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PTTUZYUW RUEKJCS2135 2991351-UUUU--RUMIAAA.

ZNR UUUUU

P 261351Z OCT 98

FM JOINT STAFF WASHINGTON DC

INFO RUEKMDT/USDP:ESC

RUMIAAA/USCINCSO MIAMI FL

RUCMACC/CDR4THPSYOP GP FT BRAGG NC//AOC-P-POG-BB//

P 261203Z OCT 98

FM AMEMBASSY BOGOTA

TO SECSTATE WASHDC PRIORITY 5664

BT

UNCLAS SECTION 01 OF 24 BOGOTA 012020

Dept. of State, RPS/IPS, Margaret P. Grafold, Dir.
 () Release () Excise () Deny () Declassify
 Date 4/15/04 Exemption

DEPT FOR DRL/CRT AND ARA/AND

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, CO

SUBJECT: 1998 COUNTRY HUMAN RIGHTS REPORT FOR COLOMBIA

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

2. FOLLOWING IS THE 1998 COUNTRY HUMAN RIGHTS REPORT FOR COLOMBIA -

3. (NOTE: ALL DATA IN PARENTHESES REFLECT THE MOST RECENT DATA AVAILABLE. SUCH FIGURES WILL BE UPDATED DURING THE EDITING PROCESS. POST CAUTIONS DEPARTMENT NOT TO RELY EXTENSIVELY ON THE RECENT HUMAN RIGHTS WATCH REPORT "WAR WITHOUT QUARTER" FOR HARD DATA TO BE INCLUDED IN THIS REPORT. AS FAR AS WE CAN DETERMINE ALL OF THE IMPORTANT STATEMENTS IN THE HUMAN RIGHTS WATCH REPORT REFER BACK TO 1996 OR 1997 CASES. THE ONLY 1998 DOCUMENTATION WE HAVE GLEANED FROM HUMAN RIGHTS WATCH REPORT DEALS WITH THE ISSUE OF THE RECRUITMENT OF MINORS. END NOTE.)

COLOMBIA IS A CONSTITUTIONAL, MULTI-PARTY DEMOCRACY, IN WHICH THE LIBERAL AND CONSERVATIVE PARTIES HAVE LONG DOMINATED POLITICS. COLOMBIANS EXERCISED THEIR RIGHT TO DEMOCRATICALLY CHANGE THEIR GOVERNMENT THROUGH PARTICIPATION IN TWO ROUNDS OF PRESIDENTIAL ELECTIONS MAY 31 AND JUNE 21. CONSERVATIVE ANDRES PASTRANA BESTED LIBERAL HORACIO SERPA IN THE SECOND ROUND, AND WAS INAUGURATED AUGUST 7, CONCLUDING THE FOUR-YEAR TERM OF PRESIDENT ERNESTO SAMPER. LIBERALS MAINTAINED THEIR CONTROL OF THE NATIONAL BICAMERAL LEGISLATURE DURING MARCH 8 ELECTIONS. DESPITE ATTEMPTS AT INTIMIDATION AND FRAUD BY GUERRILLAS, PARAMILITARIES, AND NARCOTRAFFICKERS, ALL ELECTIONS WERE GENERALLY FREE, FAIR, AND TRANSPARENT, AND SAW HIGH VOTER TURNOUT. VOTER TURNOUT DURING THE SECOND-ROUND PRESIDENTIAL ELECTION WAS 50 PERCENT HIGHER THAN THE PREVIOUS RECORD TURNOUT. IN SEPTEMBER, PRESIDENT PASTRANA DEMONSTRATED HIS COMMITMENT TO HUMAN RIGHTS BY NAMING HIS VICE-PRESIDENT, GUSTAVO BELL, TO ALSO SERVE AS PRESIDENTIAL

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COUNSELOR FOR HUMAN RIGHTS.

THE CIVIL JUDICIARY IS INDEPENDENT OF GOVERNMENT INFLUENCE, ALTHOUGH THE SUBORNING OR INTIMIDATION OF JUDGES, WITNESSES, AND PROSECUTORS BY THOSE INDICTED IS COMMON. A 1997 CONSTITUTIONAL COURT RULING DIRECTED THE SEPARATE MILITARY JUDICIAL SYSTEM, WHICH HAS BEEN LONG ACCOUNTABLE ONLY TO THE UNIFORMED MILITARY LEADERSHIP, TO TURN CERTAIN TYPES OF THE MOST EGREGIOUS CASES INVOLVING ALLEGATIONS OF HUMAN RIGHTS ABUSES COMMITTED BY POLICE AND MILITARY PERSONNEL OVER TO THE CIVILIAN JUDICIARY FOR INVESTIGATION AND PROSECUTION. HOWEVER, STATE JUDICIAL AUTHORITIES CHARGED WITH ASSIGNING JURISDICTION OVER INDIVIDUAL CASES DID NOT ALWAYS RESPECT THIS RULING IN PRACTICE. THE CIVILIAN JUDICIARY IS INEFFICIENT; A LARGE CASE BACKLOG, PREVAILING IMPUNITY, AND LONG PRE-TRIAL DETENTION PERIODS HAVE RESULTED. REGIONAL (OR "FACELESS") COURTS WERE CREATED IN THE EARLY 1990'S TO DEAL WITH CASES, SUCH AS THOSE INVOLVING MEMBERS OF THE ARMED FORCES OR OF PARAMILITARY, GUERRILLA, AND NARCOTICS ORGANIZATIONS, WHICH POTENTIALLY THREATENED THE WELFARE OF CIVILIAN JUDICIAL OFFICIALS. SOME HUMAN RIGHTS ORGANIZATIONS, HOWEVER, HAVE ACCUSED THESE COURTS OF VIOLATING FUNDAMENTAL RIGHTS TO DUE PROCESS, INCLUDING THE RIGHT TO A PUBLIC TRIAL.

MUCH OF THE NATIONAL TERRITORY CONTINUED TO BE WRACKED BY ARMED CONFLICT DURING THE YEAR. PRINCIPAL PARTICIPANTS WERE PARAMILITARIES, GUERRILLAS, NARCOTRAFFICKERS, AND GOVERNMENT FORCES. COLOMBIA'S INTERNAL ARMED CONFLICTS WERE CONDITIONED BY LOCAL CIRCUMSTANCES. FOR EXAMPLE, IN SOME AREAS GOVERNMENT FORCES WERE ENGAGED IN COMBAT WITH GUERRILLAS OR NARCOTRAFFICKERS, WHILE IN OTHERS PARAMILITARIES FOUGHT GUERRILLAS, AND IN STILL OTHERS GUERRILLAS BATTLED DEMOBILIZED MEMBERS OF RIVAL GUERRILLA FACTIONS. INTERNATIONAL HUMANITARIAN LAW WAS REGULARLY TRAMPLED BY THE PARAMILITARIES AND GUERRILLAS; COMPLIANCE BY OFFICIAL FORCES WAS MUCH BETTER. PARAMILITARIES AND TO A LESSER EXTENT GUERRILLAS ATTACKED UNARMED CIVILIANS SUSPECTED OF LOYALTY TO AN OPPOSING PARTY TO THE CONFLICT.

DESPITE YEARS OF DRUG- AND POLITICALLY-RELATED VIOLENCE, THE COLOMBIAN ECONOMY REMAINS DIVERSE AND DEVELOPED. MOST OF THE PUBLIC SECTOR HAS BEEN PRIVATIZED, AND TRADE RESTRICTIONS REMAIN RELAXED. CRUDE OIL, COFFEE, COAL, AND CUT FLOWERS REMAIN THE COUNTRY'S PRINCIPAL LEGAL EXPORTS. THE UNITED STATES CONTINUED TO BE COLOMBIA'S PRINCIPAL TRADING PARTNER AND SOURCE OF FOREIGN INVESTMENT. IN SPITE OF COMPETENT MACROECONOMIC MANAGEMENT, COLOMBIA FACED UNCERTAIN ECONOMIC CIRCUMSTANCES DURING 1998, SPECIFICALLY: WORLD "EMERGING MARKETS" FALLOUT, LOW WORLD PRICES FOR ITS MAIN LEGAL EXPORTS, A BALANCE OF PAYMENTS DEFICIT OF ALMOST SEVEN PERCENT OF GDP, AND A CENTRAL GOVERNMENT BUDGET

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DEFICIT OF NEARLY FIVE PERCENT OF GDP. ALL OF THESE FACTORS PUT PRESSURE ON THE PESO, WHICH HAS FALLEN BY 30 PERCENT SINCE MID-1997. DEFENSE EXPENDITURES CONTINUED TO BE LOW, AT 3.4 PERCENT OF GDP. FIRST SEMESTER INFLATION WAS 14 PERCENT; UNEMPLOYMENT WAS AT A 22-YEAR HIGH IN JUNE AT 15.8 PERCENT. SOME ACADEMIC OBSERVERS ESTIMATED THAT THE COUNTRY'S VARIOUS ARMED CONFLICTS COST IT AS MUCH AS THREE PERCENT IN GDP GROWTH ANNUALLY. THE PER CAPITA GROSS DOMESTIC PRODUCT AVERAGED USD 2,446 DURING THE YEAR, AND TOTALLED APPROXIMATELY 96 BILLION DOLLARS.

