN AUGUST TO RELINQUISH TO THE CIVILIAN JUDICIARY THE INVESTIGATION AND PROSECUTION OF ALLEGATIONS OF HUMAN RIGHTS ABUSES COMMITTED BY POLICE AND MILITARY PERSONNEL.


AN ESTIMATED 10-15,000 (NOTE: EXACT NUMBER UNKNOWN; TO BE UPDATED BY POST. END NOTE.) FULL-TIME GUERRILLAS, BELONGING TO THREE DISTINCT COMMUNIST REBEL ARMIES (THE FARC, THE ELN AND THE EPL) REPRESENTED A GROWING CHALLENGE TO GOVERNMENT SECURITY FORCES. THE GOVERNMENT FORCES, FACING MORE THAN 100 SEPARATE GUERRILLA FRONTS SPREAD ACROSS THE NATION THE SIZE OF TEXAS AND OKLAHOMA COMBINED AND DOMINATED BY INHOSPITABLE TERRAIN, HAVE BEEN FORCED INTO AN ESSENTIALLY DEFENSIVE POSTURE AND RARELY INITIATE MILITARY ACTIONS. ACCORDING TO GOVERNMENTAL FIGURES, THE GUERRILLAS EXERCISED A SIGNIFICANT DEGREE OF PERMANENT INFLUENCE IN AT LEAST 57 PERCENT OF THE COUNTRY'S 1071 MUNICIPALITIES. THE INCREASINGLY AGGRESSIVE GUERRILLA GROUPS DEMONSTRATED NO SERIOUS INTEREST IN -- INDEED, HAD NO INCENTIVE FOR PURSUING -- PEACE TALKS WITH THE DISCREDITED AND DEBILITATED GOVERNMENT. SOME GUERRILLA FRONTS CONTINUED TO COLLABORATE WITH NARCOTIC TRAFFICKERS, ESPECIALLY IN RURAL REGIONS IN THE SOUTHERN AND
EASTERN PARTS OF THE COUNTRY. SUCH CRIMINAL ACTIVITIES PRODUCED REVENUES ESTIMATED IN THE HUNDREDS OF MILLIONS OF DOLLARS ANNUALLY FOR THE GUERRILLA GROUPS.

MEANWHILE, A DIVERSE COLLECTION OF REGIONAL-BASED PARAMILITARY FORCES (DEFINED THROUGHOUT THIS REPORT AS "DESIGNATING OR OF A PRIVATE, OFTEN SECRET, QUASI-MILITARY ORGANIZATION") ASSUMED A DOMINANT ROLE IN THE INTERNAL CONFLICT, GREATLY EXPANDING THEIR POLITICAL AND MILITARY INFLUENCE INTO A NUMBER OF GEOGRAPHIC AREAS PREVIOUSLY DOMINATED BY THE GUERRILLAS. SOME INDIVIDUALS AND ELEMENTS OF THE MILITARY HAVE PURSUED AN DE FACTO POLICY OF TACIT COLLABORATION, IF NOT ACTIVE COOPERATION, WITH ILLEGAL PARAMILITARY GROUPS IN CERTAIN PARTS OF THE COUNTRY. EVIDENCE OF SUCH PRACTICES INCLUDE THE RELATIVE ABSENCE OF SERIOUS CONFRONTATIONS BETWEEN THE MILITARY AND PARAMILITARY FORCES, CRIMINAL CONVICTIONS, AND THE TESTIMONIES PROVIDED BY MILITARY PERSONNEL OR PARAMILITARIES. THAT SAID, MANY PARAMILITARY GROUPS HAVE FAR STRONGER TIES TO REGIONAL OR LOCAL POLITICAL AND ECONOMIC ELITES -- INCLUDING NARCOTICS TRAFFICKING ORGANIZATIONS -- THAN THEY DO TO THE MILITARY. IT IS FURTHERMORE APPARENT THAT THE CIVILIAN GOVERNMENT OF PRESIDENT SAMPER IS NO MORE CAPABLE OF PREVENTING SUCH ACTIVITIES THAN IT IS ABLE TO NEGOTIATE PEACE WITH THE INSURGENCIES OR OTHERWISE REDUCE THE NATION'S SPIRALING VIOLENCE.

THE CIVILIAN-LED MINISTRY OF DEFENSE IS RESPONSIBLE FOR INTERNAL SECURITY AND OVERSEES BOTH THE ARMED FORCES AND THE NATIONAL POLICE, ALTHOUGH CIVILIAN MANAGEMENT OF THE SECURITY FORCES IS LIMITED. THE SEPARATE DEPARTMENT OF ADMINISTRATIVE SECURITY (DAS), WITH BROAD INTELLIGENCE GATHERING, LAW ENFORCEMENT, AND INVESTIGATIVE AUTHORITY, REPORTS DIRECTLY TO THE PRESIDENT. THE
UNCLASSIFIED

ARMED FORCES AND THE POLICE COMMITTED NUMEROUS, SERIOUS VIOLATIONS OF HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW, ALTHOUGH DRAMATICALLY FEWER THAN IN YEARS PAST. THE PARAMILITARY GROUPS HAVE INCREASINGLY TAKEN THE OFFENSIVE AND BORNE MOST OF THE BURDEN IN ROLLING BACK THE GUERRILLAS. OFTEN BY PERPETRATING TARGETED ASSASSINATIONS, MASSACRES AND FORCED DISPLACEMENTS OF THE GUERRILLAS' PERCEIVED OR ALLEGED CIVILIAN SUPPORT BASE.

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THE SAMPER ADMINISTRATION TOOK NO SIGNIFICANT ACTIONS TO RESTRAIN THE INCREASINGLY POWERFUL PARAMILITARY GROUPS, NOR TO CURB THE HEIGHTENED NUMBER OF ABUSES COMMITTED BY THEM. EVEN IN AREAS WHERE THEY HAD HEAVY INFLUENCE, THE ARMED FORCES SELDOM RESTRAINED PARAMILITARY ACTIVITY AND ABUSES. THE GOVERNMENT'S NATIONAL HUMAN RIGHTS OMBUDSMAN ARGUED THAT THE GOVERNMENT-SPONSORED, BUT ESSENTIALLY UNCONTROLLED, RURAL SELF-DEFENSE GROUPS KNOWN AS "CONVIVIR" DIRECTLY INVOLVED THE CITIZENS IN THE ARMED CONFLICT, THUS STRIPPING THEM OF THEIR PROTECTED STATUS UNDER INTERNATIONAL HUMANITARIAN LAW AND CONVERTING THEM INTO LEGITIMATE TARGETS OF GUERRILLA-ATTACK. MANY OTHERS ARGUED JUST AS FORCEFULLY, HOWEVER, THAT THE CIVILIAN POPULACE COULD NOT BE DENIED THE FUNDAMENTAL RIGHT TO SELF-DEFENSE. (TO BE UPDATED: THE CONSTITUTIONAL COURT RULED DECEMBER X THAT THE CONVIVIR WERE A/N UN/CONSTITUTIONAL MECHANISM FOR CONFRONTING GUERRILLA VIOLENCE.)

COLOMBIA HAS A MIXED PRIVATE AND PUBLIC SECTOR ECONOMY. THE GOVERNMENT HAS CONTINUED TO PRIVATIZE INSTITUTIONS, ALTHOUGH AT A

IN SPITE OF VAST IMPROVEMENTS IN ANTI-NARCOTICS LAWS (SUCH AS ASSET FORFEITURE, MONEY LAUNDERING AND THE STRENGTHENING OF UNCLASSIFIED UNCLASSIFIED)

PAGE 03 BOGOTA 10585 02 OF 32 060026Z PENALTIES), NARCOTICS TRAFFICKERS CONTINUE TO CONTROL LARGE TRACTS OF LAND AND OTHER ASSETS, AND EXERT UNDUE INFLUENCE THROUGHOUT SOCIETY AND POLITICAL LIFE. THE ANTI-CORRUPTION ORGANIZATION, TRANSPARENCY INTERNATIONAL, OPENED A BOGOTA OFFICE IN 1997, AS IT SCORED COLOMBIA AS THE THIRD-MOST CORRUPT NATION OUT OF 52 RANKED. COLOMBIA SUFFERS FROM A HIGHLY SKEWED DISTRIBUTION OF INCOME, WITH A PER CAPITA GDP OF $2,225, APPROXIMATELY 7 PERCENT OF THAT OF THE UNITED STATES. OFFICIAL GOVERNMENT SOURCES ESTIMATE THAT ONE PERCENT OF THE COUNTRY'S GDP OF $86 BILLION IS LOST TO ILLICIT INCOME FROM NARCO-TRAFFICKING, MONEY-LAUNDERING AND CONTRABAND.

THE GOVERNMENT'S HUMAN RIGHTS RECORD CONTINUED TO BE POOR, AND THE GOVERNMENT FORCES CONTINUED TO COMMIT NUMEROUS SERIOUS ABUSES, INCLUDING INSTANCES OF TARGETED ASSASSINATIONS BY ELEMENTS OF THE ARMY. ACCORDING TO CREDIBLE COLOMBIAN SOURCES, DURING THE FIRST SIX MONTHS OF THE YEAR, MEMBERS OF PARAMILITARY GROUPS COMMITTED 67 PERCENT OF ALL POLITICALLY MOTIVATED EXTRAJUDICIAL KILLINGS; GUERRILLAS WERE RESPONSIBLE FOR 23.5 PERCENT; AND GOVERNMENT FORCES FOR 9.5 PERCENT. ALTHOUGH THE TOTAL NUMBER OF EXTRAJUDICIAL KILLINGS DIRECTLY ATTRIBUTABLE TO THE SECURITY FORCES APPEARED LIKELY TO INCREASE SLIGHTLY (FROM 126 IN ALL OF 1996 COMPARED TO 72 IN THE FIRST 6 MONTHS OF 1997), THE TOTAL NUMBER OF SUCH KILLINGS ATTRIBUTED TO PARAMILITARY FORCES INCREASED DRAMATICALLY (FROM 751 IN 1996 TO 509 DURING THE FIRST SIX MONTHS OF 1997). THE PUBLIC SECURITY FORCES' RELATIONS WITH PARAMILITARY GROUPS VARIED TREMENDOUSLY, RANGING FROM NON-COOPERATION TO TURNING A BLIND EYE TO PARAMILITARY ACTIVITIES TO SOME INSTANCES OF ACTIVE COLLABORATION. THERE WAS NO CREDIBLE EVIDENCE, HOWEVER, OF ANY SUSTAINED MILITARY ACTION TO CONSTRAIN THE PARAMILITARIES.
THE RELATIVE PROPORTION OF ALL POLITICAL AND EXTRA-JUDICIAL KILLINGS HAS CONTINUED TO SHIFT INCREASINGLY FROM THE MILITARY (54 PERCENT IN 1993, TO 10.5 PERCENT IN 1996, TO 9.5 PERCENT IN THE FIRST HALF OF 1997) TO THE PARAMILITARIES (18 PERCENT IN 1996 TO 63 PERCENT IN 1996 TO 67 PERCENT IN THE FIRST HALF OF 1997). THE PROPORTION OF POLITICAL KILLINGS ATTRIBUTABLE TO THE VARIOUS GUERRILLA GROUPS FLUCTUATED DURING THE SAME PERIOD BETWEEN 23 AND 38 PERCENT. IT IS IMPORTANT TO NOTE, HOWEVER, THAT RESPONSIBILITY FOR AS MUCH AS 30 PERCENT OF ALL EXTRA-JUDICIAL KILLINGS CANNOT BE DETERMINED.

SECURITY FORCES WERE BELIEVED RESPONSIBLE FOR SEVERAL Instances OF FORCED DISAPPEARANCE -- AN ACT STILL NOT RECOGNIZED AS A CRIME UNDER COLOMBIAN LAW. EIGHTY-ONE OF 87 FORCED DISAPPEARANCES CATALOGUED BY INDEPENDENT ANALYSTS DURING THE FIRST SIX MONTHS OF THE YEAR BY, HOWEVER, WERE ATTRIBUTED TO PARAMILITARY FORCES. BEATINGS OR TORTURE OF DETAINES BY POLICE AND SOLDIERS IS COMMON. CONDITIONS IN THE NATION'S OVER-CROWDED PRISONS ARE TYPICALLY HARSH, EXCEPT FOR THOSE INMATES WHO CAN BUY OR INTIMIDATE THEIR WAY TO MORE FAVORABLE CONDITIONS.
ARBITRARY ARREST AND DETENTION, AS WELL AS PROLONGED PRETRIAL DETENTION, ARE FUNDAMENTAL PROBLEMS. THE JUDICIARY IS SEVERELY OVERBURDENED, AND HAS A CASE BACKLOG ESTIMATED AT GREATER THAN ONE MILLION CASES. THE USE OF "FACELESS" PROSECUTORS, JUDGES, AND WITNESSES, UNDER COVER OF ANONYMITY FOR SECURITY REASONS, CONTINUED IN CASES INVOLVING KIDNAPPING, EXTORTION, NARCOTICS TRAFFICKING, TERRORISM AND IN SEVERAL HUNDRED HIGH PROFILE CASES INVOLVING HUMAN RIGHTS VIOLATIONS. IT IS ESTIMATED, HOWEVER, THAT LESS THAN 3 PERCENT OF ALL CRIMES COMMITTED NATIONWIDE ARE EVER PROSECUTED; FAR FEWER EVER YIELD CONVICTIONS.

EVEN AS THE NUMBER OF HUMAN RIGHTS VIOLATIONS BY GOVERNMENT FORCES REMAINED AT LEVELS BELOW THOSE ENCOUNTERED IN EARLIER YEARS, THE EXECUTIVE BRANCH AND CONGRESS CONTINUED TO EVIDENCE NO POLITICAL WILL TO SANCTION THOSE ABUSES OF HUMAN RIGHTS THAT CONTINUE TO BE COMMITTED BY GOVERNMENT FORCES. THE WEAKENED CIVILIAN GOVERNMENT APPEARED CONTENT TO ALLOW THE MILITARY TO EXERCISE PRIMARY JURISDICTION OVER MILITARY PERSONNEL ACCUSED OF ABUSES, A SYSTEM WHICH HAS ESTABLISHED AN ALMOST UNBROKEN RECORD OF IMPUNITY. THE CONSTITUTIONAL COURT RULED AUGUST 5, HOWEVER, THAT MILITARY PERSONNEL ACCUSED OF HUMAN RIGHTS VIOLATIONS AND OTHER ABUSES SHALL BE TRIED IN THE CIVILIAN COURT SYSTEM. THE MILITARY COURT SYSTEM IS TO CONTINUE, THE COURT RULED, BUT RESTRICTED TO PROSECUTING THOSE CHARGES DIRECTLY RELATED TO LEGITIMATE ACTS OF SERVICE, AND WITH SENTENCING GUIDELINES CONSISTENT WITH THOSE OF THE CIVILIAN COURTS. PRESIDENT SAMPER SUBSEQUENTLY SPONSORED A PENDING BILL TO REFORM THE MILITARY JUSTICE SYSTEM, WHILE ALSO ENSURING PREFERENTIAL TREATMENT IS PROVIDED FOR THOSE MILITARY PERSONNEL TRIED IN CIVILIAN COURTS FOR HUMAN RIGHTS ABUSES.

INEFFICIENCY IN THE CIVILIAN COURTS, AND IMPUNITY IN THE MILITARY COURTS, REMAIN AT THE CORE OF THE COUNTRY'S HUMAN RIGHTS PROBLEMS. ACCORDING TO GOVERNMENT REPORTS, IN FROM 97 TO 99.5 PERCENT OF ALL CRIMES, THE LAWBREAKERS ARE NEVER BROUGHT TO JUSTICE. GIVEN THEIR LACK OF FAITH IN THE JUDICIAL SYSTEM, VICTIMS NEVER EVEN REPORT AN ESTIMATED 74 PERCENT OF ALL CRIMES TO THE AUTHORITIES. THE PROSECUTOR GENERAL'S OFFICE, HOWEVER, INCREASED EFFORTS TO PROSECUTE HIGH-PROFILE HUMAN RIGHTS CASES.
INVOLVING GRAVE VIOLATIONS SUCH AS HOMICIDES, MASSACRES, AND KIDNAPINGS COMMITTED BY GOVERNMENT FORCES, PARAMILITARY GROUPS, AND GUERRILLAS. WHILE THE NATIONAL HUMAN RIGHTS OMBUDSMAN CONFIRMED THAT DOCUMENTED CASES OF SECURITY FORCE ABUSE HAD CONTINUE TO DECLINE, HE CAUTIONED THAT THE SITUATION REMAINED CRITICAL. FOLLOWING A 1996 AGREEMENT WITH THE GOVERNMENT, THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS OPENED BOGOTA FIELD OFFICES IN APRIL. IN JUNE, THE GOVERNMENT FORMALLY INVITED THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES TO ESTABLISH A DOMESTIC PRESENCE, AS WELL.


GUERRILLA FORCES CONTINUED TO BE RESPONSIBLE FOR NUMEROUS KILLINGS AND DISAPPEARANCES, AS WELL AN ESTIMATED 40 PERCENT (MORE THAN ONE THOUSAND) OF ALL REPORTED KIDNAPINGS. AS THE OCTOBER 26 GUBERNATORIAL AND LOCAL ELECTIONS APPROACHED, PARC,
RESENTED FROM ELECTORAL CAMPAIGNS, THE GOVERNMENT WAS FORCED TO
APPOINT MILITARY OFFICERS AS INTERIM MAYORS IN SOME
MUNICIPALITIES OR POSTPONE THE HOLDING OF ELECTIONS IN OTHERS.

PAIS LIBRE FOUNDATION REPORTED 22 FOREIGNERS WERE KIDNAPPED DURING
THE FIRST TWO-THIRDS OF THE YEAR BY THE GUERRILLAS, 40 FEWER
 THAN THE 1996 RATE. NONETHLESS, CITIZENS OF AT LEAST SIX
FOREIGN NATIONS WERE STILL BEING HELD FOR MONETARY RANSOM AT
YEAR'S END. AMERICAN MISSIONARIES MARK RICH, DAVID MANKINS, AND
RICK TENENOFF WERE KIDNAPPED BY THE FARC (REVOLUTIONARY ARMED
FORCES OF COLOMBIA) IN PANAMA ON JANUARY 31, 1993 AND LATER MOVED
TO COLOMBIA. THERE HAS BEEN NO CONFIRMED PROOF OF LIFE FOR THE

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INFO

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OPIC-01 PRS-00 P-00 SP-00 STR-00 TRSE-00 USIE-00
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NOFORN

E.O. 12958: N/A
TAGS: PHUM, ELAB, KSEP, CO
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THREE MEN FOR NEARLY FOUR YEARS. THE FARC CONTINUED TO HOLD AN
AMERICAN OIL COMPANY EXECUTIVE KIDNAPPED FEBRUARY 14, 1997 IN
VENEZUELA AND PRESUMED TO HAVE BEEN MOVED TO COLOMBIA, AND AN
AMERICAN MINING MANAGER KIDNAPPED, MARCH 7, 1997. GUERRILLAS OF
THE ELN (ARMY OF NATIONAL LIBERATION) CONTINUED TO HOLD AN
AMERICAN GEOLOGIST KIDNAPPED FEBRUARY 24, 1997. THE MUTILATED
BODY OF AMERICAN GEOLOGIST FRANK THOMAS PESCATEORE, KIDNAPED

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THE BODY OF NASSILI LOJKINE, A RUSSIAN CYCLIST ENDEAVORING TO CIRCUMNAVIGATE THE GLOBE, WAS FOUND MARCH 7 IN APARTADO, ANTIOQUIA; HE HAD BEEN KIDNAPED, THEN EXECUTED, BY THE FARC.


THE GOVERNMENT AND ITS BACKERS IN CONGRESS INCREASED PRESSURE ON THE MEDIA TO INFLUENCE REPORTING. THE CONSTITUTIONAL COURT STRUCK DOWN JULY 29 A PATENTLY OFFENSIVE PROVISION OF A 1996 GOVERNMENT-BACKED LAW CLEARLY INTENDED TO PROVIDE FOR INTRUSIVE, PARTISAN CENSORSHIP OF TELEVISION NEWSCASTS. THE COURT LEFT INTACT, HOWEVER, ALL THE OTHER KEY ASPECTS OF THE LAW, LEAVING THE SAMPER GOVERNMENT IN A POSITION TO REWARD LUCRATIVE TELEVISION NEWS LICENSE TO ITS POLITICAL BACKERS, PUNISH THOSE WHO HAD DEMONSTRATED EDITORIAL OR INVESTIGATIVE INDEPENDENCE AND FUNDAMENTALLY INFLUENCE ELECTRONIC MEDIA COVERAGE OF THE 1997-98 ELECTIONS. TWO MINISTERS SUBSEQUENTLY RESIGNED AFTER BEING IMPlicated IN A CONSPIRACY TO GRANT FM RADIO LICENSES TO BIDDERS IN EXCHANGE FOR POLITICAL BACKING OF PRESIDENT SAMPER.

VIOLENCE AGAINST WOMEN AND CHILDREN IS ANOTHER SERIOUS PROBLEM. UNOFFICIAL BUT EXTENSIVE DISCRIMINATION AGAINST WOMEN, MINORITIES, AND THE INDIGENOUS CONTINUED. CHILD LABOR IS A WIDESPREAD PROBLEM. VIGILANTE AND PARAMILITARY GROUPS THAT ENGAGED IN "SOCIAL CLEANSING" -- THE KILLING OF STREET CHILDREN, PROSTITUTES, HOMOSEXUALS, AND OTHERS DEEMED SOCIALLY UNDESIRABLE -- CONTINUED TO BE A SERIOUS PROBLEM.
EVEN AS THERE CONTINUED TO BE EVIDENCE OF MILITARY/PARAMILITARY COOPERATION IN SOME PARTS OF THE COUNTRY AND PARAMILITARY/ECONOMIC ELITE COOPERATION IN EVEN MORE AREAS, IT BECAME INCREASINGLY CLEAR THAT PARAMILITARISM -- AND ITS LEADERS -- WERE EVERMORE AUTONOMOUS AND LARGELY BEYOND THE CONTROL OF THE STATE WHICH HAD INITIALLY PROMOTED ITS DEVELOPMENT IN RESPONSE TO RISING GUERRILLA ACTIONS. THIS DEVELOPMENT SIGNIFICANTLY HEIGHTENED THE RISKS TO A SOCIETY WHOSE INCREASINGLY FRAGILE NATIONAL INSTITUTIONS WERE ALREADY REELING FROM REBEL ATTACKS, NARCOTICS-RELATED CORRUPTION, A JUDICIAL SYSTEM CRIPPLED BY IMPUNITY AND INEFFICIENCY, A DISGRACED ADMINISTRATION AND A DISCONNECTED, SELF-ABSORBED POLITICAL CLASS.

RESPECT FOR HUMAN RIGHTS

SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING


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GOVERNMENT AND MILITARY OFFICIALS GIVE CREDENCE TO REPORTS OF ISOLATED ASSASSINATIONS CONDUCTED BY MEMBERS OF AT LEAST ONE ARMY UNIT, THE 20TH INTELLIGENCE BRIGADE. TWO INTELLIGENCE AGENTS, AN ARMY PRIVATE AND SEVERAL CIVILIANS -- ALL ASSOCIATED WITH THE 20TH INTELLIGENCE BRIGADE -- WERE ARRESTED IN MAY AND PLACED IN PREVENTIVE DETENTION FOR THEIR PRESUMED INVOLVEMENT IN THE
CONTINUED TO DECLINE, KILLINGS BY PARAMILITARY FORCES INCREASED FURTHER, NOW ACCOUNTING FOR MORE THAN TWO-THIRDS OF ALL SUCH KILLINGS. KILLINGS BY GUERRILLAS AND NARCOTICS TRAFFICKERS CONTINUED TO BE SERIOUS PROBLEMS NATIONWIDE. ACCORDING TO THE NATIONAL POLICE THERE WERE 26,642 MURDERS IN 1996, UP FROM 25,398 MURDERS IN 1995. THE NATIONAL POLICE ALSO REPORTED THAT 12,612 CITIZENS WERE VICTIMS OF HOMICIDE DURING THE FIRST 6 MONTHS OF 1997, SLIGHTLY FEWER THAN THE 12,824 KILLED DURING THE SAME PERIOD IN 1996. THE INSTITUTE FOR LEGAL MEDICINE FOR REPORTED AN AVERAGE OF 77.4 VIOLENT DEATHS PER 100,000 INHABITANTS.