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E.O. 12958: N/A

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THE GOVERNMENT'S HUMAN RIGHTS RECORD APPARENTLY DETERIORATED DURING THE FIRST SIX MONTHS OF THE YEAR, DURING WHICH MILITARY FORCES ACCOUNTED FOR 10.3 PERCENT OF ALL EXTRAJUDICIAL KILLINGS (55 CASES, POST TO UPDATE). THE CHANGE IN NATIONAL ADMINISTRATIONS ON AUGUST 7 ENHANCED HUMAN RIGHTS AWARENESS AMONG THE LEADERSHIP AND MEMBERS OF THE SECURITY FORCES, RESULTING IN IMPROVED PERFORMANCE (FIGURES TO BE ADDED WHEN AUGUST/SEPTEMBER DATA BECOMES AVAILABLE). IN COMPARISON, GOVERNMENT FORCES WERE DEEMED RESPONSIBLE FOR 54 PERCENT OF SUCH ABUSES IN 1993. SECURITY FORCES WERE RESPONSIBLE FOR 31 INSTANCES OF FORCED DISAPPEARANCE DURING THE FIRST HALF OF 1998, AND POLICE AND SOLDIERS TORTURED AND BEAT SOME DETAINEES IN ISOLATED CASES; EIGHT TORTURE CASES DURING THE FIRST HALF OF 1998 WERE ATTRIBUTED TO THE SECURITY FORCES (POST TO UPDATE). AT TIMES THE SECURITY FORCES COLLABORATED WITH ILLEGAL PARAMILITARY GROUPS, AND SEVERAL GENERAL OFFICERS WERE UNDER INVESTIGATION AT YEAR'S END FOR ARMING AND SHARING INTELLIGENCE WITH SUCH GROUPS.

COLOMBIA'S HOMICIDE RATE DURING 1998 WAS ONE OF THE WORLD'S HIGHEST. TEN TO FIFTEEN PERCENT OF THE COUNTRY'S MORE THAN 24,000 ANNUAL KILLINGS WERE BELIEVED TO BE POLITICALLY MOTIVATED. COLOMBIA LED THE WORLD IN 1998 IN KIDNAPINGS AND FORCED DISAPPEARANCES. THE COUNTRY'S PREVAILING VIOLENCE WAS DUE IN PART TO THE SEVERAL, ONGOING INTERNAL CONFLICTS, AS WELL AS NARCOTRAFFICKING INTERESTS.

THE CIVILIAN-LED MINISTRY OF DEFENSE IS RESPONSIBLE FOR INTERNAL SECURITY AND OVERSEES BOTH THE MILITARY FORCES (ARMY, NAVY, MARINES, COAST GUARD, AND AIR FORCE) AND THE NATIONAL POLICE. THE DEPARTMENT OF ADMINISTRATIVE SECURITY (DAS), WITH BROAD INTELLIGENCE GATHERING, LAW ENFORCEMENT, AND INVESTIGATIVE

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AUTHORITY, REPORTS DIRECTLY TO THE PRESIDENT, BUT IS DIRECTED BY A LAW ENFORCEMENT PROFESSIONAL. THE POLICE ARE FORMALLY CHARGED WITH MAINTAINING INTERNAL ORDER AND SECURITY, BUT IN PRACTICE LAW ENFORCEMENT RESPONSIBILITIES WERE OFTEN SHARED WITH THE ARMY, ESPECIALLY IN RURAL AREAS.

BOTH THE POLICE AND THE MILITARY GENERALLY DEMONSTRATED STRONG INSTITUTIONAL COMMITMENTS TO HUMAN RIGHTS DURING THE YEAR. HUMAN RIGHTS PRACTICES BY INDIVIDUAL UNITS GENERALLY REFLECTED THE COMMITMENT OF UNIT COMMANDERS, WHICH VARIED WIDELY, WITH THE MAJORITY SHOWING IMPROVEMENT. STATE REPRESENTATIVES GUILTY OF PAST OFFENSES WERE RARELY BROUGHT TO JUSTICE. THE ARMY FORMALLY DISBANDED THE 20TH BRIGADE (MILITARY INTELLIGENCE) IN MAY, RECOGNIZING ITS EGREGIOUS HUMAN RIGHTS RECORD. IN AN EFFORT TO ENSURE IT WOULD NOT BECOME INVOLVED IN HUMAN RIGHTS ABUSES, THE 20TH BRIGADE'S SUCCESSOR ORGANIZATION, THE ARMY MILITARY INTELLIGENCE CENTER (CIME), WAS PROHIBITED FROM DIRECTLY UNDERTAKING ARMED OPERATIONS.

COLOMBIA HAS SUFFERED FROM MULTIPLE COMMUNIST INSURGENCIES SINCE THE EARLY 1960'S. THE COUNTRY'S TWO MAJOR GUERRILLA GROUPS, THE FARC AND ELN, ALONG WITH THE MUCH SMALLER EPL, ERP, ERG, AND JAIME BATEMAN GROUPS, INITIATED ARMED ACTIONS IN NEARLY 700 OF THE COUNTRY'S 1,074 MUNICIPALITIES DURING THE YEAR. THIS REPRESENTED A SUBSTANTIAL LONG-TERM INCREASE: IN 1985, ONLY 173 MUNICIPALITIES SUFFERED ANY GUERRILLA PRESENCE; IN 1995, GUERRILLAS WERE PRESENT IN 622 MUNICIPALITIES. ELN AND FARC ARMED PRESENCE CONSISTED OF (11,000 - 17,000, FIGURE TO BE UPDATED AS REQUIRED) FULL-TIME COMBATANTS ORGANIZED INTO MORE THAN 100 SEMI-AUTONOMOUS FRONTS.

THE FARC AND ELN REGULARLY ATTACKED CIVILIAN POPULATIONS, COMMITTED MASSACRES, HELD MORE THAN ONE THOUSAND KIDNAPED CIVILIANS, AND OTHERWISE VIOLATED INTERNATIONAL HUMANITARIAN LAW. GUERRILLAS SUPPLANTED ABSENT STATE INSTITUTIONS IN LARGE SWATHS OF THE NATIONAL TERRITORY. IN SOME AREAS, GUERRILLAS COLLECTED "WAR TAXES," PRESSED THE CITIZENRY INTO THEIR RANKS, FORCED SMALL FARMERS TO SOW ILLICIT CROPS, AND REGULATED TRAVEL, COMMERCE, AND OTHER ACTIVITIES. GUERRILLAS WERE RESPONSIBLE FOR 20.4 PERCENT OF ALL EXTRAJUDICIAL KILLINGS (109 CASES) DURING THE FIRST HALF OF 1998 (POST TO UPDATE).

ON OCTOBER 18, THE ELN BLEW UP A GAS AND OIL PIPELINE AT MACHUCA, ANTIOQUIA DEPARTMENT. THE RESULTING EXPLOSION KILLED 56 CIVILIANS, AT LEAST 28 OF WHOM WERE CHILDREN. MORE THAN 70 OTHERS WEREQK FOLLOWED AN OCTOBER 12 ELN-CIVIL SOCIETY MEETING WHICH HAD FOCUSSED IN PART ON "HUMANIZING" THE

CONDUCT OF HOSTILITIES.

KIDNAPING REMAINED AN IMPORTANT SOURCE OF REVENUE FOR BOTH THE FARC AND THE ELN. BOTH MAJOR GUERRILLA ORGANIZATIONS RECEIVED A SIGNIFICANT PART OF THEIR REVENUES (IN THE HUNDREDS OF MILLIONS OF DOLLARS) FROM FEES COLLECTED AT ALL STAGES OF NARCOTICS PRODUCTION AND TRAFFICKING.

THE AUC PARAMILITARY UMBRELLA ORGANIZATION, WHOSE MEMBERSHIP UNCLAS SECTION 03 OF 24 BOGOTA 012020

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E.O. 12958: N/A

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TOTALLED APPROXIMATELY 4,000 - 6,000 ARMED COMBATANTS, EXERCISED INCREASING INFLUENCE DURING THE YEAR, EXTENDING ITS PRESENCE INTO AREAS PREVIOUSLY UNDER GUERRILLA CONTROL. ALTHOUGH SOME PARAMILITARIES REFLECT RURAL PEOPLES' LEGITIMATE DESIRE TO ORGANIZE FOR SELF-DEFENSE, OTHERS ARE VIGILANTE ORGANIZATIONS, AND OTHERS ARE ACTUALLY THE PAID PRIVATE ARMIES OF NARCOTRAFFICKERS OR LARGE LAND OWNERS. COLLECTIVELY, THESE ILLEGAL ORGANIZATIONS WERE RESPONSIBLE FOR THE MAJORITY (69.3 PERCENT, OR 370 CASES) OF POLITICALLY MOTIVATED, EXTRAJUDICIAL KILLINGS DURING THE FIRST HALF OF 1998 (POST TO UPDATE).

AMONG THE MOST FLAGRANT ABUSES COMMITTED BY PARAMILITARIES WAS THE MAY MASSACRE AT BARRANCABERMEJA IN WHICH 36 PEOPLE WERE MURDERED. A PROSECUTOR GENERAL'S INVESTIGATION OF TEN SECURITY FORCE MEMBERS FOR COMPLICITY WAS UNDERWAY AT YEAR'S END (POST TO UPDATE).

PARAMILITARY GROUPS THREATENED, TORTURED, OR MURDERED MORE THAN ONE THOUSAND CIVILIANS THROUGHOUT THE COUNTRY SUSPECTED OF SYMPATHIZING WITH GUERRILLAS. PARAMILITARIES COMMITTED SUCH ABUSES IN AN ORCHESTRATED CAMPAIGN TO TERRORIZE CIVILIANS SUSPECTED OF PRO-GUERRILLA SYMPATHIES, THEREBY CAUSING THEM TO FLEE THEIR HOMES. THROUGH THIS METHOD, PARAMILITARIES SOUGHT TO DEPRIVE GUERRILLAS OF CIVILIAN SUPPORT. VIOLENCE AND INSTABILITY IN RURAL AREAS DISPLACED 148,000 CIVILIANS FROM THEIR HOMES DURING THE FIRST SEMESTER OF 1998, MORE THAN ANY OTHER SIMILAR PERIOD DURING THE DECADE, ACCORDING TO THE NGO CODHES (POST TO UPDATE). CODHES ESTIMATED IN OCTOBER THAT PARAMILITARIES WERE RESPONSIBLE FOR 54 PERCENT OF DISPLACEMENTS DURING 1998, GUERRILLAS FOR 29 PERCENT, AND GOVERNMENT FORCES FOR 11 PERCENT.

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IT ESTIMATED THAT THE REMAINING SIX PERCENT WERE DUE TO PRIVATE LAND TENURE DISPUTES. THE TOTAL NUMBER OF INTERNALLY DISPLACED CITIZENS DURING 1995-98 PROBABLY EXCEEDED 500,000, BUT THE TRUE NUMBER WAS DIFFICULT TO DISCERN.

THERE WAS NO CREDIBLE EVIDENCE THAT THE ARMED FORCES (AT THE NATIONAL LEVEL) SYSTEMATICALLY ARMED, COORDINATED ACTIONS WITH, OR SHARED INTELLIGENCE WITH PARAMILITARY GROUPS. IN SPITE OF THE CIVILIAN GOVERNMENT AND ARMED FORCES HIGH COMMAND'S EXPRESSED DETERMINATION TO COMBAT PARAMILITARIES, MANY LOCAL ARMY AND POLICE COMMANDERS TACITLY TOLERATED THEIR ACTIVITIES. A FEW SECURITY FORCE MEMBERS ACTIVELY COLLABORATED WITH THEM. SOME MILITARY COMMANDERS EFFECTIVELY AFFORDED PARAMILITARIES PROTECTION BY ALLOWING THEM TO ESTABLISH THEIR BASE CAMPS IN AREAS GENERALLY UNDER MILITARY SWAY. PARAMILITARIES BENEFITTING FROM SUCH SHELTER WERE OFTEN ABLE TO ATTACK GUERRILLAS OR THEIR CIVILIAN SUPPORT BASE WITH ONLY MINIMAL FEAR OF REPRISALS. VICE PRESIDENT GUSTAVO BELL ADMITTED OCTOBER 18 THAT "SOME MEMBERS OF THE ARMED FORCES HAVE MAINTAINED SOME DEGREE OF LINKS TO PARAMILITARIES." HE CONTINUED, "WHAT IS CLEAR, HOWEVER, IS THAT THERE IS NO EVIDENCE THAT THERE IS AN INSTITUTIONAL DECISION BY THE ARMED FORCES TO COOPERATE WITH PARAMILITARIES." A NEW ANTI-PARAMILITARY UNIT PUBLICLY IDENTIFIED BY THE SAMPER GOVERNMENT IN DECEMBER, 1997 NEVER MATERIALIZED.

SOME POLICE AND ARMED FORCES COMMANDERS, HOWEVER, DEMONSTRATED INCREASED WILLINGNESS TO COMBAT PARAMILITARIES. THE ARMY'S 17TH BRIGADE CAPTURED 23 PARAMILITARY MEMBERS IN HIGHLY CONFLICTIVE URABA REGION FEBRUARY 8, AND TURNED THEM OVER TO CIVILIAN AUTHORITIES FOR PROSECUTION. POLICE AND MARINES KILLED FOUR PARAMILITARIES AND CAPTURED TEN IN THE SAME AREA FEBRUARY 18. THE ARMY'S 24TH BRIGADE CAPTURED EIGHT PARAMILITARY MEMBERS AND TURNED THEM OVER TO CIVILIAN AUTHORITIES IN SEPTEMBER. IN TOTAL, THE ARMED FORCES AND POLICE REPORTED HAVING KILLED 28 PARAMILITARY MEMBERS BETWEEN JANUARY AND AUGUST AND HAVING CAPTURED 205 (POST TO UPDATE). THESE FIGURES REPRESENTED A SUBSTANTIAL INCREASE FROM 1997, WHEN THE ARMED FORCES AND POLICE REPORTED HAVING KILLED 25 PARAMILITARY MEMBERS AND HAVING CAPTURED 31.

THE PROSECUTOR GENERAL'S OFFICE ("FISCALIA") AND THE ATTORNEY GENERAL'S OFFICE ("PROCURADURIA") ATTEMPTED TO BRING THOSE RESPONSIBLE FOR FOMENTING PARAMILITARY GROUPS TO JUSTICE DURING THE YEAR WITH LIMITED SUCCESS. ACCORDING TO THE PROCURADURIA'S LEGAL MANDATE, IT MAY ONLY IMPOSE ADMINISTRATIVE SANCTIONS (E.G., FINES, DISMISSALS), WHICH ARE INSUFFICIENT PUNISHMENT FOR THE COMMISSION OF GRAVE HUMAN RIGHTS ABUSES. OF THE XX SECURITY FORCE MEMBERS ADMINISTRATIVELY DISCIPLINED FOR HUMAN RIGHTS

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CRIMES, ONLY XX WERE UNDERGOING CRIMINAL PROSECUTION AT YEAR'S END
(POST TO UPDATE).