ACCORDING TO CREDIBLE COLOMBIAN SOURCES, DURING THE FIRST SIX MONTHS OF THE YEAR, MEMBERS OF PARAMILITARY GROUPS COMMITTED 67 PERCENT OF ALL POLITICALLY MOTIVATED EXTRAJUDICIAL KILLINGS; GUERRILLAS WERE RESPONSIBLE FOR 23.5 PERCENT; AND GOVERNMENT UNCLASSIFIED

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DETERMINED. FURTHERMORE, THE HEIGHTENED LEVELS OF GUERRILLA POLITICAL VIOLENCE AGAINST NON-COMBATANTS DURING THE SECOND HALF OF 1997 AS PART OF THEIR EFFORTS TO SABOTAGE THE OCTOBER ELECTIONS IS ALSO LIKELY TO AFFECT THESE STATISTICAL COMPARISONS, WHICH AT BEST REPRESENT ROUGH APPROXIMATIONS OF GENERAL TRENDS. (SEE SECTION 3.)

THERE CONTINUED TO BE INCIDENTS OF SOCIAL CLEANSING -- INCLUDING ATTACKS AND KILLINGS -- DIRECTED AGAINST INDIVIDUALS DEEMED SOCIALLY UNDESIRABLE, SUCH AS DRUG ADDICTS, PROSTITUTES, TRANSVESTITES, BEGGARS, AND STREET CHILDREN. MOST OF THESE INCIDENTS ARE ATTRIBUTED TO PARAMILITARY GROUPS AND CRIMINAL GANGS; ELEMENTS OF THE POLICE, HOWEVER, WERE BELIEVED RESPONSIBLE FOR A NUMBER OF SUCH INCIDENTS, AS WELL. CRIMINAL OR "ANTI-SOCIAL" ELEMENTS WERE SOMETIMES SIMILARLY "CLEANSED" FROM COMMUNITIES UNDER THE SWAY OF THE GUERRILLAS.

KILLINGS BY PARAMILITARY GROUPS (ALSO KNOWN AS "SELF-DEFENSE GROUPS") INCREASED SIGNIFICANTLY, MANY TIMES WITH THE COMPLICITY OF INDIVIDUAL SOLDIERS OR MILITARY UNITS OR WITH THE KNOWLEDGE AND TACIT APPROVAL OF SENIOR MILITARY OFFICIALS. THE OMBUDSMAN, THE PROSECUTOR GENERAL'S OFFICE AND THE PRESIDENTIAL EXPLORATORY PEACE COMMISSION ALL AGREED THAT SOME CASES INDICATED THAT SOME MEMBERS OF THE ARMED FORCES HAVE ACTIVELY COLLABORATED WITH PARAMILITARY GROUPS.

COLOMBIA'S LARGEST ILLEGAL PARAMILITARY GROUPS (CENTERED IN THE CORDOBA, URABA AND THE MIDDLE MAGDALENA REGIONS, PLUS THE EASTERN PLAINS) ANNONCED APRIL 19 THE ESTABLISHMENT OF A NATIONAL UMBRELLA ORGANIZATION, THE AUC (UNITED SELF-DEFENSE GROUPS OF COLOMBIA). THE GROWING PARTICIPATION IN THE CONFLICT BY CIVILIANS HAS BEEN PROMPTED IN PART BY THE GUERRILLAS' INCREASING STRENGTH AND PRESENCE IN AN EVER-GROWING NUMBER OF MUNICIPALITIES.
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The report explains that while the groups had been legal since 1968, they were outlawed in 1989 due to their excesses and ties to narcotics trafficking organizations. The paramilitaries of the Middle Magdalena Valley, however, were never dismantled as agreed. "Nor," the report adds, "was their clear demarcation from the state accomplished, and there exist complaints of active collaboration by members of the security forces with these outlawed groups. It is also evident that in many sectors of the society, the state and the security forces, there exists the belief that 'the enemy of my enemy is my friend,' which in some cases has been converted into clear support for these groups. Before the perceived incapacity of the security forces to take on the subversion, the myth has become generalized that the paramilitary groups are indeed an effective counter-insurgency force."

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TAGS: PHUM, ELAB, KSEP, CO
SUBJECT: DRAFT SUBMISSION: 1997 COLOMBIA HUMAN RIGHTS REPORT
(173 IN 1985 VERSUS 622 IN 1995) AND IN PART BY THE GOVERNMENT'S FAILURE TO GUARANTEE SECURITY IN THE COUNTRY.

THE SEPTEMBER 9 REPORT TO THE PRESIDENT BY THE EXPLORATORY PEACE COMMISSION DECLARED THAT, GIVEN THE NATION'S HISTORICALLY AMBIVALENT POLICY TOWARDS SUCH GROUPS, "THE STATE IN ITS ENTIRETY BEARS AN IMPORTANT DEGREE OF RESPONSIBILITY FOR THE CREATION AND EXPANSION OF THE SELF-DEFENSE GROUPS."

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OVERALL, PARAMILITARY KILLINGS ESCALATED NOT ONLY IN ALL OF THOSE AREAS WHICH HAVE LONG SUFFERED THE GREATEST CONCENTRATION OF VIOLENCE, SUCH AS META, URABA, CORDOBA AND CESAR, BUT IN OTHER REGIONS AS WELL, INCLUDING PARTS OF ANTIOQUIA BEYOND URABA, THE 

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CREDIBLE ALLEGATIONS OF COOPERATION BY MEMBERS OF THE ARMED FORCES WITH PARAMILITARY GROUPS, INCLUDING INSTANCES OF BOTH
SILENT SUPPORT AND DIRECT COLLABORATION BY MEMBERS OF THE ARMED
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FORCES, IN PARTICULAR THE ARMY, CONTINUED TO GENERATE
CONTROVERSY. MAJOR GENERAL MANUEL JOSE BONETT, COMMANDING
GENERAL OF THE MILITARY FORCES, CATEGORICALLY DENIED THAT SUCH
COOPERATION EXISTED, BUT TACIT ARRANGEMENTS BETWEEN LOCAL
MILITARY COMMANDERS AND PARAMILITARY GROUPS DID OCCUR IN SOME
REGIONS. GOVERNMENT AUTHORITIES AND ACADEMIC ANALYSTS ASSERTED
THAT PARAMILITARY GROUPS FREELY OPERATED IN SOME AREAS THAT WERE
UNDER MILITARY CONTROL. ARMY COLONEL CARLOS ALFONSO VELASQUEZ,
THEN SERVING AS DEPUTY COMMANDER AND CHIEF OF STAFF OF THE ARMY’S
17TH BRIGADE OPERATING IN THE CONFLICTIVE CORDOBA AND URABA
REGION, WAS FORCED TO RETIRE IN JANUARY AFTER HE PRIVATELY
CRITICIZED IN ARMY CHANNELS THE BRIGADE’S REFUSAL TO CONFRONT THE
ACCUS PARAMILITARY FORCES HEADQUARTERED THERE.

IN A MOST ILLUSTRATIVE CASE, GENERAL PAROUK YANINE DIAZ, FORMER
COMMANDER OF THE ARMY’S SECOND DIVISION BASED IN BUCARAMANGA,
SANTANDER DEPARTMENT, AND THREE OTHER MILITARY CODEFENDANTS HAD
THEIR TRIALS FOR THE 1987 MASSACRE OF 19 LOCAL MERCHANTS
TRANSFERRED BY THE SUPERIOR COUNCIL OF THE JUDICIARY TO THE
MILITARY JUSTICE SYSTEM IN NOVEMBER 1996. YANINE DIAZ HAS BEEN
ACCUSED OF ESTABLISHING AND EXPANDING PARAMILITARY DEATH SQUADS
IN THE MIDDLE MAGDALENA REGION, AS WELL AS THE ORDERING OF DOZENS

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OPIC-01 PRS-00 P-00 SP-00 STR-00 TRSE-00 USIE-00
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NOFORN

E.O. 12958: N/A
TAGS: PHUM, ELAB, KSEP, CO
SUBJECT: DRAFT SUBMISSION: 1997 COLOMBIA HUMAN RIGHTS REPORT

OF DISAPPEARANCES, MULTIPLE LARGE-SCALE MASSACRES AND THE
ASSASSINATION OF JUDGES AND COURT PERSONNEL SENT TO INVESTIGATE
PREVIOUS CRIMES. THE TRANSFER OF THE CASE OCCURRED IN DIRECT
CONTRAVENTION OF CONSTITUTIONAL REQUIREMENTS THAT TRIALS OF
GENERAL OFFICERS (ARTICLE 235) AND CIVILIANS (ARTICLE 213 --
YANINE DIAZ WAS BY THEN RETIRED FROM ACTIVE DUTY) BE CONDUCTED
EXCLUSIVELY BY CIVILIAN COURTS.

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THE RESULTS OF SUCH MANIPULATION WERE PREDICTABLE. ON JUNE 18,
GENERAL YANINE DIAZ AND HIS MILITARY CODEFENDANTS WERE PERSONALLY
CLEARED OF HOMICIDE AND KIDNAPPING CHARGES BY GENERAL MANUEL JOSE
BONETT, THEN-COMMANDING GENERAL OF THE ARMY (WHO HAD INITIALLY
ATTEMPTED TO RECUSE HIMSELF FROM THE CASE). MEANWHILE, MARCELIO
PANESO OCAMPO, CARLOS ALBERTO YEPES LONDONO AND NELSON LESMES
LEGUÍZAMON, THE THREE CIVILIAN CODEFENDANTS FROM THE MIDDLE
MAGDALENA "AUTO-DEFENSAS" PARAMILITARY GROUP TRIED BY THE
CIVILIAN REGIONAL ("FACELESS") COURT OF CUCUTA ON THE BASIS OF
THE SAME EVIDENCE, WERE CONVICTED JUNE 25 AND SENTENCED TO 30
YEARS IN PRISON FOR THEIR ROLES IN THE MASSACRE OF THE 19
MERCHANTS. SUBSEQUENTLY, GENERAL BONETT WAS ELEVATED JULY 24 BY
PRESIDENT SAMPER TO THE POSITION OF COMMANDING GENERAL OF THE
MILITARY FORCES, FOLLOWING SAMPER'S SACKING OF GENERAL HAROLD
BEDOYA, BONETT'S PREDECESSOR. THE CASE IS CURRENTLY BEING
PROCESSED BY THE INTER-AMERICAN HUMAN RIGHTS COMMISSION.

GENERAL YANINE DIAZ AND FOUR OTHER RETIRED ARMY GENERALS ARE
AMONG THOSE WHO REMAIN UNDER ACTIVE INVESTIGATION FOR TERRORISM
BY THE PROSECUTOR GENERAL'S OFFICE, FOR THEIR ROLES IN THE
DEVELOPMENT OF PARAMILITARY DEATH SQUADS IN THE MIDDLE MAGDALENA
REGION.

"EASTERN PLAINS" PARAMILITARIES PROTECTING A COCAINE SHIPMENT
BELONGING TO NARCO-TRAFFICER "LUCIANO VARELA" WERE RESPONSIBLE
FOR THE OCTOBER 3 AMBUSH OF JUDICIAL AUTHORITIES NEAR ALTAMIRA,
META DEPARTMENT. ELEVEN MEMBERS OF THE TEAM -- INCLUDING A
PROSECUTING ATTORNEY, TECHNICAL INVESTIGATIVE CORPS (CTI) STAFF,

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A DAS AGENT, THE COMMANDER OF AN ARMY ANTI-KIDNAPING UNIT, PLUS SEVERAL ARMY TROOPS -- WERE MASSACRED. THE JUDICIAL TEAM HAD INITIALLY GONE TO THE AREA TO ENFORCE A COURT ORDER EXPROPRIATING UNCLASSIFIED


WITH FEW NOTABLE EXCEPTIONS, KNOWN PARAMILITARY LEADERS REMAINED BEYOND THE REACH OF THE LAW. THE REGIONAL ("FACELESS") COURT OF MEDELLIN SENTENCED GERARDO ANTONIO PALACIO TO EIGHT AND ONE-THIRD YEARS IN PRISON FOR FORMING AN ILLEGAL PARAMILITARY GROUP. PALACIO AND OTHERS ARE STILL BEING INVESTIGATED FOR THE GROUP'S ROLE IN THE AUGUST 15, 1995, MASSACRE OF 18 PERSONS IN CHIGORODO, ANTIOQUIA.

LUIs ALFREDO RUBIO ROJAS, THE FORMER MAYOR OF THE MAGDALENA MEDIO TOWN OF PUERTO BOYACA AND LEADER OF A PARAMILITARY GROUP INITIALLY FOUNDED BY MEDELLIN CARTEL NARCO-TRAFFICKER GONZALO RODRIGUEZ GACHA, WAS ARRESTED BY THE POLICE APRIL 26 AFTER SEVEN YEARS IN HIDING. RUBIO HAD PREVIOUSLY BEEN SENTENCED TO TWELVE YEARS IN PRISON FOR HIS ROLE IN THE 1986-87 HONDURAS AND LA NEGRA MASSACRES; HE IS ALSO UNDER INVESTIGATION BY THE PROSECUTOR GENERAL'S OFFICE FOR HIS INVOLVEMENT IN THE MURDER OF 19 LOCAL MERCHANTS (SEE GENERAL YANINE CASE, ABOVE), THE MURDER OF 12 FISCALIA EMPLOYEES SENT TO INVESTIGATE THOSE KILLINGS, AS WELL AS THE CONTRACTING OF BRITISH AND ISRAELI MERCENARIES TO TRAIN PARAMILITARIES TO FIGHT THE FARC AND DEFEND NARCOTICS INTERESTS.

ARMY CAPTAIN RODRIGO CANAS FLORES, WAS ARRESTED MAY 19, ALONG WITH A PARAMILITARY LEADER, FOR THE APRIL 22, 1996, MASSACRE OF 15 PERSONS IN THE TOWN OF SEGOVIA, ANTIOQUIA DEPARTMENT.
FOR THE FIRST TIME SINCE THE DECEMBER 1994, ESTABLISHMENT OF THE
GOVERNMENT-SPONSORED CIVILIAN RURAL DEFENSE COOPERATIVES KNOWN AS
"CONVIVIR," A CONVIVIR LEADER WAS FOUND GUILTY OF FORMING AN
ILLEGALLY ARMED GROUP. A MEDELLIN JUDGE OCTOBER 23 SENTENCE JOSE
ALIRIO ARCILA VASQUEZ, DIRECTOR OF THE "LOS SABLES" CONVIVIR, AND
OTHER LOS SABLES MEMBERS TO SEVEN YEARS IN PRISON FOR APRIL 1996
ASSASSINATION OF THREE MEN IN CIUDAD BOLIVAR, MEDELLIN. THE CASE
AGAINST FORMER ARMY CAPTAIN CIRO ALFONSO VARGAS LANCHEROS FOR HIS
POSSIBLE ROLE IN THE INCIDENT REMAINED ONGOING.

ACCUSED NARCO-TRAFFICKER FIDEL CASTANO, CO-FOUNDER OF THE ACCU,
WAS SENTENCED IN ABSENTIA MAY 26 BY A "FACELESS" JUDGE TO 30
YEARS IN PRISON FOR THE JANUARY 1990, MASSACRE OF 43 PEASANTS AT
PUEBLO BELLO, ANTIOQUIA, AND FOR THE 1988, KIDNAPPING AND MURDER
OF LEADING CONSERVATIVE SENATOR ALFONSO OSPINA OSPINA.
(CASTANO'S CODEFENDANT AND FELLOW PARAMILITARY LEADER JOSE ANIBAL
RODRIGUEZ URQUIJO WAS SENTENCED IN JANUARY TO SERVE FORTY YEARS
IN PRISON FOR HIS ROLE IN THE SAME TWO CRIMES.) AS LAUDABLE AS
MEANWHILE, HIS BROTHER CARLOS, THE CURRENT LEADER OF ACCU, CONTINUES TO LEAD A SEMI-CLANDESTINE EXISTENCE, EVEN AS HIS LOCATION IS KNOWN TO THE GOVERNMENT. IN OCTOBER, A BOGOTA REGIONAL ("FACELESS") JUDGE ABSOLVED THE CASTANO BROTHERS OF INVOLVEMENT IN THE NOVEMBER 27, 1989, MID-AIR BOMBING OF A CALI-

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BOUND AVIANCA AIRLINES DOMESTIC FLIGHT, IN WHICH 107 PERSONS WERE KILLED. THE BOMBING WAS ORDERED BY MEDELLIN CARTEL KINGPINS RODRIGUEZ GACHA AND PABLO ESCOBAR; DANDELYS MUNOZ MOSQUERA (AKA, "LA QUICA") IS SERVING A LIFE SENTENCE WITHOUT PAROLE IN THE UNITED STATES FOR HIS ROLE IN THE BOMBING.

STILL OTHER PRESUMED PARAMILITARY LEADERS, SUCH AS EMERALD MAGNATE VICTOR CARRANZA, WALKED THE STREETS OF BOGOTA, UNINDICTED AND UNHINDERED.


THE LEFTIST COALITION PARTY KNOWN AS THE PATRIOTIC UNION (UP) CONTINUED TO BE THE TARGET OF POLITICAL KILLING. IT HAS LOST UNCLASSIFIED

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APPROXIMATELY 3,500 (NOTE: NUMBER TO BE UPDATED. END NOTE.) MEMBERS IN A CAMPAIGN OF TARGETED KILLINGS WAGED AGAINST ITS LEADERSHIP -- A CAMPAIGN INITIALLY PRECIPITATED BY RODRIGUEZ
MEANWHILE, HIS BROTHER CARLOS, THE CURRENT LEADER OF ACCU, CONTINUES TO LEAD A SEMI-CLANDESTINE EXISTENCE, EVEN AS HIS LOCATION IS KNOWN TO THE GOVERNMENT. IN OCTOBER, A BOGOTA REGIONAL ("FACELESS") JUDGE ABSOLVED THE CASTANO BROTHERS OF INVOLVEMENT IN THE NOVEMBER 27, 1989, MID-AIR BOMBING OF A CALI-BOUND AVIANCA AIRLINES DOMESTIC FLIGHT, IN WHICH 107 PERSONS WERE KILLED. THE BOMBING WAS ORDERED BY MEDELLIN CARTEL KINGPINS RODRIGUEZ GACHA AND PABLO ESCOBAR; DANDENYS MUNOZ MOSQUERA (AKA, "LA QUICA") IS SERVING A LIFE SENTENCE WITHOUT PAROLE IN THE UNITED STATES FOR HIS ROLE IN THE BOMBING.


THE IACHR CALLED IN AUGUST FOR THE GOVERNMENT TO "COMBAT, DISMANTLE AND DISARM ALL PARAMILITARY AND OTHER PROSCRIBED SELF-
DEFENSE GROUPS."

THE SEPTEMBER 9 REPORT ISSUED BY THE PRESIDENTIAL EXPLORATORY PEACE COMMISSION DECLARED THAT THE NATION'S PARAMILITARY GROUPS, "HAD WORSENED THE CONFLICT, GENERATED WAVES OF INTERNALLY DISPLACED PERSONS, AND IN OTHER CASES FATTENED THE RANKS OF THE UNCLASSIFIED

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OPTIC-01 PRS-00 P-00 SP-00 STR-00 TRSE-00 USIE-00
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GUERRILLAS. INSTEAD OF HELPING THE STATE, THEY CONTRIBUTE TO ITS INCREASING DE-INSTITUTIONALIZATION, DISAVOWING THE STATE'S LEGITIMATE AUTHORITY AND ITS CORRESPONDING MONOPOLY ON THE USE OF FORCE."

THE REPORT ADDED THAT "THERE EXISTS A TROUBLING AND CLEARLY EVIDENT SYMBIOSIS BETWEEN LOCAL POLITICAL AND ECONOMIC ELITES IN SOME REGIONS OF THE COUNTRY WITH THE SELF-DEFENSE GROUPS, NOT UNCLASSIFIED

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JUST IN FINANCING THEM BUT IN THE DIRECTION OF THEIR ACTIVITIES."
THE REPORT CONCLUDED THAT, "THE SELF-DEFENSE GROUPS HAVE BECOME
PART OF THE CURRENT ARMED CONFLICT, AS A SEMI-AUTONOMOUS ACTOR
WITH ITS OWN MILITARY CAPACITY, SIGNIFICANT TERRITORIAL
CONSIDERATION, A SOCIAL PROJECTS BUDGET, AND WITH A STRONG
DEPENDENCE ON THE OPEN SUPPORT, IN SOME CASES, AND THE ACTIVE
TOLERATION, IN OTHER CASES, OF PERSONS BELONGING TO BOTH THE
PUBLIC AND PRIVATE SECTORS. IT SHOULD BE NOTED, HOWEVER, THAT
THE ENTIRE STATE DOES NOT SPONSOR THEM AND SHOULD COMBAT THEM."

IN AN OCTOBER PRESS INTERVIEW, GENERAL MARIO HUGO GALÁN,
COMMANDING GENERAL OF THE ARMY, DECLARED THAT, "IN NO MOMENT HAS
THE ARMY HAD OPERATIONAL CONTACT WITH (PARAMILITARY) GROUPS," BUT
THAT, INSTEAD, THE ARMY COMBATS THEM. GALÁN STATED THAT WHILE
ONE COULD NOT DENY THERE HAD BEEN "INDIVIDUAL CASES" OF ARMY
PERSONNEL COOPERATING WITH PARAMILITARIES, "THESE CONNECTIONS DO
NOT HAVE ANY TYPE OF INSTITUTIONAL CHARACTER."

THE ATTORNEY GENERAL ("PROCURADURÍA") OPENED FORMAL
INVESTIGATIONS OCTOBER 14 INTO THE POSSIBLE ROLES PLAYED BY FOUR
ARMY OFFICERS, INCLUDING THE COMMANDER OF THE 7TH BRIGADE,
GENERAL JAIME HUMBERTO USCATEGUI, AND FIVE CIVILIAN OFFICIALS,
INCLUDING THE MAYOR OF MAPIRIPAN IN THE JULY TAKEOVER OF
MAPIRIPAN, META BY PARAMILITARY FORCES.

THE GUERRILLAS OF THE FARC, ELN AND EPL CONTINUED TO COMMIT
EXTRAJUDICIAL EXECUTIONS, OFTEN TARGETING NON-COMBATANTS IN A
MANNER NOT UNLIKE THE PARAMILITARIES. LOCAL ELECTED OFFICIALS OR
CANDIDATES FOR PUBLIC OFFICE, TEACHERS, CIVIC LEADERS, BUSINESS
OWNERS, TEACHERS AND PEASANTS OPPOSED TO THEIR POLITICAL OR
MILITARY ACTIVITIES WERE COMMON TARGETS. POLICE AND MILITARY

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Personnel were also targeted for killings, both in and out of
combat, but to a lesser degree.