(NOTE: POST WILL PROVIDE UPDATED LANGUAGE ON THE STATUS OF THE
PEACE PROCESS HERE. END NOTE). ACHIEVING A LASTING INTERNAL
PEACE WAS THE FIRST PRIORITY OF THE PASTRANA ADMINISTRATION
DURING 1998, AND AT YEAR'S END, PROSPECTS FOR PEACE LOOKED BETTER
THAN THEY HAD IN SEVERAL DECADES. PEACE EFFORTS, WHICH PASTRANA
INITIATED WITH A JULY 10 MEETING WITH FARC LEADER MANUEL
MARULANDA VELEZ, WERE THE CENTERPIECE OF HIS PRESIDENTIAL
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E.O. 12958: N/A

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CAMPAIGN. CIVIL SOCIETY GROUPS MET WITH THE ELN IN MAINZ,
GERMANY, JUNE 28 IN AN ATTEMPT TO "HUMANIZE" THE STATE-ELN
CONFLICT. SOME OF THE TERMS OF THE ACCORD WHICH WAS REACHED,
HOWEVER, VIOLATED INTERNATIONAL HUMANITARIAN LAW. A SECOND ROUND
OF ELN-CIVIL SOCIETY TALKS WAS HELD IN COLOMBIA OCTOBER 12. IN A
PRE-NEGOTIATION CONCESSION TO THE FARC, THE GOVERNMENT COMMITTED
TO WITHDRAW ITS MILITARY FORCES FROM FIVE SOUTHERN MUNICIPALITIES
NOVEMBER 7 FOR A NINETY-DAY PERIOD, EFFECTIVELY TURNING THE AREA
OVER TO FARC CONTROL. AT YEAR'S END...

RESPECT FOR HUMAN RIGHTS

SECTION 1

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

A.POLITICAL AND OTHER EXTRAJUDICIAL KILLING

POLITICAL AND EXTRAJUDICIAL KILLINGS CONTINUED TO BE A SERIOUS
PROBLEM. AN ESTIMATED 2,400 - 3,600 CITIZENS DIED IN SUCH ACTS,
COMMITTED PRINCIPALLY BY NON-STATE AGENTS. SECURITY FORCE
MEMBERS CONTINUED TO COMMIT EXTRAJUDICIAL KILLINGS. ACCORDING TO
CREDIBLE REPORTS, THE SECURITY FORCES WERE RESPONSIBLE FOR 10.3
PERCENT OF POLITICALLY MOTIVATED, EXTRAJUDICIAL KILLINGS DURING
THE FIRST HALF OF 1998 (POST TO UPDATE) IN WHICH THE PERPETRATORS
COULD BE IDENTIFIED. THIS REPRESENTED A CONTINUATION OF THE
GENERAL DECLINE SINCE 1993, WHEN THE MILITARY AND POLICE WERE
DEEMED RESPONSIBLE FOR 54 PERCENT OF SUCH KILLINGS.

THE GOVERNMENT'S INDEPENDENT NATIONAL HUMAN RIGHTS OMBUDSMAN

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("DEFENSOR-A DEL PUEBLO") ATTENDED IN 1997 (THE MOST RECENT YEAR FOR WHICH STATISTICS WERE AVAILABLE) 383 COMPLAINTS OF DEPRIVATION OF THE RIGHT TO LIFE (I.E., HOMICIDE), 754 COMPLAINTS OF DEATH THREATS, AND 175 COMPLAINTS OF MASSACRES. OF THE DEPRIVATION OF THE RIGHT TO LIFE COMPLAINTS, 25 WERE AGAINST POLICE, 15 AGAINST THE ARMY, 71 AGAINST GUERRILLAS, AND 192 AGAINST PARAMILITARIES. OF THE COMPLAINTS OF DEATH THREATS, 24 WERE AGAINST POLICE, 67 AGAINST THE ARMY, FIVE AGAINST THE NAVY, 111 AGAINST GUERRILLAS, AND 351 AGAINST PARAMILITARIES. OF THE COMPLAINTS OF MASSACRES, 16 WERE AGAINST THE POLICE, 20 AGAINST THE ARMY, ONE AGAINST THE NAVY, 29 AGAINST THE GUERRILLAS, AND 82 AGAINST THE PARAMILITARIES.

THE HUMAN RIGHTS DELEGATE OF THE ATTORNEY GENERAL'S OFFICE ("PROCURADURIA") CONCLUDED INVESTIGATIONS OF 140 MEMBERS OF THE SECURITY FORCES, INCLUDING 58 OFFICERS, BETWEEN JANUARY AND JULY 1998. FORTY-NINE OF THE 140 INVESTIGATIONS RESULTED IN EXONERATIONS, AND THE PROCURADURIA RECOMMENDED OR IMPOSED ADMINISTRATIVE SANCTIONS (E.G., FINES, TEMPORARY SUSPENSIONS, DISMISSALS) IN THE OTHER 91 CASES. THIRTY-FOUR OF THE 58 OFFICERS WERE SANCTIONED. THREE OF THE FOUR MOST SENIOR OFFICERS INVESTIGATED (THREE LIEUTENANT COLONELS AND ONE BRIGADIER GENERAL) WERE EXONERATED. THE LIEUTENANT COLONEL WHO WAS FOUND GUILTY WAS ORDERED DISMISSED FROM THE ARMY. THE MOST COMMONLY CITED OFFENSE WAS TORTURE, FOLLOWED BY MASSACRES, HOMICIDES, FORCED DISAPPEARANCES, AND ARBITRARY DETENTIONS. OF THE XX SECURITY FORCE MEMBERS ADMINISTRATIVELY DISCIPLINED FOR HUMAN RIGHTS CRIMES, ONLY XX WERE UNDERGOING CRIMINAL PROSECUTION AT YEAR'S END (POST TO UPDATE).

THE NATIONAL INSTITUTE FOR FORENSIC MEDICINE REPORTED A 1997 (THE MOST RECENT YEAR FOR WHICH STATISTICS WERE AVAILABLE) HOMICIDE RATE OF 60 DEATHS PER 100,000 INHABITANTS. ACCORDING TO THE INSTITUTE, 24,306 COLOMBIANS WERE MURDERED DURING 1997, OR 66.5 DAILY. NINETY-THREE PERCENT OF VICTIMS WERE MALES; EIGHT PERCENT WERE CHILDREN. THE POLICE AND THE PROSECUTOR GENERAL'S OFFICE HAVE INSUFFICIENT CAPABILITIES TO INVESTIGATE MOST KILLINGS ADEQUATELY. THE 1996 GOVERNMENT COMMISSION ON PUBLIC SPENDING PLACED THE IMPUNITY RATE FOR ALL CRIMES AT 99.5 PERCENT.

ON MAY 16, 1998, 40-50 HEAVILY-ARMED MEMBERS OF THE "AUSAC" PARAMILITARY ORGANIZATION ENTERED THE TOWN OF BARRANCABERMEJA, SANTANDER DEPARTMENT, AND ROUNDED UP YOUNG ADULTS WHOM THEY SUSPECTED OF SYMPATHIZING WITH THE ELN. ELEVEN WERE KILLED IN THE TOWN; THEIR BODIES WERE DUMPED IN THE STREETS. ANOTHER 25 PEOPLE WERE KIDNAPPED. ON JUNE 3, TWO DETAINED SANTANDER DEPARTMENT FORMER MAYORS, WHO HAD BEEN ARRESTED IN 1992, WERE CONVICTED OF COMPLICITY IN PARAMILITARY VIOLENCE. POSSIBLY IN

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RETALIATION FOR THE CONVICTIONS, "AUSAC" ANNOUNCED JUNE 4 THAT THE 25 HOSTAGES HAD BEEN "TRIED" AS GUERRILLA SUPPORTERS, "CONVICTED," EXECUTED, AND THEIR BODIES BURNED. AN INVESTIGATION OF THE MASSACRE BY THE PROSECUTOR GENERAL'S OFFICE WAS UNDERWAY AT YEAR'S END. POLITICALLY MOTIVATED KILLINGS AND RELATED UNREST CONTINUED IN BARRANCABERMEJA AT AN EXTRAORDINARY RATE THROUGHOUT THE YEAR.

THREE UNIDENTIFIED ASSAILANTS MURDERED JESUS MARIA VALLE, PRESIDENT OF THE ANTIOQUIA PERMANENT COMMITTEE FOR THE DEFENSE OF UNCLAS SECTION 05 OF 24 BOGOTA 012020

DEPT FOR DRL/CRT AND ARA/AND

E.O. 12958: N/A

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HUMAN RIGHTS, FEBRUARY 27 IN HIS MEDELLIN OFFICE. VALLE HAD BEEN AN OUTSPOKEN CRITIC OF WHAT HE TERMED COMPLICITY OF REGIONAL POLITICIANS AND ELEMENTS OF GOVERNMENT SECURITY FORCES IN PARAMILITARY AND NARCOTICS-RELATED KILLINGS. BROTHERS FRANCISCO ANTONIO AND HEYNE ANGULO OSORIO, AND JOHN HENRY RAMIREZ OSPINA, ELKIN DARIO GRANADA LOPEZ, AND ALEXANDER VALLEJO ECHEVERRI WERE ARRESTED IN JULY IN CONJUNCTION WITH THE MURDER. ALL BUT RAMIREZ OSPINA WERE DETAINED AND UNDERGOING PROSECUTION AT YEAR'S END. IN SEPTEMBER, AUC PARAMILITARY LEADER CARLOS CASTANO WAS INDICTED FOR ALLEGED INTELLECTUAL AUTHORSHIP OF VALLE'S MURDER.

PROMINENT HUMAN RIGHTS ACTIVISTS MARIA ARANGO FONNEGRA AND EDUARDO UMANA MENDOZA WERE MURDERED IN BOGOTA APRIL 16 AND 18 RESPECTIVELY. ARANGO, A ONE-TIME COMMUNIST PARTY LEADER AND HUMAN RIGHTS ACTIVIST, WAS SHOT AT HER HOME. UMANA, PERHAPS COLOMBIA'S BEST-KNOWN AND MOST CONTROVERSIAL HUMAN RIGHTS LAWYER, WAS KILLED IN HIS OFFICE BY THREE PEOPLE POSING AS JOURNALISTS. STATE AUTHORITIES HAD ANNOUNCED NO SUSPECTS IN EITHER CASE AT YEAR'S END.

BETTY CAMACHO WAS ASSASSINATED ON JULY 26, 1998, JUST SIX DAYS AFTER RELINQUISHING HER CONGRESSIONAL SEAT. COLOMBIAN CONGRESSMAN AND LIBERAL PARTY MEMBER JORGE HUMBERTO GONZALEZ WAS SHOT AND KILLED IN MEDELLIN TRAFFIC SEPTEMBER 14. ACCORDING TO THE PRESS, HIS MURDER MAY HAVE BEEN RELATED TO NARCOTICS TRAFFICKING. HE WAS THE FOURTH MEMBER OF CONGRESS TO BE MURDERED SINCE MAY, 1997.

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PARAMILITARY GROUPS AND GUERRILLAS CONTINUED TO TARGET AND KILL JUDICIAL AND CRIMINAL INVESTIGATIVE EMPLOYEES FOR THEIR EFFORTS TO ENFORCE THE RULE OF LAW. SERGIO PARRA OSSA, MEDELLIN CHIEF OF THE PROSECUTOR GENERAL'S CORPS OF TECHNICAL INVESTIGATORS, WAS SHOT TO DEATH IN MEDELLIN JUNE 10. PARAMILITARIES WERE THE PRINCIPAL SUSPECTS. PARRA WAS THE SEVENTH PROSECUTOR'S OFFICE EMPLOYEE KILLED IN MEDELLIN BETWEEN JANUARY AND JUNE. THE BODIES OF EDILBRANDO ROA LOPEZ AND JOHN MORALES PATINO OF THE PROSECUTOR GENERAL'S CORPS OF TECHNICAL INVESTIGATORS WERE FOUND AT MESOPOTANIA, ANTIOQUIA DEPARTMENT SEPTEMBER 3. THE TWO HAD BEEN INVESTIGATING A MASSACRE OF NINE PEOPLE AT THE NEARBY TOWN OF SONSON. MANY SUSPECTED THAT THE UNIDENTIFIED PERPETRATORS OF THE SONSON MASSACRE ALSO KILLED ROA AND MORALES. THE KILLINGS OF ROA AND MORALES BROUGHT THE NUMBER OF KILLINGS DURING THE LAST TWO YEARS OF PROSECUTOR GENERAL'S OFFICE EMPLOYEES TO THIRTY.

ON APRIL 7, A "FACELESS" JUDGE SENTENCED TO PRISON FIVE FORMER POLICE AND ARMY OFFICERS, INCLUDING ARMY COLONEL ALEJANDRO LONDONO TOMAYO (THEN IN COMMAND OF THE BOMBONA BATTALION OF THE 14TH BRIGADE, POST TO UPDATE REGARDING WHETHER OR NOT LONDONO WAS ACTUALLY IMPRISONED), FOR THEIR ROLE IN THE NOVEMBER 11, 1988 MASSACRE OF 50 PEOPLE AT SEGOVIA, ANTIOQUIA DEPARTMENT. FOLLOWING HIS 1997 CONVICTION IN A CIVILIAN COURT ON THE CHARGE OF TERRORISM FOR HIS ROLE IN THE SEGOVIA MASSACRE, ARMY COLONEL MARCO BAEZ GARZON WAS SENTENCED MARCH 30 TO 18 YEARS' IMPRISONMENT. NEVERTHELESS, BAEZ REMAINED ON ACTIVE DUTY WITH THE ARMY'S THIRD BRIGADE IN CALI, ALTHOUGH HE WAS RELIEVED OF HIS RESPONSIBILITIES AS DEPUTY BRIGADE COMMANDER. AFTER MUCH PUBLICITY, THE ARMY PUT HIM ON HALF PAY IN SEPTEMBER AND RESTRICTED HIM TO THE THIRD BRIGADE'S BASE. HE REMAINED IN UNIFORM WHILE APPEALING HIS CONVICTION, EVEN AS A WARRANT FOR HIS ARREST BY CIVILIAN AUTHORITIES REMAINED OUTSTANDING. HE HAD BEEN EXONERATED BY A MILITARY TRIBUNAL ON FOUR RELATED CHARGES.

CREDIBLE ALLEGATIONS OF COOPERATION WITH PARAMILITARY GROUPS, INCLUDING INSTANCES OF BOTH SILENT SUPPORT AND DIRECT COLLABORATION BY MEMBERS OF THE ARMED FORCES, IN PARTICULAR THE ARMY, CONTINUED. TACIT ARRANGEMENTS BETWEEN LOCAL MILITARY COMMANDERS AND PARAMILITARY GROUPS DID OCCUR IN SOME REGIONS, AND PARAMILITARY GROUPS FREELY OPERATED IN SOME AREAS THAT WERE UNDER MILITARY CONTROL. HOWEVER, THE NEW MILITARY HIGH COMMAND, APPOINTED BY PRESIDENT PASTRANA AND UNDER THE LEADERSHIP OF GENERAL FERNANDO TAPIAS, STATED IT WOULD NOT TOLERATE COLLABORATION BETWEEN MILITARY PERSONNEL AND PARAMILITARIES. (NOTE: POST WILL TRACK ACTIONS BY THE NEW HIGH COMMAND AGAINST THOSE COMPLICIT IN PARAMILITARY VIOLENCE, AND WILL UPDATE THIS PARAGRAPH WITH ANY NOTEWORTHY TRENDS. END NOTE).

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IN AUGUST, THE PROSECUTOR GENERAL FOR HUMAN RIGHTS OPENED A FORMAL INVESTIGATION OF THE ARMY'S FIFTH BRIGADE COMMANDER, BRIGADIER GENERAL FERNANDO MILLAN PEREZ, TO LOOK INTO ALLEGATIONS THAT MILLAN ARMED AND EQUIPPED A PARAMILITARY GROUP IN LEBRIJA, SANTANDER DEPARTMENT IN 1997. THE GROUP WAS BELIEVED RESPONSIBLE FOR AT LEAST 11 MURDERS. THE SUPERIOR JUDICIAL COUNCIL, HOWEVER, DETERMINED OCTOBER 1 THAT MILLAN'S ALLEGED ACTIONS CONSTITUTED AN "ACT OF SERVICE," AND TURNED THE CASE OVER TO THE MILITARY JUDICIARY FOR PROSECUTION, EFFECTIVELY CUTTING OFF THE PROSECUTOR'S INVESTIGATION. THIRTEENTH BRIGADE COMMANDER GENERAL RITO ALEJO DEL RIO ROJAS VOLUNTARILY MADE A FORMAL STATEMENT TO UNCLAS SECTION 06 OF 24 BOGOTA 012020

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E.O. 12958: N/A

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THE PROSECUTOR GENERAL'S OFFICE IN AUGUST TO RESPOND TO ALLEGATIONS THAT HE HAD FOMENTED THE FORMATION OF AND ACTIVE COLLABORATION WITH PARAMILITARY GROUPS IN THE URABA REGION (POST TO UPDATE).