A FARC CAR-BOMB PLACED IN FRONT OF THE EL PESCADOR HOTEL IN
APARTADO, ANTIOQUIA, ON FEBRUARY 27 KILLED 11 PERSONS AND WOUNDED
53. THE BODY OF VASSILY LOJKIN, A RUSSIAN CYCLIST ENDEAVORING TO
CIRCUMNAVIGATE THE GLOBE, WAS FOUND MARCH 7 IN APARTADO; HE HAD
BEEN KIDNAPPED, THEN EXECUTED, BY THE FARC. TWO ELN CAR-BOMBS
MARCH 16 IN CUCUTA KILLED AN 18-MONTH-OLD CHILD AND INJURED FOUR
OTHERS. ANOTHER ELN CAR-BOMB THE SAME DAY IN SARAVENA, ARAUCA,
KILLED FOUR AND WOUNDED FIVE. AN ELN URBAN ASSASSINATION SQUAD
CLAIMED RESPONSIBILITY FOR THE AUGUST 8 MURDER IN CUCUTA OF
LIBERAL SENATOR JORGE CRISTÓ. (SEE ALSO SECTIONS 1.G. AND 3).
IN A KILLING WHICH STUNNED MUCH OF BOGOTA, TWO WORKERS FOR THE
JESUIT-RUN CINEP HUMAN RIGHTS GROUP, MARIO CALDERON AND ELSA
ALVARADO, ALONG WITH ELSA'S FATHER CARLOS ALVARADO, WERE
ASSASSINATED IN THEIR BOGOTA HOME DURING THE PRE-DAWN HOURS OF
MAY 19 BY FIVE INDIVIDUALS MASQUERADING AS MEMBERS OF THE
FISCALIA'S TECHNICAL INVESTIGATIVE CORPS (CTI). HIRED KILLERS
FROM MEDELLIN WERE ARRESTED IN LATE SEPTEMBER AND CHARGED IN THE
CASE (SEE SECTION 4).

THE MUTILATED BODY OF AMERICAN GEOLOGIST FRANK THOMAS PESCATURE,
KIDNAPPED DECEMBER 10, 1996, BY THE parC, WAS FOUND FEBRUARY 23,
1997.

THERE HAS BEEN NO SIGNIFICANT PROGRESS IN THE CASE OF THE JUNE
1995, MURDERS OF AMERICAN MISSIONARIES TIMOTHY VAN DYKE AND
STEVEN WELSH SINCE THE 1996 ISSUANCE OF ARREST WARRANTS FOR
ELEVEN SENIOR PARC PERSONNEL RESPONSIBLE FOR THEIR KIDNAPINGS AND
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B. DISAPPEARANCE

"FORCED DISAPPEARANCE", WHILE EXPLICITLY PROHIBITED BY THE 1991
CONSTITUTION, REMAINED AN ACT NOT EXPLICITLY OUTLAWED UNDER THE
PENAL CODE, ALTHOUGH THE LAW CODIFIES KIDNAPING FOR EXTORTION AND
"SIMPLE KIDNAPING" AS CRIMES. FOR THE FIRST TIME EVER, THE
GOVERNMENT SUBMITTED LEGISLATION TO CONGRESS THIS YEAR TO
CRIMINALIZE FORCED DISAPPEARANCE; THE BILL, HOWEVER, REMAINED
UNAPPROVED AT YEAR'S END. THIS ONLY PARTLY EXPLAINS WHY COLOMBIA
CONTINUED TO SUFFER FROM EXTREMELY HIGH OVERALL RATES OF
DISAPPEARANCE AND KIDNAPING. AN ESTIMATED 3000 CASES OF FORCED
DISAPPEARANCE HAVE BEEN FORMALLY DENOUNCED TO AUTHORITIES SINCE
1977, WITH VERY FEW OF THE CASES HAVING EVER BEEN POSITIVELY
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PRM-10  PRME-01  DRL-04  G-00  MR-00  NFAT-00  /031W

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RESOLVED.  THE UN WORKING GROUP ON ENFORCED OR INVOLUNTARY
DISAPPEARANCES REPORTED HAVING RECEIVED 133 COMPLAINTS OF FORCED
DISAPPEARANCE IN COLOMBIA DURING THE PAST FOUR YEARS.

(NOTE: DATA FOR FOLLOWING SENTENCE TO BE PROVIDED BY POST. END
NOTE.)  THE ATTORNEY GENERAL FOR HUMAN RIGHTS REPORTED X FORCED
DISAPPEARANCES ATTRIBUTED TO MEMBERS OF THE PUBLIC SECURITY
FORCES, VERSUS Y IN ALL OF 1996.  ACCORDING TO DATA COLLECTED

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JOINTLY BY THE INTERCONGREGATIONAL COMMISSION FOR JUSTICE & PEACE
AND THE CENTER FOR INVESTIGATIONS AND POPULAR RESEARCH (CINEP),
87 PERSONS WERE FORCIBLY DISAPPEARED DURING THE FIRST HALF OF THE
YEAR.  PARAMILITARY GROUPS WERE DEEMED TO BE RESPONSIBLE FOR 81
OF THE DISAPPEARANCES, WITH THE REMAINING 6 CASES ATTRIBUTED TO
THE ARMY.

IN SEPTEMBER THE DIRECTORATE FOR THE GOVERNMENT'S SPECIAL ANTI-
KIDNAPPING TASK FORCES AND THE PAIS LIBRE FOUNDATION REPORTED 956
KIDNAPINGS DURING THE FIRST EIGHT MONTHS OF THE YEAR -- A 3
PERCENT DROP FROM THE 1996 FIGURE OF 987 FOR THE SAME PERIOD.
GOVERNMENTAL OFFICIALS CONCEDED, HOWEVER, THAT THESE FIGURES REPRESENTED ONLY A VERY CONSERVATIVE ESTIMATION OF THE PROBLEM, AS MANY FAMILIES OF KIDNAPPING VICTIMS CHOSE NOT TO REPORT KIDNAPPING IN ORDER TO CONCEAL RANSOM NEGOTIATIONS OR AVOID AN ARMED RESCUE ATTEMPT. AN INTERNATIONAL SECURITY CONSULTING FIRM ESTIMATED AN ANNUAL TOTAL OF 3,500 KIDNAPINGS. A LARGE, BUT UNDETERMINED, NUMBER OF THEM WERE COMMITED BY CRIMINAL KIDNAP-FOR-PROFIT GANGS.

GUERRILLAS WERE DEEMED RESPONSIBLE FOR 40 PERCENT (OR 583) OF THE 1436 KIDNAPING CASES FORMALLY DENOUNCED TO THE NATIONAL POLICE DURING 1996 (THE LAST YEAR FOR WHICH STATISTICS WERE AVAILABLE). ARRESTS OR PROSECUTIONS IN ANY OF THESE CASES WERE RARE. FOREIGNERS ACCOUNTED FOR APPROXIMATELY 5 PERCENT OF THOSE KIDNAPED, AND REPRESENTED ATTRACTIVE TARGETS FOR BOTH THE FARC AND THE ELN, WHICH GENERALY DEMANDED EXORBITANT RANSOM PAYMENTS FOR THEIR RELEASE.

SEVENTY SOLDIERS AND MARINES WERE RELEASED BY THE FARC JUNE 15 VIA THE GOOD OFFICES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS.

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ANTI-KIDNAP CZAR ALBERTO VILLAMIZAR CALLED APRIL 23 FOR INVESTIGATION INTO ALLEGATIONS OF COOPERATION BETWEEN GAULA ELITE ANTI-KIDNAP SQUADS AND ILLEGAL PARAMILITARY GROUPS FOLLOWING THE APRIL 22 RESCUE BY PARAMILITARY FORCES OF AN OIL COMPANY EMPLOYEE KIDNAPED IN BOLIVAR DEPARTMENT BY THE ELN.

COUNCIL DETERMINED AUGUST 14 THAT LOZADA WOULD BE TRIED IN CIVILIAN COURTS.

FORMER LIBERAL CONGRESSMAN RODRIGO TURBAY WAS REPORTED MAY 5 BY HIS FARC KIDNappers TO HAVE DROWNED IN A RIVER-CROSSING WHILE BEING MOVED TO A NEW HIDEOUT. TURBAY HAD BEEN HELD HOSTAGE SINCE JUNE OF 1995.

A MEDELLIN JUDGE ON JUNE 3 SENTENCED ELN GUERRILLA MARIANO HUMBERTO ZEA TO 25 YEARS IN PRISON FOR HIS PARTICIPATION IN THE AUGUST 30, 1996, KIDNAPPING OF GERMAN CITIZEN BRIGITTE SCHOENE.

EPL GUERRILLAS FREED CRS CONGRESSMEN ADOLFO BULA IN LATE JULY, AFTER FOUR MONTHS IN CAVITY.

IN AUGUST, Eln FORCES IN RIVERA, HUILA DEPARTMENT, BEAT TO DEATH A 9 YEAR-OLD KIDNAP VICTIM, AFTER HE TRIED TO ESCAPE. THE BOY HAD BEEN HELD SINCE MARCH 25 BY THE Eln, WHICH WAS DEMANDING $60,000 FROM HIS PARENTS FOR HIS RELEASE.

FROM AUGUST TO OCTOBER, FARC AND Eln GUERRILLAS WAGED A MASSIVE KIDNAPPING CAMPAIGN AGAINST CANDIDATES FOR THE OCTOBER 26 DEPARTMENTAL AND LOCAL ELECTIONS. HUNDREDS WERE KIDNAPED (OR "INVITED" UNDER THE THREAT OF FORCE), HELD FOR SEVERAL DAYS OR WEEKS, LECTURED AND SUBSEQUENTLY RELEASED, TYPICALLY AFTER PROMISING TO WITHDRAW THEIR CANDIDACIES. SOME 2000 CANDIDATES NATIONWIDE SUBSEQUENTLY WITHDRAW. (SEE ALSO SECTION 3.)

THE JUDICIAL COUNCIL OF STATE DETERMINED IN SEPTEMBER THAT THE

THERE HAS BEEN NO PROGRESS SINCE THE DECEMBER 1996, DECISION OF

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GUERRILLA CULPABILITY HAS BEEN DETERMINED IN THE VAST MAJORITY OF CASES INVOLVING AT LEAST 78 AMERICANS KIDNAPED SINCE 1980; 12 WERE KILLED OR DIED IN CAPTIVITY. SEVERAL DOZEN FOREIGNERS WERE KIDNAPED IN 1997 BY THE GUERRILLAS; CITIZENS OF AUSTRIA, BELGIUM, BRAZIL, DENMARK, FRANCE, GERMANY, GUATEMALA, ITALY, SPAIN, NORWAY, VENEZUELA, THE UNITED KINGDOM, THE UNITED STATES, AND VENEZUELA WERE AMONGST THOSE KIDNAPED, HELD OR STILL MISSING DURING 1997. BY THE END OF 1997, SIX AMERICANS (INCLUDING THE VICTIM KIDNAPPED THIS YEAR IN VENEZUELA) WERE STILL BEING HELD OR WERE UNACCOUNTED FOR. CITIZENS OF AT LEAST FIVE OTHER FOREIGN NATIONS WERE ALSO STILL BEING HELD FOR MONETARY RANSOM AT YEAR'S END.

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C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

THE CONSTITUTION EXPLICITLY PROHIBITS TORTURE, AS WELL AS CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT. REPORTS OF INCIDENTS OF POLICE AND MILITARY MISTREATMENT OR TORTURE OF DETAINEES NEVERTHELESS CONTINUE. THE OFFICE OF THE ATTORNEY GENERAL ("PROCURADURIA") FOR HUMAN RIGHTS REPORTED INVESTIGATING 462 CASES OF TORTURE COMMITTED BY THE POLICE, DAS, ARMY, PRISON OFFICIALS, AND OTHER AGENTS OF THE STATE DURING THE PERIOD FROM JUNE 1995 TO OCTOBER 1996. THERE HAS BEEN NO APPRECIABLE SUBSEQUENT DECREASE IN CASES OF TORTURE COMMITTED BY INDIVIDUALS FROM VARIOUS GOVERNMENT SECURITY AGENCIES. THESE ABUSES OFTEN OCCURRED IN CONNECTION WITH ILLEGAL DETentions IN THE CONTEXT OF COUNTER-INSURGENCY OR COUNTER-NARCOTICS OPERATIONS.

PARAMILITARY AND GUERRILLA GROUPS WERE ALSO RESPONSIBLE FOR MANY INSTANCES OF TORTURE; THE BODIES OF A GREAT MANY PERSONS DETAINED AND SUBSEQUENTLY KILLED BY THESE ILLEGAL GROUPS SHOWED SIGNS OF TORTURE AND DISFIGUREMENT.

PRISON CONDITIONS ARE GENERALLY HARSH, ESPECIALLY FOR THOSE PRISONERS WITHOUT SIGNIFICANT OUTSIDE SUPPORT. SEVERE
OVERCROWDING, AND DANGEROUS SANITARY AND HEALTH CONDITIONS REMAINED SERIOUS PROBLEMS. THE ATTORNEY GENERAL'S MARCH 1997, ANNUAL HUMAN RIGHTS REPORT TERMED THE NATION'S ISOLATION CELLS "THE SUPREME MONUMENT TO THE VIOLATION OF (THE) HUMAN RIGHTS" OF DETAINNEES.


PRISON CONDITIONS PROMPTED AN UNPRECEDENTED 27 UPRISINGS AND HOSTAGE-TAKINGS BY INMATES IN JUST THE FIRST THREE MONTHS OF THE YEAR, A TOTAL OF 50 DURING THE FIRST SIX MONTHS. GUARDS ALSO WENT ON STRIKE AT SEVERAL FACILITIES. INSTANCES OF ABUSE BY AND CORRUPTION AMONG PRISON STAFFS, AS WELL AS ONGOING CRIMINAL

FROM AUGUST TO OCTOBER, FARC AND ELN GUERRILLAS WAGED A MASSIVE KIDNAPPING CAMPAIGN AGAINST CANDIDATES FOR THE OCTOBER 26 DEPARTMENTAL AND LOCAL ELECTIONS. HUNDREDS WERE KIDNAPED (OR "INVITED" UNDER THE THREAT OF FORCE), HELD FOR SEVERAL DAYS OR WEEKS, LECTURED AND SUBSEQUENTLY RELEASED, TYPICALLY AFTER PROMISING TO WITHDRAW THEIR CANDIDACIES. SOME 2000 CANDIDATES NATIONWIDE SUBSEQUENTLY WITHDREW. (SEE ALSO SECTION 3.)

THE JUDICIAL COUNCIL OF STATE DETERMINED IN SEPTEMBER THAT THE
SUBJECT: DRAFT SUBMISSION: 1997 COLOMBIA HUMAN RIGHTS REPORT


IN JULY, THE CORPORATION FOR EXCELLENCE IN JUSTICE RELEASED A REPORT CALLING UPON THE GOVERNMENT TO IMMEDIATELY ESTABLISH PRISONS REFORMS, SEARCH OUT THE PARTICIPATION OF PRIVATE INVESTORS, EXPLORE THE POSSIBILITY OF RURAL PENAL COLONIES, COMPLY WITH INTERNATIONAL TREATY OBLIGATIONS REGARDING PENAL CONDITIONS, AND ACTIVELY PURSUE ALTERNATIVES TO INCARCERATION, ESPECIALLY FOR NON-VIOLENT OFFENDERS.

THE SUPERIOR MILITARY TRIBUNAL ORDERED APRIL 4 THE ARREST IN CARTAGENA OF FIVE COLOMBIAN NATIONAL POLICE FOR THE SEPTEMBER 3, 1995, BEATING DEATH WHILE IN DETENTION OF ITALIAN TOURIST GIACOMO TURRA. THE MILITARY TRIAL OF POLICE SERGEANT RAYMUNDO LLANOS VASQUEZ AND FOUR SUBORDINATES ON THE CHARGE OF PREMEDITATED HOMICIDE BEGAN IN OCTOBER.

THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) CONTINUED TO HAVE ROUTINE ACCESS TO MOST PRISONS AND POLICE AND MILITARY DETENTION CENTERS. THE ICRC WAS LESS FREQUENTLY PROVIDED ACCESS TO KIDNAP VICTIMS BEING HELD BY GUERRILLA OR PARAMILITARY FORCES AND VIRTUALLY NO ACCESS TO THE MANY HUNDREDS HELD BY THE NATION'S "KIDNAP-FOR-PROFIT" CRIMINAL GANGS.
D. ARBITRARY ARREST, DETENTION, OR EXILE

THE CONSTITUTION INCLUDES SEVERAL PROVISIONS DESIGNED TO PREVENT ILLEGAL DETENTION; THERE CONTINUED TO BE Instances, HOWEVER, IN WHICH THE AUTHORITIES ARRESTED OR DETAINED CITIZENS ARBITRARILY.


AS OF APRIL 1, AN ESTIMATED FORTY-SIX PERCENT OF THE NATION'S PRISON INMATES WERE BEING HELD IN VARIOUS FORMS OF PRE-TRIAL DETENTION, AND HAD NOT BEEN CONVICTED OF A CRIME. AT THE TIME OF THE APRIL VALLEDUPAR PRISON UPRISING, THE FACILITY'S POPULATION APPROACHED FIVE TIMES ITS OFFICIAL CAPACITY; 341 OF THE 578 INMATES (OR 590F THE TOTAL) WERE BEING HELD IN PRE-TRIAL DETENTION.

CONDITIONAL PRETRIAL RELEASE IS AVAILABLE UNDER CERTAIN CIRCUMSTANCES, E.G., IN CONNECTION WITH MINOR OFFENSES OR AFTER UNCLASSIFIED

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UNDULY LENGTHY Amounts OF TIME IN PREVENTIVE DETENTION. IT IS NOT AVAILABLE IN CASES OF SERIOUS CRIMES, SUCH AS HOMICIDE OR TERRORISM.

FORCED EXILE IS NOT FORMALLY PRACTICED, ALTHOUGH THERE WERE REPEATED Instances OF INDIVIDUALS PRESSURED INTO SELF-EXILE FOR THEIR PERSONAL SAFETY. SUCH Cases INCLUDED PERSONS FROM ALL WALKS OF LIFE, FROM POLITICIANS TO HUMAN RIGHTS WORKERS TO SLUM-DwellERS TO BUSINESS EXECUTIVES TO RURAL FARMERS. THE THREATS CAME FROM VARIOUS QUARTERS: ELEMENTS OF THE MILITARY, GUERRILLA...
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SUBORNING OR INTIMIDATION OF JUDGES, WITNESSES AND PROSECUTORS BY

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THE JUDICIARY HAS LONG BEEN SUBJECT TO THREATS AND INTIMIDATION
WHEN DEALING WITH CASES INVOLVING MEMBERS OF ARMED FORCES OR OF
PARAMILITARY, GUERRILLA, AND NARCOTICS ORGANIZATIONS. ALTHOUGH
THE NUMBER OF INSTANCES OF VIOLENT ATTACKS AGAINST PROSECUTORS
AND JUDGES DECLINED WITH THE ABATEMENT OF DRUG-RELATED TERRORISM
IN THE LATE 1980S -- AND AS EXTRADITION OF COLOMBIAN CITIZENS WAS
HALTED IN 1991 -- PROSECUTORS, JUDGES, AND DEFENSE ATTORNEYS
CONTINUED TO BE SUBJECTED TO THREATS AND ACTS OF VIOLENCE.
PROSECUTORS REPORTED, MOREOVER, THAT POTENTIAL WITNESSES IN MAJOR
CASES OFTEN LACKED FAITH IN THE GOVERNMENT’S ABILITY TO PROTECT
THEIR ANONYMITY AND WERE THUS UNWILLING TO TESTIFY, RUINING
CHANCES FOR SUCCESSFUL PROSECUTIONS.

CORRUPTION AND INTIMIDATION ARE BELIEVED RESPONSIBLE FOR THE
RELATIVELY LIGHT PRISON TERMS THAT GILBERTO AND MIGUEL RODRIGUEZ
OREJUELA, LONGTIME LEADERS OF THE MULTI-BILLION DOLLAR CALI-BASED
NARCOTICS-TRAFFICKING CARTEL, WERE SENTENCED IN JANUARY TO SERVE
(10 AND ONE-HALF YEARS AND NINE YEARS RESPECTIVELY). THE
RODRIGUEZ OREJUELAS ARE CREDIBLY BELIEVED, HOWEVER, TO CONTINUE
TO RUN SOME OF THEIR BUSINESS FROM BOGOTA’S LA PICOTA PRISON.

DOING WHAT NEITHER THE CONGRESS NOR THE ADMINISTRATION WOULD DO,
THE CONSTITUTIONAL COURT STRUCK SEVERAL LANDMARK BLOWS AGAINST
IMPUNITY DURING THE YEAR. THE SEPARATE MILITARY JUDICIAL SYSTEM,
LONG ACCOUNTABLE ONLY TO THE UNIFORMED MILITARY LEADERSHIP, WAS
DIRECTED BY THE CONSTITUTIONAL COURT AUGUST 5 TO RELINQUISH TO
THE CIVIL JUDICIARY THE INVESTIGATION AND PROSECUTION OF HUMAN
RIGHTS CASES AND OTHER ALLEGED CRIMES NOT DIRECTLY RELATED TO
ACTS OF SERVICE. ON SEPTEMBER 23, THE CONSTITUTIONAL COURT

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DECLARED NULL AND VOID A STATUTE OF THE PENAL CODE (DATING FROM
THE 1930S) WHICH PROHIBITED PUNISHMENT OF POLITICALLY-MOTIVATED
REBELS FOR ANY CRIMINAL ACTS COMMITTED IN COMBAT, EXCEPT THOSE
WHICH CONSTITUTED ACTS OF SAVAGERY, BARBARISM OR BARBARISM.

PRIOR TO THE AUGUST CONSTITUTIONAL COURT DECISION MOST -- BUT NOT
ALL -- CASES INVOLVING HIGH-LEVEL MILITARY PERSONNEL WERE
D. ARBITRARY ARREST, DETENTION, OR EXILE

THE CONSTITUTION INCLUDES SEVERAL PROVISIONS DESIGNED TO PREVENT ILLEGAL DETENTION; THERE CONTINUED TO BE INSTANCES, HOWEVER, IN WHICH THE AUTHORITIES ARRESTED OR DETAINED CITIZENS ARBITRARILY.


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CONDITIONAL PRETRIAL RELEASE IS AVAILABLE UNDER CERTAIN CIRCUMSTANCES, E.G., IN CONNECTION WITH MINOR OFFENSES OR AFTER UNDULY LENGTHY AMOUNTS OF TIME IN PREVENTIVE DETENTION. IT IS NOT AVAILABLE IN CASES OF SERIOUS CRIMES, SUCH AS HOMICIDE OR TERRORISM.

FORCED EXILE IS NOT FORMALLY PRACTICED, ALTHOUGH THERE WERE REPEATED INSTANCES OF INDIVIDUALS PRESSURED INTO SELF-EXILE FOR THEIR PERSONAL SAFETY. SUCH CASES INCLUDED PERSONS FROM ALL WALKS OF LIFE, FROM POLITICIANS TO HUMAN RIGHTS WORKERS TO SLUM-DWELLERS TO BUSINESS EXECUTIVES TO RURAL FARMERS. THE THREATS CAME FROM VARIOUS QUARTERS: ELEMENTS OF THE MILITARY, GUERRILLA, CURRENT CLASS: UNCLASSIFIED

THE ATTORNEY GENERAL'S OFFICE ("PROCURADURIA") IS PART OF THE PUBLIC MINISTRY. IT INVESTIGATES MISCONDUCT BY PUBLIC OFFICIALS AND ORDERS ADMINISTRATIVE SANCTIONS AS APPLICABLE. THE ATTORNEY GENERAL FOR HUMAN RIGHTS INVESTIGATES SOME ALLEGATIONS OF HUMAN RIGHTS ABUSES BY MEMBERS OF THE STATE SECURITY APPARATUS, DRAWING UPON A NATIONWIDE NETWORK OF HUNDREDS OF GOVERNMENT HUMAN RIGHTS INVESTIGATORS ("PERSONEROS") COVERING THE NATION'S 1071 MUNICIPALITIES.