FORMER COLOMBIAN DEFENSE MINISTER (FROM 1982 TO 1984) GENERAL FERNANDO LANDAZABAL REYES WAS MURDERED NEAR HIS BOGOTA HOME MAY 12. ALTHOUGH GUERRILLAS WERE WIDELY SUSPECTED OF HAVING MURDERED LANDAZABAL, POLICE HAD ANNOUNCED NO LEADS IN THE CASE AT YEAR'S END.

THE PROCURADURIA ORDERED THE ARMY IN MAY TO RELIEVE LIEUTENANT COLONEL LUIS FELIPE BECERRA BOHORQUEZ FOR HIS ROLE IN THE OCTOBER 1993 "RIO FRIO" MASSACRE, BUT REDUCED THE PUNISHMENT IN OCTOBER TO ISSUANCE OF A "SEVERE REPRIMAND," BECAUSE COMPLICITY IN MASSACRE HAD NOT YET BEEN CODIFIED AS A CRIME AT THE TIME OF THE MASSACRE. ON OCTOBER 14, THIRD BRIGADE COMMANDER JAIME CANAL CONCLUDED MILITARY TRIBUNAL PROCEEDINGS AGAINST BECERRA AND TWO OTHER ARMY MEMBERS, AND FOUND THE THREE GUILTY OF A COVER-UP OF THE RIO FRIO MASSACRE. BECERRA WAS SENTENCED TO TWELVE MONTHS' IMPRISONMENT; MAJOR EDUARDO DELGADO CARRILLO AND SECOND SERGEANT LEOPOLDO MORENO RINCON WERE SENTENCED TO NINE AND SEVEN MONTHS' IMPRISONMENT RESPECTIVELY.

FIVE PEOPLE WERE ARRESTED DURING 1998 FOR THEIR ROLES IN THE JULY 15-20, 1997 ATTACK ON THE TOWN OF MAPIRIPAN, META DEPARTMENT. DURING THE ATTACK, PARAMILITARIES HAD SINGLED OUT AT LEAST SEVEN TOWNSPEOPLE AND EXECUTED THEM, REPORTEDLY FOR SUPPORTING THE GUERRILLAS. THOUSANDS OF TOWNSPEOPLE SUBSEQUENTLY FLED, CLAIMING

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THAT THE PARAMILITARY FORCES HAD KILLED AS MANY AS TWO DOZEN OTHERS AND THROWN THEIR BODIES INTO THE GUAVIARE RIVER. IN A SEPTEMBER, 1997 INTERVIEW IN EL TIEMPO NEWSPAPER, PARAMILITARY LEADER CARLOS CASTANO ADMITTED RESPONSIBILITY FOR THE MAPIRIPAN MASSACRE. IN JUNE, THE NATIONAL POLICE ARRESTED SUSPECTED META DEPARTMENT PARAMILITARY LEADER RENE CARDENAS GALEANO FOR HIS PART IN ORGANIZING THE TAKEOVER. ARMY SERGEANTS JUAN CARLOS GAMARRA AND JOSE MILLER URUENA, OF THE 7TH ARMY BRIGADE'S JOAQUIN PARIS BATTALION, WERE ARRESTED JULY 10 AND PLACED IN MILITARY DETENTION ON SUSPICION OF HAVING FACILITATED THE ATTACK. TWO PRIVATE PILOTS WERE ARRESTED IN SEPTEMBER FOR TRANSPORTING THE PERPETRATORS OF THE ATTACK TO MAPIRIPAN. PROSECUTION OF ALL FIVE WAS UNDERWAY AT YEAR'S END.

THEN-COMMANDER OF THE ARMY'S SEVENTH BRIGADE, BRIGADIER GENERAL JAIME HUMBERTO USCATEGUI, AS WELL AS ARMY MAJOR HERNAN OROZCO CASTRO AND ARMY CAPTAIN JUAN CARLOS LOPEZ, WERE UNDER INVESTIGATION BY THE PROCURADURIA AT YEAR'S END FOR COMPLICITY IN THE MAPIRIPAN ATTACK, AS WERE LOCAL MAPIRIPAN CIVILIAN OFFICIALS JAIME CALDERON MORENO, FERNANDO MARTINEZ HERRERA, LUIS HERNANDEZ PRIETO, EDUARDO BRAND CASTILLO, AND CESAR AUGUSTO LEON. THE ARMY HAD REPORTEDLY OPENED ITS OWN INVESTIGATION INTO THE MAPIRIPAN ATTACK, BUT DECLINED TO COMMENT ON ITS STATUS. NO ARRESTS WERE MADE DURING 1998 FOR A SIMILAR PARAMILITARY INCURSION INTO MIRAFLORES, GUAVIARE, ON OCTOBER 18-20, 1997, WHICH LEFT AT LEAST FIVE PEOPLE DEAD.

ON MAY 4, MORE THAN 200 PARAMILITARIES ENTERED THE TOWN OF PUERTO ALVIRA, META DEPARTMENT, AND MURDERED BETWEEN TWELVE AND 22 LOCAL RESIDENTS WHOM THEY SUSPECTED OF BEING GUERRILLA SYMPATHIZERS OR COLLABORATORS. A DEFINITIVE DEATH TOLL WAS NOT AVAILABLE, AS THE BODIES WERE DISPOSED OF IN A NEARBY RIVER. THE ATTACKERS ALSO DESTROYED MUCH OF THE TOWN'S INFRASTRUCTURE. AT THE INSISTENCE OF THE ATTACKERS, HUNDREDS OF TOWNSPEOPLE SUBSEQUENTLY FLED. SOME OF THE ATTACKERS ALLEGEDLY IDENTIFIED THEMSELVES TO TOWNSPEOPLE AS THE PERPETRATORS OF THE 1997 MASSACRE AT MAPIRIPAN. ACCU PARAMILITARY LEADER CARLOS CASTANO HAD PUBLICLY DECLARED PUERTO ALVIRA A MILITARY OBJECTIVE IN SEPTEMBER 1997. THE HUMAN RIGHTS OMBUDSMAN CRITICIZED THE GOC FOR NOT HEEDING HIS JANUARY CALL FOR PROTECTION OF THE TOWN. THE DEFENSE MINISTER SUBSEQUENTLY RESPONDED THAT NOT ENOUGH TROOPS HAD BEEN AVAILABLE FOR PERMANENT DEPLOYMENT TO ADEQUATELY PROTECT ALL THREATENED TOWNS. A PRELIMINARY INVESTIGATION BY THE PROSECUTOR GENERAL'S OFFICE WAS UNDERWAY AT YEAR'S END, BUT NO DEVELOPMENTS WERE REPORTED.

IN AN OCTOBER 13 RULING, THE PROCURADURIA "SEVERELY REPRIMANDED" FOUR OFFICERS AND ONE NON-COMMISSIONED OFFICER FOR THEIR ROLES IN

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ESTABLISHING, PROMOTING, FINANCING, AND FOMENTING PARAMILITARY GROUPS, AND FOR ASSISTING MEMBERS OF THESE GROUPS IN ENTERING THE CITY OF BARRANCABERMEJA FOR THE PURPOSE OF COMMITTING MURDER DURING 1993-1994. THE ACTIVITIES OF THESE GROUPS CAUSED THE DEATHS OF AT LEAST 50 PEOPLE. THE FOUR OFFICERS AND ONE NON-COMMISSIONED OFFICER WERE: MARINE LT. COL. RODRIGO ALFONSO QUINONEZ, MARINE MAJOR JAIRO OSORIO MORALES, ARMY MAJORS WALTER HURTADO MORALES AND JOSE FERNANDO LEE URIBE, AND MARINE THIRD SERGEANT CARLOS LOPEZ MAQUILLON. THE SUPERIOR MILITARY TRIBUNAL HAD EARLIER EXONERATED LT. COL. RODRIGO QUINONEZ OF SIMILAR CHARGES. ALL FIVE REMAINED IN UNIFORM AND ON ACTIVE DUTY AT UNCLAS SECTION 07 OF 24 BOGOTA 012020

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E.O. 12958: N/A

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YEAR'S END.

CATHOLIC PRIEST ALCIDES JIMENEZ CHICANGANA WAS SHOT 18 TIMES AS HE GAVE A SERMON IN THE CATHOLIC CHURCH AT POPAYAN, PUTUMAYO DEPARTMENT SEPTEMBER 11, HOURS AFTER HE LED A PUBLIC RALLY FOR PEACE. FISCALIA INVESTIGATORS DETAINED ALLEGED NARCOTRAFFICKER LUIS ANGEL CANAS SEPTEMBER 22 FOR THE CRIME (POST TO UPDATE).