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THE PROSECUTOR GENERAL ("FISCAL GENERAL") IS ELECTED BY THE SUPREME COURT OF JUSTICE FROM A LIST OF THREE CANDIDATES CHOSEN
BY THE PRESIDENT AND IS TASKED WITH INVESTIGATING CRIMINAL OFFENSES AND PRESENTING EVIDENCE AGAINST THE ACCUSED BEFORE THE

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GROUPS, PARAMILITARY GROUPS, NARCOTICS TRAFFICKERS AND OTHER CRIMINAL ELEMENTS.


THE CIVILIAN JUDICIAL SYSTEM, REORGANIZED UNDER THE 1991 CONSTITUTION, IS LARGELY INDEPENDENT OF THE EXECUTIVE AND LEGISLATIVE BRANCHES, BOTH IN THEORY AND PRACTICE, ALTHOUGH THE

E.O. 12958: N/A
TAGS: PHUM, ELAB, KSEP, CO
SUBJECT: DRAFT SUBMISSION: 1997 COLOMBIA HUMAN RIGHTS REPORT COMPETENT JUDGES AND TRIBUNALS.

THE OCTOBER STRIKE BY 41,000 JUDICIAL BRANCH EMPLOYEES INTERRUPTED THE PROSECUTION OF HUNDREDS OF CASES, AND LED TO THE RELEASE OF SOME CRIMINAL DETAINEES WHOSE "HABEAS CORPUS" RIGHTS WERE VIOLATED BECAUSE THEY WERE NOT BROUGHT BEFORE A JUDGE FOR ARRAIGNMENT DURING THE REQUIRED PERIOD AFTER THEIR INITIAL DETENTION.

THE CONSTITUTION SPECIFICALLY PROVIDES FOR THE RIGHT TO DUE PROCESS. THE OUTCOME OF ALL TRIALS IS DETERMINED BY JUDGES; THERE ARE NO JURY TRIALS. THE ACCUSED, PRESUMED INNOCENT UNTIL
PROVEN GUILTY, HAS THE RIGHT TO REPRESENTATION BY COUNSEL, ALTHOUGH REPRESENTATION FOR THE INDIGENOUS AND THE INDIGENT HISTORICALLY HAS BEEN INADEQUATE. AS IN PAST YEARS, THE JUDICIARY REMAINED OVERRUNNED AND OFTEN IN A STATE OF CHAOS, STAGGERING UNDER A BACKLOG ESTIMATED AT OVER ONE MILLION CASES. THE NEW PROSECUTOR GENERAL ("FISCAL GENERAL") ANNOUNCED IN MAY THE ESTABLISHMENT OF A COMMISSION TO ANALYZE THE BACKLOG AND MAKE RECOMMENDATIONS AS TO HOW TO REDUCE THE CASE LOAD AND STREAMLINE PROCEDURES.

TRIALS CONDUCTED BY THE REGULAR, OR "SECTIONAL" COURTS ARE PUBLIC. DEFENDANTS HAVE THE RIGHT TO BE PRESENT AND THE RIGHT TO TIMELY CONSULTATION WITH AN ATTORNEY. DEFENDANTS AND THEIR ATTORNEYS HAVE THE RIGHT TO QUESTION OR CONTRADICT (THOUGH NOT CONFRONT) WITNESSES AGAINST THEM, TO PRESENT WITNESSES ON THEIR OWN BEHALF, AND TO HAVE ACCESS TO GOVERNMENT EVIDENCE RELEVANT TO THE CASE. DEFENDANTS ALSO HAVE THE RIGHT TO APPEAL A CONVICTION TO A HIGHER COURT.

THE CIVILIAN JUSTICE SYSTEM ALSO CONTINUED TO INCORPORATE "REGIONAL" OR PUBLIC ORDER JURISDICTIONS TO PROSECUTE CASES INVOLVING THE CRIMES OF NARCOTICS-TAFFICKING, TERRORISM, KIDNAPPING, SUBVERSION, EXTORTION AND SOME CASES OF HUMAN RIGHTS VIOLATIONS. IN THESE COURTS, "FACELESS" PROSECUTORS, JUDGES, WITNESSES, AND ATTORNEYS ACT UNDER COVER OF ANONYMITY FOR SECURITY REASONS. GIVEN SECURITY CONCERNS, AND AS TESTIMONY AND EVIDENCE IS TYPICALLY PROVIDED TO THE JUDGE IN WRITTEN FORM,

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REGIONAL COURT TRIALS ARE NOT PUBLIC. WHILE A 1993 REFORM OF THE CRIMINAL PROCEDURES CODE ADDRESSED CERTAIN PROCEDURAL SHORTCOMINGS WITHIN THE SYSTEM, SIGNIFICANT PROBLEMS REMAINED. IT WAS STILL DIFFICULT FOR DEFENSE ATTORNEYS TO IMPEACH OR CROSS-EXAMINE ANONYMOUS WITNESSES, AND OFTEN THEY DID NOT HAVE UNIMPEDED ACCESS TO THE STATE'S EVIDENCE. AS A RESULT OF SUCH CONCERNS, JUDGES MAY NO LONGER BASE A CONVICTION SOLELY ON THE TESTIMONY OF AN ANONYMOUS WITNESS.

PROSECUTORS, JUDGES, AND WITNESSES GENERALLY MAINTAINED THAT THE PROTECTION OF ANONYMITY PROVIDED BY A FACELESS SYSTEM IS ESSENTIAL TO THE SUCCESSFUL INVESTIGATION AND PROSECUTION OF CASES IN A COUNTRY WHERE VIOLENCE IS ENDEMIC AND ACTS OF REVENGE AGAINST THOSE PROSECUTING VIOLENT CRIME MAY BE EXPECTED.

DOMESTIC AND INTERNATIONAL HUMAN RIGHTS GROUPS, PRESIDENT SAMPER, THE PROSECUTOR GENERAL AND ARMED FORCES COMMANDING GENERAL
BONETT, HOWEVER, ALL PUBLICLY STATED DURING THE YEAR THAT THE
REGIONAL COURT SYSTEM VIOLATES BASIC LEGAL NORMS AND PROCEDURAL
RIGHTS AND IS IN NEED OF STRICTER CONTROLS AND LIMITS. SOME OF
THE MOST VOCAL CONGRESSIONAL CRITICS OF THE REGIONAL COURTS,
HOWEVER, HAVE THEMSELVES BEEN IMPLICATED IN THE REGIONAL COURT
INVESTIGATIONS INTO THE "CASE 8000" AND OTHER INVESTIGATIONS INTO
THE PURCHASE OF POLITICAL PROTECTION BY THE CALI NARCOTICS
CARTEL.

THE UN COMMITTEE ON HUMAN RIGHTS IN MAY STRONGLY URGED THE
GOVERNMENT TO ABOLISH THE REGIONAL JUDICIAL SYSTEM AND GUARANTEE
THAT ALL TRIALS ADHERE TO DUE PROCESS AND THE SAFEGUARDS OF AN
IMPARTIAL TRIAL AS GUARANTEED BY ARTICLE 14 OF THE INTERNATIONAL
PACT ON CIVIL AND POLITICAL RIGHTS. THE CURRENT LEGAL STATUTE OF
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JUSTICE SETS A JUNE 1999 DEADLINE FOR THE DISBANDMENT OF THE
REGIONAL COURT SYSTEM.

THE INTER-AMERICAN HUMAN RIGHTS COMMISSION CONCLUDED IN AUGUST
THAT, "THE REGIONAL JUSTICE SYSTEM UTILIZES A STRUCTURE WHICH
DOES NOT PROTECT THE DUE PROCESS RIGHTS OF THE DEFENDANTS BROUGHT
BEFORE IT AND DOES NOT GUARANTEE ACCESS TO JUSTICE." THE
COMMISSION ALSO CALLED ON PRESIDENT SAMPER TO TAKE CONCRETE STEPS
TO REFORM THE SYSTEM. THE GOVERNMENT UNDETOOK NO SUCH EFFORTS,
HOWEVER -- EXCEPT TO ENSURE THAT THE SEPTEMBER DRAFT BILL TO
REVIEW THE MILITARY PENAL CODE EXPLICITLY PREVENTED THE REGIONAL
COURTS FROM SITTING IN JUDGEMENT OF MILITARY PERSONNEL WHO WERE
THEMSELVES ACCUSED OF HUMAN RIGHTS VIOLATIONS.

IN AN ATTEMPT TO DEAL WITH IMPUNITY, THE PROSECUTOR GENERAL IN
OCTOBER 1995, CREATED A SPECIAL HUMAN RIGHTS UNIT AS PART OF THE
REGIONAL COURTS SYSTEM. THE UNIT ACHIEVED SIGNIFICANT RESULTS IN
1997. UNDER THE DIRECTION OF A COORDINATING PROSECUTOR AND
SUPPORTED BY A TEAM OF INVESTIGATORS, THIS GROUP OF 25 FACELESS
PROSECUTORS ADDRESSED SEVERAL HUNDRED CASES INVOLVING MASSACRES,
EXTRAJUDICIAL KILLINGS, KIDNAPINGS, AND TERRORISM. THEY ISSUED
ARREST WARRANTS AGAINST MEMBERS OF THE PUBLIC SECURITY FORCES,

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THE OCTOBER STRIKE BY 41,000 JUDICIAL BRANCH EMPLOYEES INTERRUPTED THE PROSECUTION OF HUNDREDS OF CASES, AND LED TO THE RELEASE OF SOME CRIMINAL DETAINEES WHOSE "HABEAS CORPUS" RIGHTS WERE VIOLATED BECAUSE THEY WERE NOT BROUGHT BEFORE A JUDGE FOR ARRAIGNMENT DURING THE REQUIRED PERIOD AFTER THEIR INITIAL DETENTION.

THE CONSTITUTION SPECIFICALLY PROVIDES FOR THE RIGHT TO DUE PROCESS. THE OUTCOME OF ALL TRIALS IS DETERMINED BY JUDGES; THERE ARE NO JURY TRIALS. THE ACCUSED, PRESUMED INNOCENT UNTIL


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PARAMILITARY, GUERRILLA, AND DRUG TRAFFICKING ORGANIZATIONS AND HAD SUCCESSFULLY ARRESTED DOZENS OF THOSE SUSPECTS BY YEAR'S END, INCLUDING THOSE CHARGED WITH THE MAY 19 CINEP MURDERS (SEE SECTIONS 1.A. AND 4).

PARAMILITARIES, 70 CASES WERE AGAINST GUERRILLAS, 67 PROSECUTIONS WERE DIRECTED AT AGENTS OF THE STATE, AND 42 CASES WERE PURSUED AGAINST OTHERS, INCLUDING NARCOTICS TRAFFICKERS. MORE THAN ONE-THIRD OF THE CASES HAD ALREADY PROCEEDED BEYOND THE PRELIMINARY INVESTIGATIVE STAGE AND RESULTED IN FORMAL PROSECUTIONS BEFORE JUDGES OF THE REGIONAL COURTS.

THE INTER-AMERICAN HUMAN RIGHTS COMMISSION RECOMMENDED IN AUGUST THAT, "TO COMBAT IMPUNITY, FULL SUPPORT SHOULD BE PROVIDED FOR CIVIL DISCIPLINARY AND PROSECUTORIAL INSTITUTIONS IN COLOMBIA AND FOR THE OMBUDSMAN. BECAUSE THE UNIT FOR HUMAN RIGHTS OF THE PROSECUTOR GENERAL'S OFFICE HAS BEEN ABLE TO CARRY OUT EFFECTIVE WORK, IT SHOULD RECEIVE SPECIAL SUPPORT."
JUDICIAL AND CRIMINAL INVESTIGATIVE EMPLOYEES CONTINUED TO BE
TARGETED AND KILLED FOR THEIR EFFORTS TO ENFORCE THE RULE OF LAW.
IN A COMMON TACTIC EMPLOYED THROUGHOUT THE YEAR, FARC GUERRILLAS
AUGUST 12 AMBUSHED AND KILLED 3 MEMBERS OF A JOINT DAS-FISCALIA
CRIMINAL INVESTIGATIVE TEAM WHICH HAD BEEN DISPATCHED TO
INVESTIGATE EXTRAJUDICIAL KILLINGS IN THE AREA OF GADEAS NEAR
BOGOTA. A FOURTH TEAM MEMBER WAS KIDNAPPED. THE FARC HAD
EXECUTED SEVERAL LOCAL PERSONS, AND THEN WAITED IN AMBUSH FOR THE
INVESTIGATORS TO ARRIVE.

PARAMILITARIES ARE BELIEVED RESPONSIBLE FOR THE SEPTEMBER 5
ASSASSINATION OF MANUEL GUILLERMO LOPEZ UMANA, CHIEF INVESTIGATOR
FOR THE FISCALIA’S TECHNICAL INVESTIGATIVE CORPS (CTI) IN
ANTIOQUIA. INTERCEPTED BY HEAVILY-ARMED MEN AS HE ARRIVED AT
WORK IN MEDELLIN, UMANA WAS SHOT THIRTEEN TIMES.

OTHER VICTIMS INCLUDED PROSECUTING ATTORNEYS, INVESTIGATORS
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IN AUGUST, THE BOGOTA REGIONAL COURT INDICTION, IN ABSENTIA, 24
NATIONAL AND REGIONAL LEADERS OF THE FARC, ON CHARGES OF
REBELLION, TERRORISM AND KIDNAPPING. ALTHOUGH TOP MILITARY
LEADERS HAILED THE CASES BROUGHT AGAINST GUERRILLA LEADERS, THEY
STRONGLY OBJECTED, AND IN SOME CASES TRIED TO OBSTRUCT,
PROSECUTION OF CASES AGAINST MEMBERS OF THE ARMED FORCES AND OF
PARAMILITARY ORGANIZATIONS.

THE GOVERNMENT STATES THAT IT DOES NOT HOLD POLITICAL PRISONERS.
THE ICRC REPORTED THAT IT MONITORED APPROXIMATELY 3,000 CASES OF
IMPRISONED CITIZENS ACCUSED OF TERRORISM, REBELLION OR AIDING AND
ABETTING THE INSURGENCY, WHICH ARE CRIMES LEGITIMATELY PUNISHABLE
UNDER LAW. IT IS INDEED LIKELY, HOWEVER, THAT A NUMBER OF THOSE
PERSONS WERE CONVICTED BY REGIONAL COURTS WITHOUT THE FULL DUE
PROCESS BENEFITS OF A FAIR PUBLIC TRIAL, AND THEREFORE MAY BE
CONSIDERED POLITICAL PRISONERS.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR
CORRESPONDENCE

THE LAW GENERALLY REQUIRES A JUDICIAL ORDER FOR AUTHORITIES TO
ENTER A PRIVATE HOME, EXCEPT IN CASES OF HOT PURSUIT. THE
MINISTRY OF DEFENSE CONTINUED TRAINING PUBLIC SECURITY FORCES IN LEGAL SEARCH PROCEDURES THAT COMPLY WITH CONSTITUTIONAL AND HUMAN RIGHTS. DEFENSE MINISTRY OFFICIALS COMPLAINED, HOWEVER, THAT ABSENT EVIDENTIARY PROOF COLLECTED DIRECTLY BY PROSECUTORS,

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GUERRILLA SUSPECTS CAPTURED, IN OR OUT OF BATTLE, BY THE SECURITY FORCES AND TURNED OVER TO JUDICIAL AUTHORITIES ARE ROUTINELY PREED DUE TO A LACK OF JURIDICALLY ACCEPTABLE EVIDENCE.

A JUDICIAL ORDER OR THE APPROVAL OF A PROSECUTING ATTORNEY IS REQUIRED TO AUTHORIZ THE INTERCEPTION OF MAIL OR MONITORING OF EITHER "LANDLINE" OR CELLULAR TELEPHONES. THIS PROTECTION EXTENDS TO PRISONERS HELD IN JAILS. HOWEVER, VARIOUS STATE AUTHORITIES SOMETIMES MONITOR TELEPHONES WITHOUT OBTAINING PRIOR AUTHORIZATION.

ACCORDING DATA PUBLISHED BY THE UNITED NATION'S CHILDREN'S FUND (UNICEF), SOME 181,000 PERSONS WERE FORCIBLY DISPLACED FROM THEIR HOMES BY VIOLENCE IN COLOMBIA DURING 1996 -- MORE THAN IN RWANDA, BURUNDI OR ZAIRE. WITH A SIMILAR, IF NOT GREATER, NUMBER DISPLACED DURING 1997, THE NUMBER OF COLOMBIANS INTERNALLY DISPLACED DURING THE PAST THREE YEARS STANDS AT MORE THAN 450,000. FORCED DISPLACEMENT OF CIVILIAN POPULATIONS HAS BECOME AN INTEGRAL PART OF THE STRATEGY EMPLOYED BY SOME PARAMILITARY FORCES. TERROR CAMPAIGNS WERE EMPLOYED BY THE PARAMILITARY IN SOME CASES TO DEPOPULATE COMMUNITIES BELIEVED TO BE LOYAL TO LEFTIST GUERRILLAS; IN OTHER CASES, THE PARAMILITARY GROUPS LOYAL

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ACTION ARA-01

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G. USE OF EXCESSIVE FORCE AND VIOLATIONS OF HUMANITARIAN LAW IN INTERNAL CONFLICTS

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COLOMBIA'S INTERNAL ARMED CONFLICT AND NARCOTICS TRAFFICKING ARE THE CENTRAL CAUSES OF VIOLATIONS OF HUMAN RIGHTS AND HUMANITARIAN LAW. PARAMILITARY AND GUERRILLA GROUPS, IN PARTICULAR, BUT ALSO GOVERNMENT SECURITY FORCES, VIOLATED INTERNATIONAL HUMANITARIAN LAW IN THE NATION'S INTERNAL CONFLICT. THE ICRC REPORTED THAT THE GOVERNMENT, INCLUDING MILITARY AUTHORITIES, FOLLOWED AN OPEN-DOOR POLICY TOWARD THE ICRC AND READILY INCORPORATED RED CROSS CURRICULA ON INTERNATIONAL HUMANITARIAN LAW IN STANDARD MILITARY TRAINING. A PERSISTENT EMPHASIS BY THE ARMY ON BODY COUNT AS A MEANS OF ASSESSING FIELD PERFORMANCE IS A MAIN CONTRIBUTING CAUSE OF GOVERNMENT VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW. WITH RARE EXCEPTIONS, ACCORDING TO MILITARY SOURCES, LOCAL COMMANDERS TYPICALLY PREFERRED TO DISCHARGE SOLDIERS ACCUSED OF RAPE AND OTHER SERIOUS HUMAN RIGHTS VIOLATIONS, RATHER THAN TO INITIATE COURT MARTIAL PROCEEDINGS.

THE UN COMMITTEE ON HUMAN RIGHTS NOTED IN MAY THAT, ALTHOUGH THE DECREE AUTHORIZING "PUBLIC ORDER ZONES" HAD ALREADY EXPIRED (IN NOVEMBER 1996), THE PUBLIC SECURITY FORCES IN SOME CASES CONTINUED TO EXERCISE SPECIAL POWERS OVER THE CIVILIAN POPULATION AND AUTHORITIES, INCLUDING JUDICIAL AUTHORITIES. THE COMMITTEE DECLARED ITS PARTICULAR CONCERN FOR "THE FACT THAT THE MILITARY EXERCISE THE FUNCTIONS OF INVESTIGATION, ARREST, DETENTION AND INTERROGATION."

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THE GOVERNMENT INITIATED A PROGRAM IN DECEMBER 1994, TO ORGANIZE
AND REGISTER LEGAL CIVILIAN RURAL DEFENSE COOPERATIVES, KNOWN
COLLECTIVELY AS "CONVIVIR," WHICH WERE TO PROVIDE COUNTER-
INSURGENCY INTELLIGENCE TO LOCAL POLICE AND MILITARY COMMANDERS.
THESE GROUPS TOALED APPROXIMATELY 440 AND WERE FOUND IN 21 OF
THE NATION'S 32 DEPARTMENTS BY MID-1997, ACCORDING TO THE
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GOVERNMENT'S OFFICIAL STATISTICS. CREDIBLE OUTSIDE OBSERVERS,
HOWEVER, PLACED THE NUMBER AT MORE THAN 700. ALTHOUGH THE
AUTHORITIES ORIGINALLY INTENDED THESE GROUPS TO BE UNARMED, AN
UNDETERMINED NUMBER WERE SUBSEQUENTLY AUTHORIZED BY THE
GOVERNMENT TO CARRY SMALL ARMS IN SELF-DEFENSE. EVEN MORE
CONVIVIR GROUPS WERE CLEARLY OPERATING OUTSIDE OF THE TERMS OF
THE LAW, HOWEVER, AS THEY WERE ARMED WITH RIFLES, SHOTGUNS,
MACHINE GUNS AND OTHER WEAPONRY, MUCH OF IT AUTHORIZED, SOLD OR
OTHERWISE PROVIDED TO THEM BY THE MILITARY.

ANTIOQUIA'S GOVERNOR ALVARO URIBE TESTIFIED BEFORE THE U.N. HUMAN
RIGHTS COMMISSION IN JULY IN SUPPORT OF THE CONVIVIR GROUPS AS A
LEGAL MANIFESTATION OF THE CIVILIAN POPULATION'S LEGITIMATE RIGHT
TO SELF-DEFENSE IN THE FACE OF RISING GUERRILLA VIOLENCE. A
NUMBER OF OBSERVERS AND OFFICIALS ALSO ARGUED THAT THE
GOVERNMENT'S EFFORTS TO COMBAT THE GUERRILLAS WOULD INEVITABLY BE
LESS DISCRIMINATE, AND RESULT IN GREATER HUMAN RIGHTS ABUSES;
ABSENT THE ACTIVE PARTICIPATION OF MEMBERS OF THE PUBLIC,
ESPECIALLY IN PROVIDING INTELLIGENCE INFORMATION TO THE POLICE
AND MILITARY.

THE OMBUDSMAN'S 1997 REPORT TO CONGRESS, HOWEVER, REITERATED HIS
OFFICE'S OPPOSITION TO THE CONVIVIR PROGRAM, DECLARING THAT THE
CONVIVIR, "FOMENTED BY THE NATIONAL GOVERNMENT, CONTRIBUTE
NOTHING TO THE IMMUNITY OF THE CIVILIAN POPULATION, BUT INSTEAD
INVOLVE THE CITIZENS IN THE ARMED CONFLICT, STRIPPING THEM OF
THEIR PROTECTED STATUS AND CONVERTING THEM INTO LEGITIMATE
TARGETS OF ATTACK." WHILE RECOGNIZING THAT THE CONVIVIR COULD
THEORETICALLY BE DEFENDED ON THE GROUNDS OF LEGITIMATE SELF-
DEFENSE, THE OMBUDSMAN ARGUED THAT "EXPERIENCE INDICATES THAT
THESE ORGANIZATIONS IN MANY CASES HAVE THE PROCLIVITY TO
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DEGENERATE INTO 'PRIVATE JUSTICE' GROUPS OR OTHER TYPES OF
DELINQUENCY WHICH END UP USING ARMED FORCE TO OBTAIN SPECIFIC

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ECONOMIC BENEFITS AND TO PURSUE VENDETTAS."

THE BOGOTA REPRESENTATIVE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS, AMBASSADOR ALMUDENA MAZARRASA, TESTIFIED BEFORE THE COLOMBIAN CONGRESS IN AUGUST THAT THE CONVIVIR WERE A VIOLATION OF INTERNATIONAL HUMANITARIAN LAW, AS THEY BLURRED THE DISTINCTION BETWEEN THE CIVILIAN POPULACE AND ARMED COMBATANTS IN THE NATION'S INTERNAL CONFLICT. BOTH PRESIDENT SAMPER AND THE SUPERINTENDENT FOR VIGILANCE AND PRIVATE SECURITY (IN CHARGE OF REGISTERING AND OVERSEEING THE CONVIVIR) CONCEDED IN AUGUST THAT STATE OVERSIGHT OF THE CONVIVIR WAS BOTH NECESSARY AND LACKING. (NOTE FOLLOWING TO BE UPDATED BY POST. END NOTE:) THE CONSTITUTIONAL COURT DETERMINED DECEMBER X THAT THE CONVIVIR WERE A/N UN/CONSTITUTIONAL MEANS FOR COMBATING THE GUERRILLAS.