PREVIOUSLY FREQUENT ATTACKS AGAINST THE LEFTIST COALITION "POPULAR UNITY" PARTY (UP), COMPOSED LARGELY OF DEMOBILIZED GUERRILLAS, VIRTUALLY STOPPED DURING 1998, AS THE MOVEMENT CEASED TO BE A SIGNIFICANT POLITICAL FORCE. SINCE THE PERSECUTION STARTED IN THE LATE 1980'S, SOME 3,000 UP MEMBERS HAD BEEN KILLED IN A CAMPAIGN OF TARGETED KILLINGS WAGED AGAINST ITS LEADERSHIP. MANY MEMBERS WHO SURVIVED THIS CAMPAIGN CEASED THEIR ACTIVISM FOR FEAR OF BEING MURDERED.

EIGHT POLICEMEN OF THE DEPARTMENTAL INVESTIGATIVE POLICE (SIJIN) AT PALMIRA, VALLE DEL CAUCA WERE SENTENCED TO A COLLECTIVE TOTAL OF 250 YEARS' IMPRISONMENT FOR THE FEBRUARY 1996 TORTURE AND MURDERS OF SOLDIERS EDISON ECHEVERRI VERGAR AND JORGE ELIECER LOPEZ, AND MECHANIC GUSTAVO DIAZ, WHOM THEY HAD SUSPECTED OF BEING GUERRILLAS. THE NATIONAL POLICE HAD REMOVED ALL EIGHT FROM DUTY PRIOR TO THEIR SENTENCING.

IN SEPTEMBER, A MILITARY TRIBUNAL EXONERATED FIVE POLICEMEN OF THE SEPTEMBER 3, 1995 DEATH OF ITALIAN TOURIST GIACOMO TURRA IN A CARTAGENA PRISON. ALTHOUGH THE POLICEMEN CLAIMED THAT TURRA HAD

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DIED OF A DRUG AND ALCOHOL OVERDOSE, AN AUTOPSY BY THE NATIONAL INSTITUTE OF FORENSIC MEDICINE DETERMINED THAT HE WAS BEATEN TO DEATH. THE SUPREME MILITARY TRIBUNAL WAS CONSIDERING AN APPEAL OF THE CASE AT YEAR'S END (POST TO UPDATE).

THE GUERRILLAS OF THE FARC, THE ELN, AND THE PEOPLE'S LIBERATION ARMY (EPL) CONTINUED TO COMMIT EXTRAJUDICIAL EXECUTIONS, OFTEN TARGETING NONCOMBATANTS IN A MANNER NOT UNLIKE THE PARAMILITARY GROUPS. ACCORDING TO CINEP, GUERRILLAS COMMITTED 109 HOMICIDES OUTSIDE OF COMBAT DURING THE FIRST HALF OF 1998 (POST TO UPDATE). LOCAL ELECTED OFFICIALS OR CANDIDATES FOR PUBLIC OFFICE, TEACHERS, CIVIC LEADERS, BUSINESS OWNERS, AND PEASANTS OPPOSED TO THEIR POLITICAL OR MILITARY ACTIVITIES WERE COMMON TARGETS. THE COLOMBIAN FEDERATION OF MUNICIPALITIES REPORTED THAT EIGHT MAYORS WERE MURDERED BETWEEN JANUARY AND AUGUST, AND POSITIVELY IDENTIFIED GUERRILLAS AS RESPONSIBLE FOR FOUR OF THE KILLINGS. GUERRILLAS WERE ALSO THE PRINCIPAL SUSPECTS IN THE OTHER FOUR CASES. POLICE AND MILITARY PERSONNEL WERE ALSO TARGETED FOR KILLINGS, BOTH IN AND OUT OF COMBAT (SEE SECTION 1.G).

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. ACCORDING TO THE NATIONAL INSTITUTE FOR FORENSIC MEDICINE, SUCH KILLINGS OCCURRED WITH GREATEST FREQUENCY IN BOGOTA, MAGDALENA, AND ANTIOQUIA DEPARTMENTS. MOST OF THESE INCIDENTS WERE ATTRIBUTED TO PARAMILITARY GROUPS AND CRIMINAL "SOCIAL" ELEMENTS WERE SOMETIME "CLEANSED" FROM COMMUNITIES UNDER THE SWAY OF THE GUERRILLAS.

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. NGO CINEP REPORTED THAT THE ARMY WAS RESPONSIBLE FOR 31 CASES OF FORCED DISAPPEARANCE DURING THE FIRST HALF OF 1998, AND THAT PARAMILITARIES WERE RESPONSIBLE FOR 115 CASES DURING THE SAME PERIOD (POST TO UPDATE). ACCORDING TO THE CPDH (PERMANENT COMMISSION FOR THE DEFENSE OF HUMAN RIGHTS), 117 PEOPLE WERE THE VICTIMS OF FORCED DISAPPEARANCES FROM JANUARY TO JUNE, 1998 (POST TO UPDATE). IT REPORTED THAT NEARLY HALF OF THOSE CASES OCCURRED IN ANTIOQUIA DEPARTMENT. THE CPDH IDENTIFIED PARAMILITARIES AS BEING RESPONSIBLE FOR 86 OF THE 117 DISAPPEARANCES. CINEP AND CPDH'S ASSESSMENTS THAT GUERRILLAS WERE NOT RESPONSIBLE FOR ANY CASES OF FORCED DISAPPEARANCES WAS

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NOT CREDIBLE. A BILL WHICH WOULD HAVE CODIFIED DISAPPEARANCES AS A SPECIFIC CRIME Languished IN THE CONGRESS AT YEAR'S END. THE GREAT MAJORITY OF FORCED DISAPPEARANCE VICTIMS WERE NEVER SEEN OR HEARD FROM AGAIN.

COLOMBIA LED THE WORLD IN KIDNAPINGS DURING 1998, ACCORDING TO THE BOGOTA OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS. KIDNAPING WAS AN UNAMBIGUOUS, STANDING POLICY AND MAJOR SOURCE OF REVENUE FOR BOTH THE FARC AND ELN. NGO "PAIS LIBRE" REPORTED IN SEPTEMBER THAT 1,577 KIDNAP VICTIMS WERE HELD BY THE ELN, THE UNCLAS SECTION 08 OF 24 BOGOTA 012020

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FARC, AND OTHER GUERRILLA GROUPS DURING THE YEAR, AND THAT CATTLEMEN, CHILDREN, AND BUSINESSMEN WERE THE GUERRILLAS' PREFERRED VICTIMS. BETWEEN JANUARY AND SEPTEMBER, 85 CHILDREN WERE KIDNAPED BY COMMON CRIMINALS AND GUERRILLAS, AND 13 OF THEM REMAINED IN CAPTIVITY AT THE END OF SEPTEMBER. ANTI-KIDNAPING UNITS ("GAULA") OF THE SECURITY FORCES FREED 184 KIDNAP VICTIMS BETWEEN JANUARY AND AUGUST.

THERE WAS NO CONFIRMATION DURING THE YEAR THAT THREE AMERICAN MISSIONARIES KIDNAPED BY FARC GUERRILLAS IN PANAMA ON JANUARY 31, 1993, AND IMMEDIATELY MOVED TO COLOMBIA, WERE STILL ALIVE. THE FARC, THE ELN, AND OTHER GUERRILLA GROUPS REGULARLY KIDNAPED FOREIGN CITIZENS THROUGHOUT 1998. AMERICAN DONALD LEE CARY WAS RELEASED BY THE FARC SEPTEMBER 6 AFTER BEING KIDNAPED MARCH 21. AMERICAN DONALD RIEDEL WAS RELEASED BY THE ELN SEPTEMBER 18 AFTER BEING TAKEN CAPTIVE ON FEBRUARY 24, 1997.

FOUR AMERICANS, LOUISE AUGUSTINE, THOMAS FIORE, TODD MARK, AND PETER SHEN, WERE AMONG SEVERAL DOZEN CIVILIANS TAKEN HOSTAGE AT A ROADBLOCK BY THE FARC'S 53RD FRONT MARCH 23 IN CUNDINAMARCA DEPARTMENT. FIORE ESCAPED TEN DAYS AFTER BEING TAKEN CAPTIVE; THE OTHER THREE WERE RELEASED APRIL 24-25. THE FARC REPORTEDLY NETTED USD FIVE MILLION IN RANSOM IN EXCHANGE FOR THOSE IT KIDNAPED MARCH 23; HOWEVER, NO RANSOM WAS PAID FOR THE KIDNAPED AMERICANS.