THREE MAIN COMMUNIST GUERRILLA ARMIES -- THE REVOLUTIONARY ARMED FORCES OF COLOMBIA (PARC), THE ARMY OF NATIONAL LIBERATION (ELN) AND THE POPULAR LIBERATION ARMY (EPL) -- COMMANDED AN ESTIMATED TOTAL 10,000 TO 15,000 FULL-TIME GUERRILLAS (NOTE: NUMBER TO BE UPDATED BY POST. END NOTE.) ORGANIZED IN MORE THAN 100 "FRONTS,"
OPERATING IN AN ESTIMATED 30 OF THE NATION’S 32 DEPARTMENTS. TIED LOOSELY INTO THE SIMON BOLIVAR COORDINATING GROUP, THESE GROUPS EXERCISED A DEGREE OF PERMANENT INFLUENCE IN AN ESTIMATED 580 OF THE NATION’S 1071 LOCAL MUNICIPALITIES.

COLOMBIA’S MANY PARAMILITARY GROUPS ARE FAR MORE DIVERSE IN THEIR MOTIVATIONS, STRUCTURE, LEADERSHIP AND IDEOLOGY, ALTHOUGH THE APRIL ESTABLISHMENT OF THE "UNITED SELF-DEFENSE GROUPS OF UNCLASSIFIED"

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COLOMBIA" (OR "AUC") AS A NATIONAL UMBRELLA ORGANIZATION WAS CLEARLY DESIGNED TO PROVIDE BOTH A NATIONAL STRUCTURE AND TO DEVELOP A MORE COHERENT POLITICAL CULTURE FOR THE NATION’S LOCAL AND REGIONAL PARAMILITARY GROUPS.

DESPITE OCCASIONAL PRONOUNCEMENTS OF SUPPORT FOR INTERNATIONAL HUMANITARIAN LAW, AND, IN PARTICULAR, PROTOCOL II OF THE GENEVA CONVENTION (WHICH ENTERED INTO FORCE IN COLOMBIA DURING 1996), THE THREE GUERRILLA ORGANIZATIONS AND THE NATION’S PRINCIPAL PARAMILITARY GROUPS ALL CONTINUED TO PURSUE STRATEGIES WHICH ROUTINELY VIOLATED THESE NORMS. IN PARTICULAR, THEIR TACTICS CONSISTENTLY INCLUDED EXTRA-JUDICIAL KILLINGS, KIDNAPPING, TORTURE, TARGETING OF CIVILIAN POPULATIONS AND INSTALLATIONS, AND THE FORCED RECRUITMENT OF CHILDREN UNDER THE AGE OF FIFTEEN.

ONCE RECRUITED, THE CHILD-GUERRILLAS ARE VIRTUAL PRISONERS OF THEIR COMMANDERS AND SUBJECT TO VARIOUS FORMS OF ABUSE. SEXUAL ABUSE OF YOUNG GIRLS IS A PARTICULAR PROBLEM. THE GUERRILLAS WERE ALSO RESPONSIBLE FOR THE CONTINUING INDISCRIMINATE DEPLOYMENT OF NON-COMMAND-DETONATED LANDMINES, OFTEN RESULTING IN KILLING OR MAIMING OF CIVILIAN NON-COMBATANTS.

THE GUERRILLAS ALSO UNDERTOOK A SUSTAINED MILITARY AND TERRORIST CAMPAIGN TO SABOTAGE THE OCTOBER 26 DEPARTMENTAL AND LOCAL ELECTIONS, AS THE NATION PREPARED FOR THREE ROUNDS OF NATIONAL-LEVEL ELECTIONS IN FIRST HALF OF 1998 (SEE SECTION 3.).

PARAMILITARY FORCES WERE BELIEVED TO BE THE SINGLE-LARGEST SPONSOR OF THE FORCED DISPLACEMENTS OF CIVILIAN POPULATIONS, A FACT CONCEDED BY ACCU PARAMILITARY LEADER CARLOS CASTANO IN AN OCTOBER PRESS INTERVIEW. ACCORDING THE COLOMBIAN RED CROSS, SOME UNCLASSIFIED

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750F THE URBAN POPULATION OF RIOSUCIO, CHOCO DEPARTMENT AND
VARIOUS NEARBY HAMLETS -- SOME 15,000 PERSONS IN ALL -- WERE
FORCIBLY DISPLACED DURING MARCH AND APRIL. DURING 1995-1996, AS
THE ACCU PARAMILITARY FORCES LAUNCHED THEIR DRIVE TO DISPLACE THE
FARC, ELN AND EPL (AND THEIR RESPECTIVE SUPPORTIVE CIVILIAN
POPULATIONS) FROM THE BANANA-PRODUCING REGIONS OF CHOCO AND
ANTIOQUIA, THE HOMICIDE RATE ROSE TO AN ASTOUNDING 254 PER
100,000 RESIDENTS -- THE HIGHEST IN COLOMBIA, WHICH IN TURN, HAS
ONE OF THE HIGHEST NATIONAL RATES IN THE WORLD (77 PER 100,000).

THE ARCHBISHOP OF SANTAFE DE ANTIOQUIA DENOUNCED JULY 2 THE
PARAMILITARY ORDER NOT TO SELL FOODSTUFFS TO THE POPULATIONS OF
FRONTINO, DABEIBA AND CANAS GORDAS, DECLARING THAT 120,000 PERSONS
WERE BEING PUT AT RISK OF HAVING TO RELOCATE IN ORDER TO OBTAIN
FOOD -- THE CLEAR INTENT OF THE PARAMILITARY EDICT.

THE SEPTEMBER 3 FARC ATTACK ON THE GUAATAPE HYDRO-ELECTRIC
FACILITY, ONE OF THE NATION'S LARGEST POWER PLANTS, WAS A CLEAR
VIOLATION OF THE PROHIBITION AGAINST ATTACKS ON CIVILIAN
INSTALLATIONS. FURTHERMORE, THE ATTACK INCLUDED A LARGE NUMBER
OF CHILDREN GUERRILLAS. ACCORDING TO PLANT EMPLOYEES AND OTHER
WITNESSES, SOME OF THE ATTACKERS WERE AS YOUNG AS 8 YEARS OF AGE.
AS PART OF THEIR ATTEMPTS TO DISRUPT THE OCTOBER 26 ELECTIONS,
GUERRILLAS OF THE ELN ATTEMPTED TO USE A NINE-YEAR-OLD CHILD TO
DELIVER A 15-KILO BOMB TO A POLLING PLACE IN CUCUTA ON ELECTION
DAY. (SEE ALSO SECTION 3.)

IN A CLEAR AND CONTINUING PRACTICE IN VIOLATION OF THE NORMS OF
INTERNATIONAL HUMANITARIAN LAW, REBELS OF THE ELN AND FARC
LAUNCHED SCORES OF DYNAMITE ATTACKS ON THE NATION'S MAIN OIL
PIPELINES. THE CHIEF OFFENDER, THE ELN, ISSUED A COMMUNIQUE MAY
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21, DECLARING THAT ALL FOREIGN OIL OPERATIONS AND RELATED
CONTRACTORS WOULD HENCEFORO BE CONSIDERED "MILITARY TARGETS."
WITH PIPELINE BOMBINGS AVERAGING ONE EVERY FIVE DAYS DURING 1997,
ATTACKS THIS YEAR ALONE DUMPED NEARLY AS MUCH CRUDE OIL INTO
TROPICAL RAINFORESTS AND WILDERNESS RIVER BASINS AS WAS SPILLED
INTO PRINCE WILLIAM SOUND IN ALASKA'S 1989 EXXON VALDEZ DISASTER
-- 35,500 TONS OF OIL. THE TOTAL AMOUNT OF PETROLEUM SPILLED
SINCE THESE ATTACKS FIRST BEgan IN 1986 NOW AMOUNTS TO THE
EQUIVALENT OF MORE THAN SEVEN TIMES THAT OF THE EXXON VALDEZ
DISASTER.

A FARC GUERRILLA SQUAD APRIL 21 RAIDED THE TOWN OF LIBORINA,
ANTIOQUIA, HELD A PUBLIC "REVOLUTIONARY TRIAL" FOR A LOCAL
MUNICIPAL OFFICIAL AND FOUR PEASANTS ACCUSED OF COLLABORATING WITH THE MILITARY, AND EXECUTED THEM.

A PARC LETTER-BOMB SENT APRIL 14 TO FORMER EPL LEADER MARIO AGUDELO VASQUEZ IN ANTIOQUIA KILLED HIS SON WHEN THE YOUTH OPENED THE PACKAGE. A SECOND LETTER-BOMB, SENT THE NEXT DAY TO A FORMER EPL MEMBER SINCE ELECTED TO THE APARTADO CITY COUNCIL, WAS DEFUSED BY POLICE. THE BOMBINGS WERE PART OF THE PARC'S CONTINUING REVENGE CAMPAIGN AGAINST FORMER GUERRILLAS WHO HAD

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ACTION ARA-01

INFO LOG-00 ACDA-08 ACDE-00 AID-00 AMAD-01 CIAE-00 OASY-00
DODE-00 SRPP-00 EB-00 UTED-00 H-01 TEDE-00 INR-00
IO-00 LAB-01 L-01 ADS-00 NSAE-00 NSCE-00 OIC-02
OPTC-01 PRS-00 P-00 SP-00 STR-00 TRSE-00 USIE-00
PRM-10 PRME-01 DRL-04 G-00 MR-00 NFAT-00 /031W

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STATE FOR ARA/AND, ARA/PPCP, DRL/CRT

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E.O. 12958: N/A
TAGS: PHUM, ELAB, KSEP, CO
SUBJECT: DRAFT SUBMISSION: 1997 COLOMBIA HUMAN RIGHTS REPORT

SIGNED PEACE ACCORDS WITH THE GOVERNMENT.

IN BUCARAMANGA, SANTANDER DEPARTMENT, PARAMILITARIES APRIL 18 KIDNAPPED THE SISTER AND BROTHER-IN-LAW OF NICOLAS RODRIGUEZ, THE REPUTED DEPUTY COMMANDER OF THE ELN. THIS KIDNAPPING WAS PART OF A CAMPAIGN BEGUN IN 1996 BY PARAMILITARIES TO KIDNAP THE RELATIVES OF GUERRILLA LEADERS, IN ORDER TO GIVE THEM "A TASTE OF THEIR OWN MEDICINE."

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BOTH GUERRILLAS AND PARAMILITARIES WERE RESPONSIBLE FOR MULTIPLE VIOLATIONS OF THE PROTECTED STATUS OF RELIGIOUS AND MEDICAL PERSONNEL, OF THE WOUNDED AND OF THE EMBLEM OF THE RED CROSS. ON SEVERAL OCCASIONS DURING THE YEAR, PARAMILITARY FORCES IN PUTUMAYO FORCIBLY ENTERED AMBULANCES AND HOSPITALS IN ORDER TO KILL WOUNDED PERSONS RECEIVING MEDICAL CARE. SEVERAL AMBULANCES WERE FIRED UPON, STOLEN AND SUBSEQUENTLY USED TO TRANSPORT ARMED PARAMILITARIES OR GUERRILLAS. THE POLICE DEACTIVATED OCTOBER 30 AN AMBULANCE Laden WITH 100 KILOS OF EXPLOSIVES. THE FARC, WHICH HAD STOLEN THE VEHICLE EARLIER IN COLON, PUTUMAYO, HAD RIGGED THE EXPLOSIVES TO DETONATE WHEN THE IGNITION KEY WAS TURNED. CATHOLIC PRIEST ANTONIO BÉDOYA WAS KILLED OCTOBER 25 IN THE DOORWAY TO HIS CHURCH IN SAN FRANCISCO, ANTIOQUIA, AFTER ELN

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HAD ACCOMPLISHED LITTLE OF NOTE.

ACCORDING TO STATISTICS COMPILED BY CINEP AND JUSTICE AND PEACE, GUERRILLAS WERE RESPONSIBLE FOR KILLING AT LEAST 178 CIVILIANS OUTSIDE OF COMBAT DURING THE FIRST SIX MONTHS OF THE YEAR. IN THE CONTINUING STRUGGLE FOR CONTROL OF THE NARCOTICS AND ARMS SMUGGLING URABA CORRIDOR, GUERRILLA RETALIATION FOR PARAMILITARY SUCCESSES IN DRIVING THEM FROM A LONG-TIME POSITION OF UNRIValed DOMINANCE REGULARLY VICTIMIZED INNOCENT CIVILIANS, ALTHOUGH SOME DIRECT CLASHES WITH PARAMILITARY UNITS DID OCCUR. TO JUSTIFY SUMMARY EXECUTIONS OF CIVILIANS, GUERRILLAS TYPICALLY CLAIMED THEIR VICTIMS WERE EITHER MILITARY INFORMANTS, OR THAT THEY SIMPLY REFUSED TO SUPPORT THE GUERRILLAS’ OPERATIONS.


ON JULY 4, LOCALS IDENTIFIED SEVERAL PERSONS DEBARKING FROM ARMY HELICOPTERS AS FREQUENT WATCH-STANDERS AT THE PARAMILITARY ROADBLOCK ON THE EDGE OF TOWN, INCLUDING THE MAN RESPONSIBLE FOR THE MAY 17 DETENTION (AND SUBSEQUENT EXECUTION) OF FRANCISCO TABARQUINO, A MEMBER OF THE PEACE COMMUNITY’S ORGANIZING COMMITTEE.


THE FARC CONTINUED ITS CAMPAIGN OF ASSASSINATIONS AGAINST THE
750F THE URBAN POPULATION OF RIOSUCIO, CHOCO DEPARTMENT AND VARIOUS NEARBY HAMLETS -- SOME 15,000 PERSONS IN ALL -- WERE FORCIBLY DISPLACED DURING MARCH AND APRIL. DURING 1995-1996, AS THE ACCU PARAMILITARY FORCES LAUNCHED THEIR DRIVE TO DISPLACE THE FARO, ELN AND EPL (AND THEIR RESPECTIVE SUPPORTIVE CIVILIAN POPULATIONS) FROM THE BANANA-PRODUCING REGIONS OF CHOCO AND ANTIOQUIA, THE HOMICIDE RATE ROSE TO AN ASTOUNDING 254 PER 100,000 RESIDENTS -- THE HIGHEST IN COLOMBIA, WHICH IN TURN, HAS ONE OF THE HIGHEST NATIONAL RATES IN THE WORLD (77 PER 100,000).

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THE SEPTEMBER 3 FARC ATTACK ON THE GUATAPE HYDRO-ELECTRIC FACILITY, ONE OF THE NATION'S LARGEST POWER PLANTS, WAS A CLEAR VIOLATION OF THE PROHIBITION AGAINST ATTACKS ON CIVILIAN INSTALLATIONS. FURTHERMORE, THE ATTACK INCLUDED A LARGE NUMBER OF CHILDREN GUERRILLAS. ACCORDING TO PLANT EMPLOYEES AND OTHER WITNESSES, SOME OF THE ATTACKERS WERE AS YOUNG AS 8 YEARS OF AGE.

AS PART OF THEIR ATTEMPTS TO DISRUPT THE OCTOBER 26'ELECTIONS, GUERRILLAS OF THE ELN ATTEMPTED TO USE A NINE-YEAR-OLD CHILD TO DELIVER A 15-KILO BOMB TO A POLLING PLACE IN CUCUTA ON ELECTION DAY. (SEE ALSO SECTION 3.)
RETRIBUTION. THE MINISTERS OF COMMUNICATIONS AND MINING WERE FORCED TO RESIGN AUGUST 19, AFTER THE LEAKING OF A TAPE-RECORDING OF THEIR CONSPIRING TO REWARD 40 OF 80 FM RADIO LICENSES TO POLITICAL SUPPORTERS OF PRESIDENT SAMPER. IN OCTOBER, THE DIRECTORATE OF PRISONS (A DIRECT DEPENDENCY OF THE OFFICE OF THE PRESIDENCY) FORCIBLY OBSTRUCTED A CBS TELEVISION INTERVIEW WITH RECENTLY FREED FROM PRISON SANTIAGO MEDINA, PRESIDENT SAMPER’S FORMER CAMPAIGN TREASURER AND CHIEF ACCUSER OF HAVING SOUGHT AND ACCEPTED $6 MILLION FROM THE CALI DRUG COCAINE CARTEL. THE INTERVIEW WAS SUBSEQUENTLY CONDUCTED FROM THE OPEN WINDOW OF AN APARTMENT BUILDING ADJACENT TO MEDINA’S APARTMENT.

IN A 5-4 DECISION ON JULY 29, THE CONSTITUTIONAL COURT GAVE ITS APPROVAL OF THE DECEMBER 1996 SAMPER ADMINISTRATION LAW WHICH GRANTED THE GOVERNMENT AND CONGRESS UNPRECEDENTED POWERS OVER NATIONAL TELEVISION PROGRAMMING. ALTHOUGH THE COURT STRUCK DOWN THE MOST PATENTLY OFFENSIVE PROVISION OF THE LAW -- THAT WHICH DIRECTED THE GOVERNMENT’S NATIONAL TELEVISION COMMISSION (CNTV) TO EVALUATE AND SANCTION THE LICENSE HOLDERS OF TELEVISION NEWS PROGRAMS ON THE THREE NATIONAL (GOVERNMENT-OWNED) CHANNELS WHICH DID NOT MEET THE GOVERNMENT’ S VAGUELY DEFINED STANDARDS OF "OBJECTIVITY" -- IT UPHeld THE REST OF THE LAW, INCLUDING A

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PAGE 03 BOGOTA 10585 19 OF 32 060033Z NUMBER OF ELEMENTS CLEARLY DESIGNED TO ELIMINATE TROUBLING TELEVISION NEWS COVERAGE OF A SCANDAL-RIDDEN ADMINISTRATION, TO REWARD ITS POWERFUL BACKERS FOR REMAINING LOYAL, AND TO INFLUENCE NEWS COVERAGE OF THE 1997-98 ELECTORAL SEASON.

THE NEW LAW TERMINATED THE CONTRACTS FOR TEN PRIVATE NEWS PROGRAMS BEFORE THE END OF 1997 AND REQUIRED THEM TO REBID FOR THE RIGHT TO CONTINUE BROADCASTING. IT ALSO OPENED THE DOOR TO THE CREATION OF TWO NEW PRIVATE TELEVISION CHANNELS THAT WILL FALL UNDER THE OWNERSHIP OF ECONOMIC CONGLomerATES THAT HAVE HISTORICALLY BOUGHT AND PAID FOR A PRIVILEGED RELATIONSHIP WITH WHATEVER GOVERNMENT IS IN POWER.

THE DISSenting JUDGES NOTED THAT THE ABRupt TERMINATION OF THE EXISTING CONTRACTS FOR NEWS PROGRAMS, WHICH HAD BEEN ESTABLISHED WITH THE ASSUMPTION OF THEIR EVENTUAL EXTENSION FOR UP TO 12 YEARS, WOULD DISCOURAGE PRIVATE INVESTMENT IN TELEVISION AND PUNISH THOSE WHO HAD ALREADY MADE SUBSTANTIAL INVESTMENTS ON THE BASIS OF THEIR RENEWABLE, NOW ABROGATED, CONTRACT. THIS SUDDEN CHANGE OF RULES, THEY ARGUED, VIOLATED THE FUNDAMENTAL PRINCIPLE OF GOOD FAITH WHICH MUST Govern RELATIONSHIPS BETWEEN THE STATE AND THE CITIZENRY.

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THE FARC CONTINUED ITS CAMPAIGN OF ASSASSINATIONS AGAINST THE UNCLASSIFIED UNCLASSIFIED UNCLASSIFIED UNCLASSIFIED

PAGE 02 BOGOTA 10585 20 OF 32 060033Z RIGHTS. THIS PROVIDES ALL PERSONS AND ORGANIZATIONS, INCLUDING THE MEDIA, WITH A MECHANISM TO DENOUNCE BOTH GOVERNMENTAL OR PRIVATE VIOLATIONS OF FUNDAMENTAL RIGHTS.

MAJOR GENERAL MANUEL JOSE BONETT, THEN COMMANDING GENERAL OF THE ARMY, FILED A LAWSUIT FOR SLANDER AGAINST REPORTER NELSON FREDDY PADILLA, AFTER THE NEWSMAGAZINE "CAMBIO 16" PUBLISHED IN JANUARY A PHOTO OF BONETT WITH A SUBORDINATE ACCUSED OF HUMAN RIGHTS ABUSES. THE LAWSUIT WAS DISMISSED IN APRIL.

BOTH COLOMBIAN AND INTERNATIONAL JOURNALISTS TYPICALLY WORK IN AN ATMOSPHERE OF THREATS AND INTIMIDATION. THE NEW YORK-BASED COMMITTEE TO PROTECT JOURNALISTS REPORTED IN 1997 THAT 42 JOURNALISTS HAD BEEN MURDERED IN COLOMBIA SINCE 1987 -- OFTEN VICTIMS OF PARAMILITARY ORGANIZATIONS, GUERRILLA GROUPS, AND NARCOTICS TRAFFICKERS. THE NATIONAL OMBUDSMAN ANNOUNCED APRIL 1 THAT AN ESTIMATED 107 JOURNALISTS HAD BEEN KILLED IN COLOMBIA SINCE 1977. THE INTER-AMERICAN PRESS FOUNDATION REPORTED IN NOVEMBER THAT FIVE OF THE TEN JOURNALISTS KILLED IN THE HEMISPHERE THUS FAR IN 1997 HAD BEEN KILLED IN COLOMBIA.
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THE BODY OF FREDDY ELLES, A PHOTOGRAPHER FOR BOGOTA'S "EL ESPECTADOR", WAS FOUND MARCH 19 IN CARTAGENA; HE HAD BEEN HANDCUFFED, TORTURED AND STABBED TO DEATH. GERARDO BEOYÁ BORRERO, EDITORIAL DIRECTOR OF CALI'S "EL PAIS" NEWSPAPER WAS SHOT AND KILLED MARCH 20. BEOYÁ, A FORMER CONGRESSMAN AND THE COUSIN OF GENERAL HAROLD BEOYÁ, THEN ACTING DEFENSE MINISTER, HAD CAMPAIGNED AGAINST THE GOVERNMENT OF PRESIDENT SAMPER FOR ITS ACCEPTANCE OF CALI DRUG CARTEL MONEY AND WAS A VOCAL CRITIC OF THE CORROSIVE INFLUENCE OF THE DRUG TRADE ON ALL FACETS OF COLOMBIAN LIFE.

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THAT SAME DAY, AN ANONYMOUS CALLER TO FRANCISCO SANTOS, AN EDITOR OF BOGOTA'S EL "TIEMPO" NEWSPAPER, THREATENED TO KILL HIM AND BLOW UP THE NEWSPAPER'S OFFICE. SANTOS, WHO HAD BEEN KIDNAPPED AND HELD FOR SEVERAL MONTHS IN 1990 BY THE MEDELLIN DRUG CARTEL, ATTRIBUTED THE THREATS TO DRUG TRAFFICKERS ANGRY WITH THE PAPER'S COVERAGE. A CAR-BOMB CONTAINING APPROXIMATELY 250 KILOGRAMS OF DYNAMITE WAS DEACTIVATED SEPTEMBER 3 IN FRONT OF MEDELLIN'S "EL MUNDO" NEWSPAPER. THE NARCOTRAFFICERS COLLECTIVELY KNOWN AS "THE EXTRADITABLES" CLAIMED RESPONSIBILITY AND THREATENED TO CONDUCT MORE SUCH ATTACKS IF EXTRADITION -- THEN UNDER CONSIDERATION BY THE CONGRESS -- WERE REINSTATED.


B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE CONSTITUTION PROVIDES FOR FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION, AND THE GOVERNMENT RESPECTS THESE RIGHTS IN PRACTICE. THE AUTHORITIES DO NOT NORMALLY INTERFERE WITH PUBLIC MEETINGS AND DEMONSTRATIONS AND USUALLY GRANT THE REQUIRED PERMISSION EXCEPT WHEN THEY DETERMINE THAT THERE IS IMMINENT UNCLASSIFIED

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DANGER TO PUBLIC ORDER. ANY LEGAL ORGANIZATION IS FREE TO ASSOCIATE WITH INTERNATIONAL GROUPS IN ITS FIELD. MEMBERSHIP IN PROScribed ORGANIZATIONS, SUCH AS THE PARC, ELN AND EPL, IS A CRIME.

C. FREEDOM OF RELIGION

THE CONSTITUTION PROVIDES FOR COMPLETE RELIGIOUS FREEDOM, AND THE GOVERNMENT RESPECTS THIS RIGHT IN PRACTICE. THERE IS LITTLE RELIGIOUS DISCRIMINATION. ROMAN CATHOLIC RELIGIOUS INSTRUCTION IS NO LONGER MANDATORY IN STATE SCHOOLS, AND A 1994 CONSTITUTIONAL COURT DECISION DECLARED UNCONSTITUTIONAL ANY OFFICIAL GOVERNMENT REFERENCE TO RELIGIOUS CHARACTERIZATIONS OF THE COUNTRY. THE GOVERNMENT PERMITS PROSELYTIZING AMONG THE INDIGENOUS POPULATION, PROVIDED THAT IT IS WELCOME AND DOES NOT INDUCE MEMBERS OF INDIGENOUS COMMUNITIES TO ADOPT CHANGES THAT ENDANGER THEIR SURVIVAL ON TRADITIONAL LANDS. THE LAW ON THE FREEDOM OF CULTS PROVIDES A MECHANISM FOR RELIGIONS TO OBTAIN THE STATUS OF RECOGNIZED LEGAL ENTITIES.

BOTH JEHovah’S WITNESSES AND THE MENNONITE CHURCH ENCOUNTERED PROBLEMS BECAUSE OF THE PACIFIST NATURE OF THEIR CHURCHES.
THE NEW TELEVISION LAW -- ORIGINALLY LAUNCHED BY SAMPER SUPPORTERS IN CONGRESS WIDELY BELIEVED TO BE IN THE PAY OF THE CALI CARTEL -- IS REGARDED AS POLITICAL RETALIATION FOR TELEVISION INVESTIGATIONS INTO NARCOTICS CORRUPTION IN THE SAMPER ADMINISTRATION, PARTICULARLY PRESIDENT SAMPER'S TIES TO THE CALI CARTEL. THE CO-OWNER OF THE HARD-HITTING QAP NEWS, NOBEL LAUREATE GABRIEL GARCIA MARQUEZ, DECLARED THE TELEVISION LAW WAS FUNDAMENTALLY A SMOKESCREEN TO DESTROY OR EXPROPRIATE QAP. IN THE WAKE OF THE FM RADIO LICENSING SCANDAL, QAP NEWS ANNOUNCED ITS INTENT TO REFUSE TO PURSUE ITS PROPOSAL TO RENEW ITS TELEVISION BROADCAST LICENSE, CONVINCED THAT THE SAMPER ADMINISTRATION WOULD NEVER PERMIT IT.

ON OCTOBER 27, CNTV FINED QAP 100 MILLION PESOS ($80,000) FOR HAVING WITHDRAWN ITS APPLICATION. THAT SAME DAY CNTV NOT ONLY AWARDED 5 OF THE TEN NEWS LICENSES -- INCLUDING THE MOST LUCRATIVE SLOTS -- TO FAMILIES OF FORMER PRESIDENTS OF THE REPUBLIC, BUT ALSO GAVE THREE OF THE LICENSES TO CLOSE PERSONAL FRIENDS OF PRESIDENT SAMPER. A JUBILANT SENATOR MARTHA CATALINA DANIELS, LEADER OF THE SAMPER SUPPORTERS IN THE CONGRESS, THEN PUBLICLY BOASTED THAT, "THE NEWSCASTS AND OTHER TELEVISION CONTRACTORS ARE NOT FREE... THUS THE INTERVENTION OF THE STATE IN THIS FIELD ENSURES TRUTHFUL AND IMPARTIAL NEWS REPORTING."

OTHER GOVERNMENT EFFORTS TO INFLUENCE THE MEDIA INCLUDED OCCASIONAL CALLS ON PATRIOTIC GROUNDS TO LIMIT NEGATIVE REPORTING THAT MIGHT HURT THE COUNTRY'S IMAGE IN THE WORLD. THE GOVERNMENT IMPOSED SOME RESTRICTIONS ON ELECTRONIC MEDIA COVERAGE OF INCIDENTS OF PUBLIC DISORDER AND OF DRUG TERRORIST ACTIVITY AND RESERVED THE RIGHT TO PROHIBIT COVERAGE OF CERTAIN NEWS EVENTS.

THE CONSTITUTION PROVIDES CITIZENS WITH THE RIGHT TO TRAVEL DOMESTICALLY AND ABROAD. OUTSIDERS WISHING TO ENTER INDIAN TRIBES' RESERVES MUST BE INVITED. IN AREAS WHERE COUNTER-INSURGENCY OPERATIONS WERE UNDERWAY, POLICE OR MILITARY OFFICIALS OCCASIONALLY REQUIRED CIVILIANS TO OBTAIN SAFE-CONDUCT PASSES; GUERRILLAS AND PARAMILITARIES SOMETIMES USED SIMILAR MEANS TO RESTRICT TRAVEL IN AREAS UNDER THEIR CONTROL. GUERRILLA INCURSIONS, MILITARY COUNTER-INSURGENCY OPERATIONS, FORCED CONSCRIPTION BY GUERRILLA AND PARAMILITARY ORGANIZATIONS, AND LAND SEIZURES INSTIATED BY WEALTHY INDIVIDUALS OR NARCOTICS TRAFFICKERS OFTEN FORCED PEASANTS TO FLEE THEIR HOMES AND FARMS. IN MARCH, UNICEF ESTIMATED THAT APPROXIMATELY ONE MILLION (OR 1 IN 40) COLOMBIANS HAD BEEN INTERNALLY DISPLACED SINCE 1985.

ACCORDING TO 1996 DATA OF THE SYSTEM OF INFORMATION ON HOUSEHOLDS DISPLACED BY VIOLENCE (SISDES), PARAMILITARY ORGANIZATIONS WERE RESPONSIBLE FOR 32 PERCENT OF FORCED DISPLACEMENTS, GUERRILLA ORGANIZATIONS WERE RESPONSIBLE FOR 26 PERCENT, AND THE PUBLIC SECURITY FORCES 16 PERCENT. SISDES ATTRIBUTED THE REMAINING 26 PERCENT TO THE INFLUENCE OF THE POLICE, URBAN MILITIAS, AND DRUG TRAFFICKERS.

THE URABA REGION OF ANTIOQUIA AND CHOCO DEPARTMENTS SUFFERED THE GREATEST DISPLACEMENTS ON A PER CAPITA BASIS. ACCORDING TO THE INDEPENDENT ADVISORY COMMITTEE FOR HUMAN RIGHTS AND DISPLACEMENT (CODHES), MASS DISPLACEMENTS OCCURRED IN 208 MUNICIPALITIES IN 27 DEPARTMENTS, WITH RESIDENTS OF ANTIOQUIA CONSTITUTING 31 PERCENT OF ALL DISPLACED PERSONS. MORE THAN 120,000 COLOMBIANS WERE DISPLACED.
COLOMBIA HAS HAD A TRADITION OF PROVIDING POLITICAL ASYLUM SINCE THE 1920'S. DURING THE 1970'S, COLOMBIA GRANTED ASYLUM TO ARGENTINE, CHILEAN, URUGUAYAN, AND PARAGUAYAN CITIZENS SEEKING REFUGE FROM DICTATORIAL REGIMES IN THEIR OWN COUNTRIES. THE RIGHT TO ASYLUM, UNDER TERMS ESTABLISHED BY LAW, IS GUARANTEED BY THE 1991 CONSTITUTION.


SOME 58 INDIVIDUALS FROM 13 NATIONS APPLIED FOR REFUGEE STATUS IN COLOMBIA DURING THE FIRST HALF OF 1997. THE ISSUE OF THE PROVISION OF FIRST ASYLUM DID NOT ARISE. THERE WERE NO REPORTS OF THE FORCED EXPULSION OF PERSONS IN COLOMBIA HAVING A VALID CLAIM TO REFUGEE STATUS TO A COUNTRY WHERE THEY FEARED PERSECUTION. WITH THE ASSISTANCE OF THE COLOMBIAN GOVERNMENT, HOWEVER, SOME 325 COLOMBIANS WERE FORCEFULLY RETURNED IN APRIL.
THE BODY OF FREDDY ELLES, A PHOTOGRAPHER FOR BOGOTA'S "EL ESPECTADOR," WAS FOUND MARCH 19 IN CARTAGENA; HE HAD BEEN HANDCUFFED, TORTURED AND STABBED TO DEATH. GERARDO BEDOYA BORRERO, EDITORIAL DIRECTOR OF CALI'S "EL PAIS" NEWSPAPER WAS SHOT AND KILLED MARCH 20. BEDOYA, A FORMER CONGRESSMAN AND THE COUSIN OF GENERAL HAROLD BEDOYA, THEN ACTING DEFENSE MINISTER, HAD CAMPAIGNED AGAINST THE GOVERNMENT OF PRESIDENT SAMPER FOR ITS ACCEPTANCE OF CALI DRUG CARTEL MONEY AND WAS A VOCAL CRITIC OF THE CORROSIVE INFLUENCE OF THE DRUG TRADE ON ALL FACETS OF COLOMBIAN LIFE.

THAT SAME DAY, AN ANONYMOUS CALLER TO FRANCISCO SANTOS, AN EDITOR OF BOGOTA'S "TIEMPO" NEWSPAPER, THREATENED TO KILL HIM AND BLOW UP THE NEWSPAPER'S OFFICE. SANTOS, WHO HAD BEEN KIDNAPPED AND HELD FOR SEVERAL MONTHS IN 1990 BY THE MEDELLIN DRUG CARTEL, ATTRIBUTED THE THREATS TO DRUG TRAFFICKERS ANGRY WITH THE PAPER'S COVERAGE. A CAR-BOMB CONTAINING APPROXIMATELY 250 KILOGRAMS OF DYNAMITE WAS DEACTIVATED SEPTEMBER 3 IN FRONT OF MEDELLIN'S "EL MUNDO" NEWSPAPER. THE NARCO-TRAFFICKERS COLLECTIVELY KNOWN AS "THE EXTRADITABLES" CLAIMED RESPONSIBILITY AND THREATENED TO CONDUCT MORE SUCH ATTACKS IF EXTRADITION -- THEN UNDER CONSIDERATION BY THE CONGRESS -- WERE REINSTATED.


B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE CONSTITUTION PROVIDES FOR FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION, AND THE GOVERNMENT RESPECTS THESE RIGHTS IN PRACTICE. THE AUTHORITIES DO NOT NORMALLY INTERFERE WITH PUBLIC MEETINGS AND DEMONSTRATIONS AND USUALLY GRANT THE REQUIRED PERMISSION EXCEPT WHEN THEY DETERMINE THAT THERE IS IMMINENT...
PARAMILITARY VIOLENCE DESIGNED TO INTIMIDATE BOTH VOTERS AND UNCLASSIFIED

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CANDIDATES, DESPITE THE GOVERNMENT'S ALL-OUT EFFORTS TO PROVIDE ELECTORAL SECURITY. VOTE-BUYING AND BALLOT-BOX STUFFING, COMMON FEATURES OF ELECTIONS IN SOME REGIONS, CONTINUED. INDEED, ORLANDO ABELO, THE NATIONAL ELECTIONS REGISTRAR, PUBLICLY DEcried OCTOBER 1 THE FACT THAT VOTE "MANIPULATION," IN AND OF ITSELF, WAS NOT PUNISHABLE AS A CRIME.


THE GUERRILLA GROUPS LAUNCHED ARMED STRIKES, BURNED PUBLIC TRANSPORT, TARGETED POLITICAL CANDIDATES, INCUMBENTS, PARTY HEADQUARTERS, ELECTORAL WORKERS AND INSTITUTIONS. GUERRILLAS BOMBED VARIOUS PARTY HEADQUARTER IN THE CITIES OF BOGOTA, MEDELLIN, CUCUTA AND PUERTO LLEIRAS ON SEPTEMBER 8. MORE THAN 25 OFFICES OF THE NATIONAL ELECTORAL COUNCIL WERE ALSO ATTACKED OR BOMBER BY THE GUERRILLAS DURING AUGUST, SEPTEMBER AND OCTOBER.

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GUERRILLAS ALSO TARGETED CIVILIANS WHO HAD BEEN ASSIGNED TO SERVE AS OFFICIALS AT VOTING STATIONS.

A TOTAL OF 125 PERSONS DECLARED THEIR CANDIDACIES FOR THE 32 GOVERNORSHIPS. ANOTHER 3,416 PERSONS ENROLLED AS CANDIDATES FOR THE 1004 MAYORALITIES UP FOR ELECTION, AND 28,643 PRESENTED THEMSELVES AS CANDIDATES FOR TOWN COUNCILORS. GUERRILLA THREATS
FORCED MORE THAN 2000 OF THEM TO RESIGN, INCLUDING ALL 4 CANDIDATES FOR THE GOVERNORSHIP OF PUTUMAYO. THE GOVERNMENT REFUSED TO ACCEPT MOST OF THE RESIGNATIONS, HOWEVER, SAYING THEY CAME AFTER THE AUGUST 24 DEADLINE FOR WITHDRAWING CANDIDACIES. ACCORDING TO FEDERATION OF COLOMBIAN MUNICIPALITIES, AT LEAST 75 MUNICIPALITIES WERE LEFT WITHOUT ANY CANDIDATES FOR MAYOR. AT LEAST TWENTY MUNICIPALITIES WERE LEFT WITHOUT CANDIDATES FOR TOWN COUNCIL; 18 OF THESE 20 WERE ALSO WITHOUT MAYORAL CANDIDATES.

FOR ITS PART, THE AUC ("UNITED SELF-DEFENSE GROUPS OF COLOMBIA") PARAMILITARY MOVEMENT DECLARED A BAN ON ELECTIONEERING BY THOSE CANDIDATES IT DETERMINED WERE IN LEAGUE WITH THE GUERRILLAS, BUT URGED THE CITIZENRY TO VOTE, SAYING IT INTERPRETED ABSTENTION AS A VOTE FOR THE GUERRILLAS AND THREATENING REPRISALS.


THE MAYOR OF SIMITI, UBALDO DE JESUS LOPEZ HAD PREVIOUSLY FLED THE TOWN IN JULY, FOLLOWING THE JUNE 30 JOINT ASSAULT ON THE TOWN BY FARC AND ELN GUERRILLAS, WHICH RESULTED IN THE DEATHS OF THREE POLICEMEN AND THE ABANDONMENT OF THE TOWN BY THE POLICE AND ARMY. LOPEZ, AS WELL AS THE MAYORS OF TIQUISITO, RIO VIEJO AND MORALES, ALL RELOCATED TO CARTAGENA, FOLLOWING THREATS FROM THE GUERRILLAS -- AND FROM PARAMILITARIES, WHO THREATENED TO DEPOPULATE THE TOWNS, WHICH THEY CONSIDERED GUERRILLA SUPPORT BASES. AT LEAST 10 MAYORAL CANDIDATES AND 68 COUNCILOR CANDIDATES RESIGNED IN
INTERNALLY DISPLACED DURING THE FIRST SEVEN MONTHS OF 1997. (SEE ALSO SECTION 1.G. AND SECTION 4.)

COLOMBIA HAS HAD A TRADITION OF PROVIDING POLITICAL ASYLUM SINCE THE 1920'S. DURING THE 1970'S, COLOMBIA GRANTED ASYLUM TO ARGENTINE, CHILEAN, URUGUAYAN, AND PARAGUAYAN CITIZENS SEEKING REFUGE FROM DICTATORIAL REGIMES IN THEIR OWN COUNTRIES. THE RIGHT TO ASYLUM, UNDER TERMS ESTABLISHED BY LAW, IS GUARANTEED BY THE 1991 CONSTITUTION.


SECTION 3   RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

THE CONSTITUTION PROVIDES FOR THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT VIA DIRECT, SECRET BALLOT IN REGULARLY SCHEDULED ELECTIONS. VOTING IS VOLUNTARY AND UNIVERSAL FOR CITIZENS AGED...
CATHOLIC DIOCESE OF SONSON-RIO NEGRO ANNOUNCED IN SEPTEMBER THAT OF THE 21 MUNICIPALITIES IN THE DIOCESE, ALL OF THE CANDIDATES HAD BEEN FORCED BY GUERRILLA THREATS TO RESIGN IN 13 OF THE MUNICIPALITIES: SAN CARLOS, GUATAPE, EL PENOL, SAN LUIS, SAN FRANCISCO, COCINNA, GRANADA, SANTUARIO, MARINILLA, CARMEN DE VIBORAL, LA UNION, ABEJORRAL AND ARGELIA.

ELN ASSASSINATED LIBERAL PARTY SENATOR JORGE CRISTO AND HIS BODYGUARD IN CUCUTA, NORTE DE SANTANDER ON AUGUST 8.


ON AUGUST 28, RALPH ZACKLIN, UN HIGH COMMISSIONER FOR HUMAN RIGHTS CONDEMNED "ALL CRIMES, ATTACKS AND THREATS WHICH PUT IN DANGER THE RIGHT OF CANDIDATES AND CITIZENS TO PARTICIPATE IN THE ELECTORAL PROCESS," REITERATED THE IMPORTANCE OF RESPECTING HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW, AND EXHORTED ALL PARTIES TO THE CONFLICT TO SUPPORT THE PEACE INITIATIVES OF THE GOVERNMENT AND THE CITIZENRY.

ON SEPTEMBER 25, THE EUROPEAN UNION RELEASED A STATEMENT DENOUNCING THE THREATS MADE BY BOTH GUERRILLA AND PARAMILITARY GROUPS TOWARDS CANDIDATES AND THE ASSASSINATION OF CANDIDATES. REITERATING THE BELIEF THAT THE FREE AND FAIR ELECTIONS ON OCTOBER 26 WILL CONTRIBUTE TO THE CONSOLIDATION OF THE PEACE PROCESS, THE EU CALLED ON ALL CONCERNED PARTIES TO RESPECT THE DIRECTIVES OF INTERNATIONAL HUMANITARIAN LAW AND CALLED ON COLOMBIAN AUTHORITIES TO RESPECT HUMAN RIGHTS IN ORDER TO AVOID FURTHER AGGRAVATING THE PROBLEM OF INTERNALLY DISPLACED PERSONS.

THE LIBERAL AND CONSERVATIVE PARTIES HAVE LONG MONOPOLIZED THE
FORMAL POLITICAL PROCESS WITH ONE OR THE OTHER CUSTOMARILY
WINNING THE PRESIDENCY. PUBLIC EMPLOYEES ARE NOT PERMITTED TO
PARTICIPATE IN PARTISAN CAMPAIGNS. OFFICIALLY, ALL POLITICAL
PARTIES OPERATE FREELY WITHOUT GOVERNMENT INTERFERENCE. THOSE
THAT FAIL TO GARNER 50,000 VOTES IN A GENERAL ELECTION MAY LOSE
THE RIGHT TO PRESENT CANDIDATES AND MAY NOT RECEIVE FUNDS FROM
THE GOVERNMENT. THEY MAY REINCORPORATE AT ANY TIME, HOWEVER, BY
PRESENTING 50,000 SIGNATURES TO THE NATIONAL ELECTORAL BOARD.

THE NATION'S LAST COMPLETE ROUND OF PRESIDENTIAL, CONGRESSIONAL
GUBERNATORIAL AND LOCAL ELECTIONS WAS HELD IN 1994, WHEN THE
COUNTRY ALSO ELECTED FOR THE FIRST TIME A VICE PRESIDENT, AN
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ESSENTIALLY CEREMONIAL POSITION. LIBERAL PARTY REPRESENTATIVES
MADE A STRONG SHOWING IN THE CONGRESSIONAL ELECTIONS, PROVIDING A
LIBERAL MAJORITY IN BOTH HOUSES. HOWEVER, CROSS-PARTY COALITIONS
WERE STILL OFTEN NECESSARY TO ENACT LEGISLATION. THE CORRUPTING
INFLUENCE OF NARCOTICS TRAFFICKING ORGANIZATIONS ON THE CONGRESS
IS EXTENSIVE. VICE PRESIDENT HUMBERTO DE LA CALLE RESIGNED IN
SEPTEMBER 1996, IN PROTEST OVER THE EXTENT OF NARCOTICS
CORRUPTION IN THE ADMINISTRATION AND THE CONGRESS, AND WAS
REPLACED BY CARLOS LEMOS SIMMONDS, WHO HAS SINCE SERVED ALSO AS
COLOMBIA'S AMBASSADOR TO THE UNITED KINGDOM.

THE GOVERNMENT ANNOUNCED THAT ELECTIONS FOR THE NATION'S SENATE
AND HOUSE OF REPRESENTATIVES HAVE BEEN SCHEDULED FOR MARCH 8,
1998, WITH THE WINNERS TO BEGIN THEIR FOUR-YEAR TERMS ON JULY 20,
1998. TWO OF THE SENATE'S 102 SEATS ARE RESERVED FOR
REPRESENTATIVES OF THE NATION'S INDOGENOUS COMMUNITIES, WHILE THE
100 OTHER SENATORS ARE ELECTED ON THE BASIS OF NATIONAL "AT
LARGE" BALLOTING. TWO SEATS IN THE 165-MEMBER HOUSE OF
REPRESENTATIVES ARE RESERVED FOR EACH DEPARTMENT AND THE CAPITAL
DISTRICT. ADDITIONAL REPRESENTATION IS APPORTIONED THROUGH THE
USE OF A COMPLEX POPULATION-BASED FORMULA. A 1993 LAW WHICH SET
ASIDE 2 HOUSE SEATS FOR CITIZENS OF AFRICAN HERITAGE WAS DECLARED

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FORCED MORE THAN 2000 OF THEM TO RESIGN, INCLUDING ALL 4 CANDIDATES FOR THE GOVERNORSHIP OF PUTUMAYO. THE GOVERNMENT REFUSED TO ACCEPT MOST OF THE RESIGNATIONS, HOWEVER, SAYING THEY CAME AFTER THE AUGUST 24 DEADLINE FOR WITHDRAWING CANDIDACIES.

ACCORDING TO FEDERATION OF COLOMBIAN MUNICIPALITIES, AT LEAST 75 MUNICIPALITIES WERE LEFT WITHOUT ANY CANDIDATES FOR MAYOR. AT LEAST TWENTY MUNICIPALITIES WERE LEFT WITHOUT CANDIDATES FOR TOWN COUNCIL; 18 OF THESE 20 WERE ALSO WITHOUT MAYORAL CANDIDATES.

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LOPEZ, AS WELL AS THE MAYORS OF TIQUISITO, RIO VIEJO AND MORALES, ALL RELOCATED TO CARTAGENA, FOLLOWING THREATS FROM THE GUERRILLAS -- AND FROM PARAMILITARIES, WHO THREATENED TO DEPOPULATE THE TOWNS, WHICH THEY CONSIDERED GUERRILLA SUPPORT BASES. AT LEAST 10 MAYORAL CANDIDATES AND 68 COUNCILOR CANDIDATES RESIGNED IN CURRENT CLASS: UNCLASSIFIED
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A NUMBER OF HUMAN RIGHTS-RELATED NGOS, HOWEVER, WENT FAR BEYOND REPORTING, ANALYSIS AND CRITICISM. SOME ACTIVELY ENGAGED IN HUMANITARIAN RELIEF AND INNOVATIVE DEVELOPMENT ASSISTANCE PROGRAMS IN THE NATION’S MOST CONFLICTIVE ZONES, OFTEN WORKING JOINTLY WITH GOVERNMENT MINISTRIES, INTERNATIONAL FINANCIAL INSTITUTIONS, AND DOMESTIC AND MULTINATIONAL CORPORATIONS.

FOLLOWING FORMAL AGREEMENT WITH THE GOVERNMENT, THE UNITED
CATHOLIC DIOCESE OF SONSON-RIO NEGRO ANNOUNCED IN SEPTEMBER THAT OF THE 21 MUNICIPALITIES IN THE DIOCESE, ALL OF THE CANDIDATES HAD BEEN FORCED BY GUERRILLA THREATS TO RESIGN IN 13 OF THE MUNICIPALITIES:-SAN CARLOS, GUATAPE, EL PENOL, SAN LUIS, SAN FRANCISCO, COCORNA, GRANADA, SANTUARIO, MARINILLA, CARMEN DE VIBORAL, LA UNION, ABEJORRAL AND ARGELIA.

ELN ASSASSINATED LIBERAL PARTY SENATOR JORGE CRISTO AND HIS BODYGUARD IN CUCUTA, NORTE DE SANTANDER ON AUGUST 8.

FOLLOWING THE PARAMILITARY TAKEOVER OF MAPIRIPAN, META DEPARTMENT, IN JULY, ALL CANDIDATES FOR LOCAL ELECTIONS WITHDREW THEIR NAMES (SEE ALSO I.A. AND 1.G.).

ON AUGUST 28, RALPH ZACKLIN, UN HIGH COMMISSIONER FOR HUMAN RIGHTS CONDEMNED "ALL CRIMES, ATTACKS AND THREATS WHICH PUT IN DANGER THE RIGHT OF CANDIDATES AND CITIZENS TO PARTICIPATE IN THE ELECTORAL PROCESS," REITERATED THE IMPORTANCE OF RESPECTING HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW, AND EXHORTED ALL PARTIES TO THE CONFLICT TO SUPPORT THE PEACE INITIATIVES OF THE GOVERNMENT AND THE CITIZENRY.

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FOR THE FIRST TIME IN COLOMBIAN HISTORY, THE GOVERNMENT INVITED THE ORGANIZATION OF AMERICAN STATES AND THE EUROPEAN UNION TO SEND AN INTERNATIONAL OBSERVER DELEGATION TO HELP ENSURE THE ELECTIONS. ELN GUERRILLAS, HOWEVER, KIDNAPPED TWO OF THE OAS OBSERVERS AND A COLOMBIAN COLLEAGUE OCTOBER 23 IN ANTIOQUIA, ONLY RELEASING THEM ON NOVEMBER 1. (NOTE: INSERT ONE-SENTENCE QUOTE OAS STATEMENT ON ELECTORAL PROCESS AND RESULTS. END NOTE.)

THE LIBERAL AND CONSERVATIVE PARTIES HAVE LONG MONOPOLIZED THE FORMAL POLITICAL PROCESS WITH ONE OR THE OTHER CUSTOMARILY WINNING THE PRESIDENCY. PUBLIC EMPLOYEES ARE NOT PERMITTED TO PARTICIPATE IN PARTISAN CAMPAIGNS. OFFICIALLY, ALL POLITICAL PARTIES OPERATE FREELY WITHOUT GOVERNMENT INTERFERENCE. THOSE THAT FAIL TO GARNER 50,000 VOTES IN A GENERAL ELECTION MAY LOSE THE RIGHT TO PRESENT CANDIDATES AND MAY NOT RECEIVE FUNDS FROM THE GOVERNMENT. THEY MAY REINCORPORATE AT ANY TIME, HOWEVER, BY PRESENTING 50,000 SIGNATURES TO THE NATIONAL ELECTORAL BOARD.

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INVESTIGATIVE TEAM, STORMED THEIR APARTMENT AND EXECUTED THEM. ELSA'S MOTHER, SERIOUSLY WOUNDED, SURVIVED THE ATTACK, AS DID THE COUPLE'S 18-MONTH OLD CHILD. NO GROUP CLAIMED RESPONSIBILITY FOR THE KILLINGS. MAJOR GENERAL MANUEL JOSE BONETT, THEN-COMMANDING GENERAL OF THE ARMY, STRENUEOUSLY DENIED PUBLIC SUGGESTIONS THE ARMY MIGHT HAVE BEEN INVOLVED.


JUNE 15 RELEASE OF 70 GOVERNMENT TROOPS HELD BY THE FARC. THE MEDELLIN OFFICES OF THE ASFADDES WERE THE TARGET OF A JUNE 24 DYNAMITE ATTACK. FOLLOWING INCREASING THREATS, JANETTE BAUTISTA, JUDICIAL COORDINATOR OF ASFADDES, FLED THE COUNTRY WITH HER FAMILY ON SEPTEMBER 9. BAUTISTA IS THE SISTER OF DISAPPEARED M-

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19 GUERRILLA NYDIA ERIKA BAUTISTA; THE PROSECUTION OF THOSE RESPONSIBLE FOR HER 1987 DISAPPEARANCE, TORTURE AND MURDER HAS BEEN STYMIED BY THE MILITARY COURTS (SEE SECTION 1.B). AT LEAST ONE OTHER ORGANIZATION INVOLVED IN HUMAN RIGHTS ISSUES WAS FORCED TO CLOSE ITS BOGOTA OFFICE AFTER RECEIVING DIRECT THREATS FROM PRESUMED PARAMILITARIES.

TWO UNHCHR INVESTIGATORS CUT SHORT AN AUGUST FACT-FINDING TRIP IN ANTIOQUIA AFTER RECEIVING THREATS FROM ACCU PARAMILITARY FORCES.

PRESIDENT SAMPER PERSONALLY AWARDED AUGUST 19 THE $100,000 LUIS CARLOS GALAN PRIZE FOR DEMOCRACY, PEACE AND HUMAN RIGHTS TO THE ROMAN CATHOLIC DIOCESE OF APARTADO, URABA. THE GOVERNMENT-FINANCED, BUT INDEPENDENTLY JUDGED, AWARD RECOGNIZED THE INSTRUMENTAL ROLE THE ROMAN CATHOLIC CHURCH HAS PLAYED THERE IN ESTABLISHING "PEACE COMMUNITIES", NEUTRAL AREAS WHERE THE DISPLACED MEMBERS OF THE CIVILIAN POPULATION SEEK REFUGE FROM ALL SIDES -- PARAMILITARY, GUERRILLA AND GOVERNMENT FORCES -- IN THE MILITARY STRUGGLE FOR CONTROL OF THE HIGHLY-CONFLICTIVE, STRATEGIC REGION. (SEE ALSO SECTION 1.G.)

IN LATE SEPTEMBER, AMNESTY INTERNATIONAL (AI) RELEASED A REPORT ON COLOMBIA'S ONGOING CRISIS OF THE FORCED INTERNAL DISPLACEMENT OF CIVILIAN POPULATIONS. THE ANALYSIS NOTED THAT WHILE THE ARMED CONFLICT WAS THE PRINCIPAL CAUSE OF DISPLACEMENT, "A GENERIC DESCRIPTION OF THE CAUSES OF INTERNAL DISPLACEMENT IN COLOMBIA IS NOT POSSIBLE." IT CITED INDEPENDENT STUDIES INDICATING THAT PARAMILITARY ORGANIZATIONS WERE RESPONSIBLE FOR 35% OF INTERNAL DISPLACEMENTS, GUERRILLA GROUPS WERE RESPONSIBLE FOR 24%, AND THE PUBLIC SECURITY FORCES WERE RESPONSIBLE FOR 17% THE STUDY ALSO ACCUSED THE MILITARY OF ONGOING LINKS TO PARAMILITARY GROUPS, AND

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PROVIDED CREDIBLE EVIDENCE OF THIS IN THE URABA REGION.

THE GOVERNMENT'S FORMAL RESPONSE CLAIMED THE AI REPORT "LACKED
A LARGE AND VARIED NON-GOVERNMENTAL (NGO) HUMAN RIGHTS COMMUNITY IS ACTIVE, PROVIDING A WIDE RANGE OF VIEWS. AMONG THE MANY GROUPS ARE: THE CATHOLIC BISHOPS CONFERENCE, THE COLOMBIAN COMMISSION OF JURISTS (CCJ); THE INTERCONGREGATIONAL COMMISSION FOR JUSTICE AND PEACE; THE PERMANENT COMMITTEE FOR THE DEFENSE OF HUMAN RIGHTS; THE CENTER FOR INVESTIGATIONS AND POPULAR RESEARCH (CINEP); THE ADVISORY COMMITTEE FOR HUMAN RIGHTS AND DISPLACEMENTS (CODHES); THE LATIN AMERICAN INSTITUTE-FOR ALTERNATIVE LEGAL SERVICES (ILSA); THE COMMITTEE IN SOLIDARITY WITH POLITICAL PRISONERS.; THE ASSOCIATION OF FAMILIES OF DETAINED AND DISAPPEARED PERSONS (ASFADDES); THE "REINSERCION" FOUNDATION (FOCUSED ON DEMOBILIZED GUERRILLAS); THE "PAIS LIBRE" FOUNDATION (FOCUSED ON THE RIGHTS OF KIDNAP VICTIMS); AND, THE "VIDA" FOUNDATION (FOCUSED ON THE RIGHTS OF VICTIMS OF GUERILLA VIOLENCE). INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS PRESENT INCLUDE THE PEACE BRIGADES INTERNATIONAL AND THE NEWLY-OPENED BOGOTA OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS.

NGOS INVESTIGATED AND REPORTED ON HUMAN RIGHTS ABUSES COMMITTED BY GOVERNMENT FORCES, VARIOUS PARAMILITARY GROUPS, AND THE GUERRILLA ARMIES. AS WITH MUCH OF CIVIL SOCIETY, MANY NGOS EXPRESSED SERIOUS CONCERN OVER THE GROWING GUERRILLA AND PARAMILITARY VIOLENCE -- AND THE GOVERNMENT'S INCREASINGLY APPARENT INABILITY TO STOP EITHER OF THEM. IN PARTICULAR, A NUMBER OF NGO, AS WELL AS GOVERNMENTAL, HUMAN RIGHTS OFFICIALS WERE ALARMED BY THE RAPID GROWTH OF PARAMILITARISM, BOTH IN TERMS OF ITS RESPONSIBILITY FOR AN EVER-INCREASING PROPORTION OF HUMAN RIGHTS VIOLATIONS AND ITS INCREASING POLITICAL AND MILITARY POWER. SOME OBSERVERS ALSO WARNED OF ITS INCREASING INDEPENDENCE FROM, AND ANTAGONISM TOWARDS, THE STATE, WHILE OTHERS INSISTED THAT PARAMILITARISM WAS NOTHING MORE THAN AN INSTRUMENT OF "STATE TERROR" WHICH, THEY ARGUED, COULD EASILY BE SHUT DOWN BY THE GOVERNMENT IF ONLY IT CHOSE TO DO SO.

A NUMBER OF HUMAN RIGHTS-RELATED NGOS, HOWEVER, WENT FAR BEYOND REPORTING, ANALYSIS AND CRITICISM. SOME ACTIVELY ENGAGED IN HUMANITARIAN RELIEF AND INNOVATIVE DEVELOPMENT PROGRAMS IN THE NATION'S MOST CONFLICTIVE ZONES, OFTEN WORKING JOINTLY WITH GOVERNMENT MINISTRIES, INTERNATIONAL FINANCIAL INSTITUTIONS, AND DOMESTIC AND MULTINATIONAL CORPORATIONS. FOLLOWING FORMAL AGREEMENT WITH THE GOVERNMENT, THE UNITED...
According to September congressional testimony by the minister of defense, during the first eight months of the year, the attorney general's office of human rights filed only one human rights case against a member of the military, down from 34 cases in all of 1996, and the 1993 peak of 138 cases. Of the 15 cases closed by the military justice system or the attorney general's office between January and August, 8 of the accused were absolved, 4

The human rights community came under intense pressures during 1997. Although the civilian administration, as a matter of public policy, generally did not interfere directly with the work of human rights NGOs, many prominent human rights monitors worked under constant fear for their physical safety. Human rights groups were subjected to surveillance, harassing phone calls, graffiti campaigns, and threats by military, intelligence, police, paramilitary, and guerrilla forces. Senior military officials, including General Harold Bedoya, then-commanding general of the military forces, sometimes publicly voiced feelings of frustration and outright hostility toward the human rights community, or publicly accused particular groups or individuals of working on behalf of the guerrillas. At least a dozen human rights

As part of the defense ministry's efforts to protect the rights of the citizenry, the military services and police have established since 1994 more than 225 human rights offices throughout the nation. As of June, the army had established 140 such offices, the police 61, the air force 14 and the navy 11. These offices were tasked with accepting and investigating public complaints of abuse as well as coordinating human rights training programs for public security personnel.

The UN Committee on Human Rights declared in May its "great concern" for the large gulf which exists between the juridical framework and actual practice with respect to human rights. It noted "although a number of laws and rules have recently been approved to protect human rights and to provide resources in cases of abuse, in practice there has been few palpable improvements in the human rights situation." The committee recommended that, in order to combat impunity, the government adopt strict measures so as to guarantee that all allegations of human rights violations be investigated promptly and impartially, that the offenders be processed, that adequate penalties be imposed on those convicted and that appropriate compensation be provided to the victims."
ON JANUARY 29, THE INTER-AMERICAN HUMAN RIGHTS COURT FOUND THAT THE GOVERNMENT SHOULD PAY $89,500 TO THE FAMILIES OF ISIDRO CABALLERO DELGADO AND MARIA DEL CARMEN SANTIAGO, FOLLOWING AN EARLIER COURT RULING THAT THE STATE WAS RESPONSIBLE FOR THEIR FORCED DISAPPEARANCES. AN INTER-AMERICAN COMMISSION ON HUMAN RIGHTS DELEGATION TRAVELED TO COLOMBIA WITH THE "FULL COOPERATION" OF THE GOVERNMENT IN FEBRUARY TO STUDY THE STATUS OF FRIENDLY SETTLEMENT PROCEEDINGS IN A NUMBER OF OTHER CASES BROUGHT BEFORE THE COMMISSION.


ON SEPTEMBER 9, PRESIDENT SAMPER ANNOUNCED THAT THE GOVERNMENT HAD COMPENSATED THE FAMILIES OF 89 VICTIMS OF HUMAN RIGHTS VIOLATIONS, UNDER THE TERMS OF THE COMPENSATION LAW APPROVED IN 1996. EVEN AS THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS APPLAUDED SUCH STEPS, IT CALLED ON THE GOVERNMENT TO "CREATE EFFECTIVE MECHANISMS FOR ENSURING COMPLIANCE WITH ALL THE RECOMMENDATIONS OF THE COMMISSION AND OTHER INTERNATIONAL HUMAN

THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) CONTINUED TO EXPAND OPERATIONS IN COLOMBIA, NOW ITS LARGEST OPERATION IN LATIN AMERICA, WITH A DELEGATION ON BOGOTA PLUS ELEVEN SUB-DELEGATIONS IN VARIOUS CONFLICTIVE ZONES; THE GOVERNMENT ACTIVELY SUPPORTED EFFORTS TO OPEN ADDITIONAL ICRC SUB-DELEGATIONS. THE ICRC, WORKING WITH THE PRESIDENTIAL HUMAN RIGHTS ADVISER AND THE PUBLIC SECURITY FORCES, CONTINUED THEIR LONG-STANDING TRAINING PROGRAMS IN HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW. THESE PROGRAMS WERE DIRECTED NOT ONLY AT AFFECTED CIVILIAN POPULATIONS BUT WERE ALSO WELL-INTEGRATED INTO THE MILITARY TRAINING CURRICULUM. MANY OBSERVERS CREDITED THESE PROGRAMS WITH HAVING

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DONE MUCH TO FOSTER A CLIMATE OF INCREASED RESPECT FOR HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW BY THE MILITARY FORCES IN RECENT YEARS.

ON SEPTEMBER 9, NATIONAL HUMAN RIGHTS DAY, PRESIDENT SAMPER PUBLICLY ANNOUNCED A SERIES OF HUMAN RIGHTS REFORMS AND PROPOSALS, INCLUDING A BILL TO CRIMINALIZE "CRIMES AGAINST HUMANITY" SUCH AS FORCED DISAPPEARANCE; A NEW POLICE CODE; A NEW

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LOG-00 ACDA-08 ACDE-00 AID-00 AMAD-01 CIAE-00 OASY-00
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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 UN COMMITTEE ON HUMAN RIGHTS DENOUNCED IN MAY THE CONTINUING PRACTICE OF "SOCIAL CLEANSING", DIRECTED AGAINST STREET CHILDREN, HOMOSEXUALS, PROSTITUTES AND CRIMINALS, ADDING THAT THE GOVERNMENT HAD "STILL NOT INSTITUTED ADEQUATE AND EFFECTIVE MEASURES TO GUARANTEE THE FULL PROTECTION OF THE RIGHTS OF THESE GROUPS, ABOVE ALL THE RIGHT TO LIFE."

WOMEN

RAPE AND OTHER ACTS OF VIOLENCE AGAINST WOMEN ARE PERVERSIVE IN SOCIETY, AND LIKE OTHER CRIMES, ARE Seldom PROSECUTED SUCCESSFULLY. THE QUASI-GOVERNMENTAL INSTITUTE FOR FAMILY WELFARE (ICBF) AND THE PRESIDENTIAL ADVISER'S OFFICE FOR YOUTH, WOMEN, AND FAMILY AFFAIRS CONTINUED TO REPORT HIGH LEVELS OF SPOUSE AND PARTNER ABUSE THROUGHOUT THE COUNTRY. THE ICBF CONDUCTED PROGRAMS AND PROVIDED REFUGE AND COUNSELING FOR VICTIMS OF SPOUSE ABUSE, BUT THE LEVEL AND AMOUNT OF THESE SERVICES WERE DWARFED BY THE MAGNITUDE OF THE PROBLEM.

THE INSTITUTE FOR LEGAL MEDICINE ESTIMATED THAT 239,400 PERSONS ARE THE VICTIMS OF SEXUAL ABUSE ANNUALLY, 88% OF THEM WOMEN. THE INSTITUTE ALSO ESTIMATED THAT 95% OF ALL ABUSE CASES ARE NEVER REPORTED TO AUTHORITIES.

THE LAW HAS HISTORICALLY PROVIDED RELATIVELY MILD SENTENCES, RANGING FROM 6 MONTHS TO 8 YEARS, FOR CRIMES OF SEXUAL ABUSE AND FOR SIGNIFICANT SENTENCE REDUCTIONS BASED ON THE CONDUCT OF THE CONVICTED PERPETRATOR. IN CASES OF SEXUAL ABUSE, POLICE COULD UNCLASSIFIED

FUNDAMENTAL CHANGES IN THE LAW WERE ADOPTED DURING 1996 AND 1997. IN 1996, PRESIDENT SAMPER SIGNED LAW 294 ON FAMILY VIOLENCE, WHICH CRIMINALIZED VIOLENT ACTS COMMITTED WITHIN FAMILIES,
INCLUDING SPOUSAL RAPE. THE LAW ALSO PROVIDES LEGAL RECOURSE FOR VICTIMS OF FAMILY VIOLENCE, IMMEDIATE PROTECTION FROM PHYSICAL OR PSYCHOLOGICAL ABUSE, AND JUDICIAL AUTHORITY TO REMOVE THE ABUSER FROM THE HOUSEHOLD. FURTHERMORE, THE LAW ALLOWS A JUDGE TO OBLIGE AN ABUSER TO SEEK THERAPY OR REEDUCATION. FOR ACTS OF SPOUSAL SEXUAL VIOLENCE, THE LAW MANDATED SENTENCES OF 6 MONTHS TO 2 YEARS AND DENIED PROBATION OR BAIL TO OFFENDERS WHO DISOBED COURT RESTRAINING ORDERS.

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THE CONSTITUTION PROHIBITS ANY FORM OF DISCRIMINATION AGAINST WOMEN AND SPECIFICALLY REQUIRE THE AUTHORITIES TO "GUARANTEE ADEQUATE AND EFFECTIVE PARTICIPATION BY WOMEN AT DECISION MAKING LEVELS OF PUBLIC ADMINISTRATION." EVEN PRIOR TO IMPLEMENTATION.

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OF THE 1991 CONSTITUTION, THE LAW HAD PROVIDED WOMEN WITH EXTENSIVE CIVIL RIGHTS. DESPITE THESE CONSTITUTIONAL PROVISIONS, HOWEVER, DISCRIMINATION AGAINST WOMEN PERSISTS. ACCORDING TO FIGURES PUBLISHED BY THE UNITED NATIONS, WOMEN'S EARNINGS FOR FORMAL SECTOR, NONAGRICULTURAL WORK CORRESPOND TO APPROXIMATELY 85 PERCENT OF MEN'S EARNINGS FOR COMPARABLE WORK, AND WOMEN MUST DEMONSTRATE HIGHER QUALIFICATIONS THAN MEN WHEN APPLYING FOR JOBS. MOREOVER, WOMEN CONSTITUTE A DISPROPORTIONATELY HIGH PERCENTAGE OF THE SUBSISTENCE LABOR WORK FORCE, ESPECIALLY IN RURAL AREAS.

ICBF DATA RELEASED IN 1997 INDICATED THAT ALTHOUGH WORKING WOMEN SUFFERED FROM A HIGHER RATE OF UNEMPLOYMENT THAN MEN (15.6 VERSUS 9.6 IN 1996), THE ECONOMICALLY ACTIVE FEMALE POPULATION HAD A HIGHER LEVEL OF EDUCATION THAN DID MEN. SOME 39OF WORKING WOMEN WERE EMPLOYED IN MINIMUM WAGE JOBS, HOWEVER, COMPARED TO 31OF MEN.

DESPITE AN EXPLICIT CONSTITUTIONAL GUARANTEE PROMISING ADDITIONAL RESOURCES FOR SINGLE MOTHERS, WOMEN'S GROUPS REPORTED THAT THE SOCIAL AND ECONOMIC PROBLEMS OF SINGLE MOTHERS REMAINED GREAT THROUGHOUT THE YEAR, DESPITE GOVERNMENT EFFORTS TO PROVIDE THEM
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THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) CONTINUED TO EXPAND OPERATIONS IN COLOMBIA, NOW ITS LARGEST OPERATION IN LATIN AMERICA, WITH A DELEGATION ON BOGOTA PLUS ELEVEN SUB-DELEGATIONS IN VARIOUS CONFLICTIVE ZONES; THE GOVERNMENT ACTIVELY SUPPORTED EFFORTS TO OPEN ADDITIONAL ICRC SUB-DELEGATIONS. THE ICRC, WORKING WITH THE PRESIDENTIAL HUMAN RIGHTS ADVISER AND THE PUBLIC SECURITY FORCES, CONTINUED THEIR LONG-STANDING TRAINING PROGRAMS IN HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW. THESE PROGRAMS WERE DIRECTED NOT ONLY AT AFFECTED CIVILIAN POPULATIONS BUT WERE ALSO WELL-INTEGRATED INTO THE MILITARY TRAINING CURRICULUM. MANY OBSERVERS CREDITED THESE PROGRAMS WITH HAVING TRAINING IN PARENTING SKILLS.

THE CONSTITUTIONAL COURT RULED SEPTEMBER 25 THAT PREGNANT WOMEN AND MOTHERS OF NEW-BORN CHILDREN UNDER THREE MONTHS OF AGE COULD NOT BE FIRED FROM THEIR JOBS WITHOUT "JUST CAUSE." BEARING CHILDREN, THE COURT RULED, WAS NOT JUST CAUSE.
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PEOPLE WITH DISABILITIES
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INDIGENOUS PEOPLE

THERE ARE APPROXIMATELY 82 DISTINCT ETHNIC GROUPS AMONG THE 800,000 INDIGENOUS INHABITANTS. THE CONSTITUTION GIVES SPECIAL RECOGNITION TO THE FUNDAMENTAL RIGHTS OF INDIGENOUS PEOPLE. IT PROVIDES FOR A SPECIAL CRIMINAL AND CIVIL JURISDICTION, BASED UPON TRADITIONAL COMMUNITY LAWS, WITHIN INDIAN TERRITORIES. THE MINISTRY OF INTERIOR, THROUGH THE OFFICE OF INDIGENOUS AFFAIRS, IS RESPONSIBLE FOR PROTECTING THE TERRITORIAL, CULTURAL, AND SELF-DETERMINATION RIGHTS OF INDIANS. MINISTRY REPRESENTATIVES ARE LOCATED IN ALL REGIONS OF THE COUNTRY WITH INDIGENOUS POPULATIONS AND WORK WITH OTHER GOVERNMENTAL HUMAN AND CIVIL RIGHTS ORGANIZATIONS TO PROMOTE INDIAN INTERESTS AND INVESTIGATE VIOLATIONS OF INDIGENOUS RIGHTS. NONETHELESS, MEMBERS OF INDIGENOUS GROUPS SUFFER DISCRIMINATION IN THE SENSE THAT THEY HAVE TRADITIONALLY BEEN RELEGATED TO THE MARGINS OF SOCIETY. FEW OPPORTUNITIES EXIST FOR THOSE WHO MIGHT WISH TO PARTICIPATE MORE FULLY IN MODERN LIFE.

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INDIGENOUS COMMUNITIES AND NOT INVOLVE THEM IN THE ARMED CONFLICT.

IN ZONES WHERE THE GUERRILLAS WERE ACTIVE, SUCH AS THE SIERRA NEVADA AND VALLE DE CAUCA, THE PUBLIC SECURITY FORCES OFTEN SUSPECTED THE INDIGENOUS POPULATION OF COMPLICITY WITH NARCOTICS TRAFFICKERS AND GUERRILLAS. PARAMILITARY FORCES WERE RESPONSIBLE FOR THE JULY MASSACRE OF 15 INDIGENOUS. (SEE ALSO SECTION 1.G.)

MOST THREATS OR ATTACKS ON MEMBERS OF INDIGENOUS COMMUNITIES, UNCLASSIFIED

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HOWEVER, STEMMED FROM LAND OWNERSHIP DISPUTES CONCERNING THE DESIGNATED INDIAN RESERVES. THE NATIONAL LAND REFORM INSTITUTE ESTIMATED THAT SOME 40 INDIGENOUS COMMUNITIES HAD LOST LEGAL TITLE TO LAND THEY CLAIMED AS THEIR OWN AND THAT AN ESTIMATED 100 ADDITIONAL GROUPS HAD TITLE CLAIMS THAT WERE NOT RECOGNIZED OR RECONCILED.


(NOTE: EMBASSY TO UPDATE FOLLOWING PARA. END NOTE.) A CONTRACT THAT ECOPETROL, THE NATIONAL OIL COMPANY, AWARDED TO OCCIDENTAL PETROLEUM CAUSED A DIRECT CONFLICT WITH THE U'WA INDIGENOUS COMMUNITY. DESPITE A PROVISION OF THE 1991 CONSTITUTION OBLIGING THE GOVERNMENT TO CONSULT INDIGENOUS POPULATIONS BEFORE ALLowing ANY DEVELOPMENT OR CHANGE ON INDIGENOUS TERRITORY, THE CONTRACT CALLED FOR OCCIDENTAL PETROLEUM TO CONDUCT A GEOLOGICAL SURVEY FOR PETROLEUM SOURCES. IN RESPONSE TO A FORMAL REQUEST BY THE OMBUDSMAN, A BOGOTA TRIBUNAL ISSUED AN INJUNCTION ORDERING THE UNCLASSIFIED

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THE PROTECTION OF THE RIGHTS OF CHILDREN, THESE WERE ONLY MINIMALLY IMPLEMENTED. THE CONSTITUTION IMPOSES 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. A SPECIAL CHILDREN'S CODE SETS FORTH MANY OF THESE RIGHTS AND ESTABLISHES SERVICES AND PROGRAMS DESIGNED TO ENFORCE THE PROTECTION OF MINORS. CHILDREN'S ADVOCATES REPORTED THE NEED TO EDUCATE CITIZENS WITH REGARD TO THE CODE AS WELL AS THE 1996 LAW ON FAMILY VIOLENCE, WHICH HAD BEEN DRAFTED PARTICULARLY TO INCREASE LEGAL PROTECTION FOR WOMEN AND CHILDREN. THE ICBF OVERSEES ALL GOVERNMENT CHILD PROTECTION AND WELFARE PROGRAMS AND FUNDS NONGOVERNMENTAL AND CHURCH PROGRAMS FOR CHILDREN.

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IN CONFLICT ZONES, CHILDREN WERE ALSO OFTEN CAUGHT IN THE CROSSFIRE BETWEEN THE PUBLIC SECURITY FORCES, PARAMILITARY GROUPS, AND GUERRILLA ORGANIZATIONS. GUERRILLA GROUPS, IN PARTICULAR, CONTINUED TO RECRUIT CHILDREN, INCLUDING SOME UNDER THE AGE OF 15, IN VIOLATION OF INTERNATIONAL HUMANITARIAN LAW. THERE WERE ALSO CREDIBLE REPORTS THAT SEXUAL ABUSE OF TEENAGE FEMALE RECRUITS. GOVERNMENT FIGURES ESTIMATED THAT SOME 2,000 CHILDREN PARTICIPATED IN SOME FASHION IN GUERRILLA COMBAT ACTIONS. CODHES ESTIMATED THAT 55 OF THOSE PERSONS INTERNALLY DISPLACED BY POLITICAL VIOLENCE BETWEEN THE YEARS 1985-1995 WERE CHILDREN. (SEE ALSO SECTION 1.G.).

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PEOPLE WITH DISABILITIES


BLACKS ARE ENTITLED TO ALL CONSTITUTIONAL RIGHTS AND PROTECTIONS BUT HAVE TRADITIONALLY SUFFERED FROM ECONOMIC DISCRIMINATION. DESPITE THE PASSAGE OF THE AFRICAN-COLOMBIAN LAW IN 1993, LITTLE CONCRETE PROGRESS WAS MADE IN EXPANDING PUBLIC SERVICES AND PRIVATE INVESTMENT IN THE CHOCO OR OTHER PREDOMINANTLY BLACK REGIONS. UNEMPLOYMENT, FOR INSTANCE, AMONG AFRICAN-COLOMBIANS
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SECTION 6 WORKER RIGHTS

A. THE RIGHT OF ASSOCIATION

THE 1991 CONSTITUTION RECOGNIZES THE RIGHTS OF WORKERS TO ORGANIZE UNIONS AND STRIKE, EXCEPT FOR MEMBERS OF THE ARMED FORCES AND POLICE, AND THOSE "ESSENTIAL PUBLIC SERVICES" AS DEFINED BY LAW, BUT LEGISLATION THAT PROHIBITS PUBLIC EMPLOYEES FROM STRIKING IS STILL IN EFFECT, EVEN IF OFTEN OVERLOOKED. THE LABOR CODE PROVIDES FOR AUTOMATIC RECOGNITION OF UNIONS THAT OBTAIN AT LEAST 25 SIGNATURES FROM POTENTIAL MEMBERS AND COMPLY WITH A SIMPLE REGISTRATION PROCESS AT THE LABOR MINISTRY. THE LAW PENALIZES INTERFERENCE WITH FREEDOM OF ASSOCIATION. IT ALLOWS UNIONS TO DETERMINE FREELY INTERNAL RULES, ELECT OFFICIALS, AND MANAGE ACTIVITIES, AND FORBIDS THE DISSOLUTION OF TRADE UNIONS BY ADMINISTRATIVE FIAT. ACCORDING TO LABOR MINISTRY ESTIMATES, APPROXIMATELY 7 PERCENT OF THE WORK FORCE IS ORGANIZED IN 2,235 UNIONS.

BEFORE STAGING A LEGAL STRIKE, UNIONS MUST NEGOTIATE DIRECTLY WITH MANAGEMENT AND, IF NO AGREEMENT RESULTS, ACCEPT MEDIATION.
by law, public employees must accept binding arbitration if mediation fails; in practice, public service unions decide by membership vote whether or not to seek arbitration.

In 1993 the International Labor Organization (ILO) criticized 10 provisions of the law, including: the supervision of the internal management and meetings of unions by government officials; the presence of officials at assemblies convened to vote on a strike call; the legality of firing union organizers from jobs in their trades once 6 months have passed following a strike or dispute; the requirement that contenders for trade union office must belong to the occupation their union represents; the prohibition of strikes in a wide range of public services that are not necessarily essential; various restrictions on the right to strike; the power of the minister of labor and the president to intervene in disputes through compulsory arbitration when a strike is declared illegal; and the power to dismiss trade union officers involved in an unlawful strike.

Labor leaders throughout the country continued to be the target of attacks by the military, police, paramilitary groups, guerrillas, narcotics traffickers, and their own union rivals. In June, the International Confederation of Free Trade Unions announced in Geneva that 264 unionists reported having been killed because of their union activities worldwide during the previous year, 98 of them were killed in Colombia, many of them employed in the banana industry of the Uraba region. Members of the Accu paramilitary group and of the FARC guerrillas both carried out a number of massacres in Uraba during the year, often targeting the same groups of organized workers. Many of the

Victims of the FARC massacres were former guerrillas of the Popular Liberation Army ("EPL"), targeted for their participation in or sympathy with the National Syndicate of Agro-Industry Workers, a labor union closely associated with the Hope, Peace, and Freedom Movement (also "EPL") of demobilized EPL guerrillas.

A collective work convention signed in 1995 between Ecopetrol and the union of syndicated labor (USO) remained in effect. That accord was the result of the government's restructuring, rather than privatizing, Ecopetrol to avoid massive layoffs. The USO
LEADERSHIP REMAINED IN OPEN CONFLICT WITH THE GOVERNMENT ON MANY ISSUES. USO LEADERS REPORTED FURTHER THAT ITS MEMBERS IN THE OIL-PRODUCING MAGDALENA MEDIO REGION CONTINUED TO RECEIVE DEATH THREATS FROM PRESUMED PARAMILITARY GROUPS, WHO HAVE ACCUSED USO OFFICIALS OF WORKING WITH THE ELN GUERRILLAS WAGING A SABOTAGE CAMPAIGN AGAINST THE NATION’S OIL PIPELINES.

RAFAEL ANTONIO GUARDIA CASTRILLON, SECRETARY GENERAL OF THE WORKERS UNION OF THE FRONTINO GOLD MINES WAS SHOT TO DEATH JUNE 12 BY UNKNOWN ASSASSINS IN SEG OVIA, ANTIOQUIA ALONG WITH MINER LUIS CARLOS PON NEGA CARDONA.

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ACTION ARA-01

INFO LOG-00 ACDA-08 ACDE-00 AID-00 AMAD-01 CIAE-00 OASY-00
DODE-00 SRPP-00 EB-00 UTED-00 H-01 TEEB-00 INR-00
IO-00 LAB-01 L-01 ADS-00 NSAE-00 NSCE-00 OIC-02
OPIC-01 PRS-00 P-00 SP-00 STR-00 TRSE-00 USIE-00
PRM-10 PRME-01 DRL-04 G-00 MR-00 NFAT-00 /031W

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STATE FOR ARA/AND, ARA/PPCP, DRL/CRT

NOFORN

E.O. 12958: N/A
TAGS: PHUM, ELAB, KSEP, CO
SUBJECT: DRAFT SUBMISSION: 1997 COLOMBIA HUMAN RIGHTS REPORT

UNIONS ARE FREE TO JOIN INTERNATIONAL CONFEDERATIONS WITHOUT GOVERNMENT Restrictions.

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

THE CONSTITUTION PROTECTS THE RIGHT OF WORKERS TO ORGANIZE AND ENGAGE IN COLLECTIVE BARGAINING. WORKERS IN LARGER FIRMS AND PUBLIC SERVICES HAVE BEEN MOST SUCCESSFUL IN ORGANIZING, BUT
GOVERNMENT TO RESPECT THE U’WA COMMUNITY’S RIGHTS IN THIS MATTER. THE SUPREME COURT SUBSEQUENTLY GRANTED AN APPEAL FILED BY ECOPETROL AND OCCIDENTAL. THAT DECISION IN TURN THREW THE CASE TO THE CONSTITUTIONAL COURT FOR A FINAL RULING WHICH WAS STILL PENDING AT YEAR’S END.

NATIONAL/RACIAL/ETHNIC MINORITIES

BLACKS ARE ENTITLED TO ALL CONSTITUTIONAL RIGHTS AND PROTECTIONS BUT HAVE TRADITIONALLY SUFFERED FROM ECONOMIC DISCRIMINATION. DESPITE THE PASSAGE OF THE AFRICAN-COLOMBIAN LAW IN 1993, LITTLE CONCRETE PROGRESS WAS MADE IN EXPANDING PUBLIC SERVICES AND PRIVATE INVESTMENT IN THE CHOCO OR OTHER PREDOMINANTLY BLACK REGIONS. UNEMPLOYMENT, FOR INSTANCE, AMONG AFRICAN-COLOMBIANS


COLLECTIVE PACTS -- AGREEMENTS BETWEEN INDIVIDUAL WORKERS AND THEIR EMPLOYERS -- ARE NOT SUBJECT TO COLLECTIVE BARGAINING AND ARE TYPICALLY USED BY EMPLOYERS TO OBSTRUCT LABOR ORGANIZATION. ALTHOUGH EMPLOYERS MUST REGISTER COLLECTIVE PACTS WITH THE MINISTRY OF LABOR, THE MINISTRY DOES NOT EXERCISE ANY OVERSIGHT OR CONTROL OVER THEM.

THE LABOR CODE ALSO ELIMINATES MANDATORY MEDIATION IN PRIVATE LABOR-MANAGEMENT DISPUTES AND EXTENDS THE GRACE PERIOD BEFORE THE GOVERNMENT CAN INTERVENE IN A CONFLICT. FEDERATIONS AND CONFEDERATIONS MAY ASSIST AFFILIATE UNIONS IN COLLECTIVE BARGAINING.

LABOR LAW APPLIES TO THE COUNTRY’S SEVEN FREE TRADE ZONES (FTZ’S), BUT ITS STANDARDS ARE DIFFICULT TO ENFORCE. PUBLIC EMPLOYEE UNIONS HAVE WON COLLECTIVE BARGAINING AGREEMENTS IN THE FTZ’S OF BARRANQUILLA, BUENAVENTURA, CARTAGENA, AND SANTA MARTA, UNCLASSIFIED

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

UNCLASSIFIED
THE CONSTITUTION FORBIDS SLAVERY AND ANY FORM OF FORCED OR
COMPULSORY LABOR, AND THIS PROHIBITION IS GENERALLY RESPECTED IN
PRACTICE. THE LAW PROHIBITS FORCED OR BONDED LABOR BY CHILDREN
BUT THE GOVERNMENT DOES NOT HAVE THE RESOURCES TO EFFECTIVELY
ENFORCE THIS PROHIBITION (SEE SECTION 6.D.).

D. STATUS OF CHILD LABOR PRACTICES AND MINIMUM AGE FOR
EMPLOYMENT

THE CONSTITUTION BANS THE EMPLOYMENT OF CHILDREN UNDER THE AGE OF
14 IN MOST JOBS, AND THE LABOR CODE PROHIBITS THE GRANTING OF
WORK PERMITS TO YOUTHS UNDER THE AGE OF 18. A 1989 DECREE
ESTABLISHING THE "MINORS CODE" PROHIBITS THE EMPLOYMENT OF
CHILDREN UNDER AGE 12 AND DEMANDS EXCEPTIONAL CONDITIONS AND THE
EXPRESS AUTHORIZATION OF LABOR MINISTRY INSPECTORS FOR THE
EMPLOYMENT OF CHILDREN BETWEEN THE AGES OF 12 AND 17 (INCLUSIVE).
 THESE REQUIREMENTS ARE LARGELY RESPECTED IN THE BREACH, HOWEVER,
WITH ONLY 50 OF THOSE WORKING HAVING FILED FOR THE REQUIRED WORK
PERMITS.

A 1996 LABOR MINISTRY STUDY DETERMINED THAT 28 PERCENT OF ALL
COLOMBIANS AGED 12 TO 17 (OR 1.8 MILLION CHILDREN) WORKED. SOME
15 PERCENT OF URBAN 12 TO 17 YEAR-OLDS WORKED, AS DID FULLY ONE-
THIRD OF THOSE IN RURAL AREAS. MORE THAN 50 PERCENT OF ALL CHILD
WORKERS DID NOT ATTEND SCHOOL AT ALL. THE STUDY ALSO DETERMINED
THAT CHILD WORKERS AVERAGED 50 HOURS OF WORK PER WEEK, DOUBLE THE
LEGAL LIMIT OF 26 HOURS PER WEEK. IN RURAL AREAS, THE STUDY
DETERMINED THAT 75 OF CHILD WORKERS RECEIVED, ON AVERAGE, ONE-
FOURTH OF THE MINIMUM WAGE, WHILE 25 RECEIVED NO PAY AT ALL.
ONLY 100 OF CHILD LABORERS WERE FOUND TO BE COVERED BY THE HEALTH
SERVICES OF THE SOCIAL SECURITY SYSTEM. A 1996 STUDY BY THE
NATIONAL HUMAN RIGHTS OMBUDSMAN OF CHILD LABOR IN PUTUMAYO
DEPARTMENT FOUND THAT 22 PERCENT OF THE CHILDREN BETWEEN THE AGES
OF 5 AND 18 WERE FULL-TIME COCA-PICKERS. IN THE MUNICIPALITY OF
ORITO, THE PERCENTAGE REACHED 70 PERCENT.

CHILD WORKERS ARE EXPOSED TO THE SAME RISKS THAT AFFECT ADULT
WORKERS, INCLUDING EXPOSURE TO TOXIC SUBSTANCES AND ACCIDENTAL
INJURIES, ALL OF WHICH CONTRIBUTE TO IMPAIRED PHYSICAL
DEVELOPMENT. THE ICBF CONTINUED ITS OUTREACH CAMPAIGN TO INFORM
CHILD LABORERS OF THEIR RIGHTS AND WHERE TO TURN FOR HELP. NO
BY LAW, PUBLIC EMPLOYEES MUST ACCEPT BINDING ARBITRATION IF MEDIATION FAILS; IN PRACTICE, PUBLIC SERVICE UNIONS DECIDE BY MEMBERSHIP VOTE WHETHER OR NOT TO SEEK ARBITRATION.

IN 1993 THE INTERNATIONAL LABOR ORGANIZATION (ILO) CRITICIZED 10 PROVISIONS OF THE LAW, INCLUDING: THE SUPERVISION OF THE INTERNAL MANAGEMENT AND MEETINGS OF UNIONS BY GOVERNMENT OFFICIALS; THE PRESENCE OF OFFICIALS AT ASSEMBLIES CONVENSION TO VOTE ON A STRIKE CALL; THE LEGALITY OF FIRING UNION ORGANIZERS FROM JOBS IN THEIR TRADES ONCE 6 MONTHS HAVE PASSED FOLLOWING A STRIKE OR DISPUTE; THE REQUIREMENT THAT CONTENDERS FOR TRADE UNION OFFICE MUST BELONG TO THE OCCUPATION THEIR UNION REPRESENTS; THE PROHIBITION OF STRIKES IN A WIDE RANGE OF PUBLIC SERVICES THAT ARE NOT NECESSARILY ESSENTIAL; VARIOUS RESTRICTIONS ON THE RIGHT TO STRIKE; THE POWER OF THE MINISTER OF LABOR-AND THE PRESIDENT TO INTERVENE IN DISPUTES THROUGH COMPULSORY ARBITRATION WHEN A STRIKE IS DECLARED ILLEGAL; AND THE POWER TO DISMISS TRADE UNION OFFICERS INVOLVED IN AN UNLAWFUL STRIKE.


A COLLECTIVE WORK CONVENTION SIGNED IN 1995 BETWEEN ECOPETROL AND THE UNION OF SYNDICATED LABOR (USO) REMAINED IN EFFECT. THAT ACCORD WAS THE RESULT OF THE GOVERNMENT'S RESTRUCTURING, RATHER THAN PRIVATIZING, ECOPETROL TO AVOID MASSIVE LAYOFFS. THE USO

E. ACCEPTABLE CONDITIONS OF WORK

THE GOVERNMENT SETS A UNIFORM MINIMUM WAGE FOR WORKERS EVERY JANUARY TO SERVE AS A BENCHMARK FOR WAGE BARGAINING. THE MINIMUM WAGE WAS 172,682 PESOS PER MONTH (OR $139.25 IN NOVEMBER 1997). THE MINIMUM WAGE DOES NOT PROVIDE A DECENT STANDARD OF LIVING FOR A WORKER AND FAMILY. BECAUSE THE MINIMUM WAGE IS BASED ON THE UNCLASSIFIED
THE LAW PROVIDES FOR A STANDARD WORKDAY OF 8 HOURS AND A 48-HOUR WORKWEEK, BUT IT DOES NOT SPECIFICALLY REQUIRE A WEEKLY REST PERIOD OF AT LEAST 24 HOURS, A FAILING CRITICIZED BY THE ILO. LEGISLATION PROVIDES COMPREHENSIVE PROTECTION FOR WORKERS' OCCUPATIONAL SAFETY AND HEALTH, BUT THESE STANDARDS ARE DIFFICULT TO ENFORCE, IN PART DUE TO THE SMALL NUMBER OF LABOR MINISTRY INSPECTORS. IN ADDITION, UNORGANIZED WORKERS IN THE INFORMAL SECTOR FEAR THAT THEY WILL LOSE THEIR JOBS IF THEY EXERCISE THEIR RIGHT TO DENOUNCE ABUSES, PARTICULARLY IN THE AGRICULTURAL SECTOR. ACCORDING TO THE LABOR CODE, WORKERS HAVE THE RIGHT TO WITHDRAW FROM A HAZARDOUS WORK SITUATION WITHOUT JEOPARDIZING CONTINUED EMPLOYMENT. IN GENERAL, A LACK OF PUBLIC SAFETY AWARENESS, INADEQUATE ATTENTION BY UNIONS, AND LAX ENFORCEMENT BY THE LABOR MINISTRY RESULT IN AN ALARMINGLY HIGH LEVEL OF INDUSTRIAL ACCIDENTS AND UNHEALTHY WORKING CONDITIONS. OVER 80 PERCENT OF INDUSTRIES LACK INDUSTRIAL SECURITY PLANS. THE SOCIAL SECURITY INSTITUTE REPORTED 115,000 WORK-RELATED ACCIDENTS FOR 1995, 17,000 OF WHICH RESULTED IN DEATHS. INFORMED OBSERVERS REPORTED THAT THE LEVEL OF WORK-RELATED ACCIDENTS WAS EXPECTED TO REMAIN AT COMPARABLY HIGH LEVELS IN 1996.

(END TEXT.)