GUERRILLAS CONTINUED TO KIDNAP POLITICAL LEADERS. THE FEDERATION OF COLOMBIAN MUNICIPALITIES REPORTED THAT 33 MAYORS HAD BEEN KIDNAPED AND WERE LATER RELEASED BY GUERRILLAS BETWEEN JANUARY

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AND SEPTEMBER, INCLUDING EIGHT ANTIOQUIA DEPARTMENT MAYORS RELEASED IN SEPTEMBER IN EXCHANGE FOR CONTINUING THE ELN-CIVIL SOCIETY TALKS BEGUN IN MAINZ, GERMANY (SEE SECTION 1.G.). AS PART OF THE SAME QUID PRO QUO, THE ELN ALSO RELEASED SENATOR CARLOS ESPINOSA FACCIOLINCE SEPTEMBER 20, AFTER 51 DAYS IN CAPTIVITY. SIMILARLY, THE EPL FREED CONGRESSMAN GERARDO TAMAYO SEPTEMBER 22, AFTER 57 DAYS IN CAPTIVITY.

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

THE CONSTITUTION AND CRIMINAL LAW EXPLICITLY PROHIBIT TORTURE, AS WELL AS CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT. REPORTS OF INCIDENTS OF POLICE AND MILITARY TORTURE OR MISTREATMENT OF DETAINEES NEVERTHELESS CONTINUED. OF THE 140 INVESTIGATIONS OF SECURITY FORCE MEMBERS COMPLETED BY MEMBERS OF THE HUMAN RIGHTS UNIT OF THE PROCURADURIA BETWEEN JANUARY AND JULY, 108 INVESTIGATIONS INVOLVED ALLEGATIONS OF TORTURE COMMITTED IN PREVIOUS YEARS. HOWEVER, THE PROCURADURIA COULD ONLY ADMINISTRATIVELY SANCTION OR REFER TO THE PROSECUTOR GENERAL'S OFFICE THOSE IT FOUND GUILTY. TORTURE OFTEN OCCURRED IN CONNECTION WITH ILLEGAL DETENTIONS.

CINEP DEEMED THE ARMY RESPONSIBLE FOR EIGHT TORTURE CASES DURING THE FIRST HALF OF 1998, AND THE POLICE FOR NONE. IT ATTRIBUTED THE REMAINING 29 CASES IT HAD DOCUMENTED TO PARAMILITARY GROUPS. CINEP'S ESTIMATE THAT GUERRILLA GROUPS WERE NOT RESPONSIBLE FOR ANY INSTANCES OF TORTURE DURING THE FIRST HALF OF 1998 WAS NOT CREDIBLE: THE BODIES OF MANY PEOPLE DETAINED AND SUBSEQUENTLY KILLED BY GUERRILLAS (AND PARAMILITARIES) SHOWED SIGNS OF TORTURE AND DISFIGUREMENT. THE NATIONAL INSTITUTE OF FORENSIC MEDICINE REPORTED THAT THE CADAVERS OF 325 OF THE 24,306 PEOPLE MURDERED DURING 1997 SHOWED SIGNS OF TORTURE (POST TO UPDATE).

PARAMILITARIES AND GUERRILLAS INCREASINGLY MADE USE OF THREATS BOTH TO INTIMIDATE OPPONENTS AND TO RAISE MONEY. LETTERS DEMANDING PAYMENT OF A "WAR TAX" AND A THREAT TO MARK THE VICTIM AS A "MILITARY TARGET" IF HE FAILED TO PAY WERE TYPICAL. THE CPDH REPORTED THAT 5,429 PEOPLE WERE THREATENED WITH MURDER BETWEEN JANUARY AND JUNE. THE TRUE FIGURE WAS PROBABLY MUCH HIGHER. THE NGO REPORTED THAT NEARLY HALF WERE PUBLIC SCHOOL TEACHERS, AND THAT APPROXIMATELY HALF OF ALL THREAT RECIPIENTS WERE RESIDENTS OF ANTIOQUIA DEPARTMENT.

PRISON CONDITIONS ARE GENERALLY HARSH, ESPECIALLY FOR THOSE PRISONERS WITHOUT SIGNIFICANT OUTSIDE SUPPORT. ACCORDING TO THE

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COMMITTEE FOR SOLIDARITY WITH POLITICAL PRISONERS, A MAJORITY OF PRISONERS' FOOD WAS PROVIDED BY OUTSIDE, PRIVATE SOURCES. SEVERE OVERCROWDING, AND DANGEROUS SANITARY AND HEALTH CONDITIONS REMAINED SERIOUS PROBLEMS. IN DECEMBER 1997 A VISITING INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR) MISSION DECLARED THAT THE LIVING CONDITIONS IN BOGOTA'S LA PICOTA PRISON CONSTITUTED "CRUEL, INHUMAN, AND DEGRADING TREATMENT" OF THE INMATES. THE NATION'S 168 PRISONS AND JAILS HELD NEARLY 45,000 INMATES AT YEAR'S END, 59 PERCENT MORE THAN THEIR PLANNED CAPACITY OF 28,251. ONLY 8,000 PRISONER ACCOMMODATIONS MET INTERNATIONAL STANDARDS, AND NO NEW CONSTRUCTION WAS UNDERTAKEN DURING THE UNCLAS SECTION 09 OF 24 BOGOTA 012020

DEPT FOR DRL/CRT AND ARA/AND

E.O. 12958: N/A

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YEAR. IN A NUMBER OF THE NATION'S LARGEST PRISONS, THE OVERCROWDING REACHED EVEN HIGHER LEVELS. MEDELLIN'S BELLAVISTA PRISON, THE NATION'S LARGEST, WAS BUILT TO HOUSE 1,700 INMATES; IN DECEMBER 1997 IT HOUSED MORE THAN 5,100 INMATES -- MORE THAN TRIPLE ITS DESIGNED CAPACITY. BOGOT-'S LA MODELO AND THE PALMIRA PRISON OUTSIDE CALI BOTH HELD MORE THAN 250 PERCENT OF DESIGNED CAPACITY.

FORTY-SIX PERCENT OF ALL PRISON INMATES ARE PRETRIAL DETAINEES. THE REMAINING 54 PERCENT ARE ROUGHLY SPLIT BETWEEN THOSE APPEALING THEIR CONVICTIONS AND THOSE WHO HAVE EXHAUSTED THEIR APPEALS AND ARE SERVING OUT THEIR TERMS (POST TO UPDATE THESE 1997 FIGURES).

PRISON CONDITIONS PROMPTED A NATIONWIDE "CIVIL DISOBEDIENCE" CAMPAIGN FROM AUGUST 1997 THROUGH MAY 1998 BY PRISONERS WHO PHYSICALLY PROHIBITED THE INGRESS OF MORE PRISONERS INTO THEIR CELLS. IN RESPONSE, THE GOC UNDERTOOK TALKS WITH PRISONERS AND NGO'S TO ADDRESS INMATES' CONCERNS. THOSE TALKS WERE ONGOING IN SEPTEMBER. PRISONS WERE ALSO WRACKED BY VIOLENCE: IN ONE FORTY-FIVE DAY PERIOD, 23 INMATES OF BOGOTA'S LA MODELO PRISON WERE MURDERED BY OTHER PRISONERS. INSTANCES OF ABUSE BY AND CORRUPTION AMONG PRISON STAFF, AS WELL AS ONGOING CRIMINAL ACTIVITIES BY INMATES, WERE SO SERIOUS THAT JUDICIAL AUTHORITIES ANNOUNCED IN 1997 THE TRANSFER OF CONTROL OF THE MAXIMUM SECURITY WINGS OF LA PICOTA, LA MODELO, PALMIRA, AND MEDELLIN'S ITAGUI PRISONS FROM THE CIVILIAN NATIONAL PRISONS INSTITUTE TO THE NATIONAL POLICE. BY YEAR'S END, CONTROL OF LA MODELO AND PALMIRA PRISONS HAD BEEN RETURNED TO THE NATIONAL INSTITUTE OF PENITENTIARIES (INPEC).

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POLITICAL DETAINEES AND PRISONERS ARE TYPICALLY HOUSED WITH COMMON PRISONERS; POLITICALLY MOTIVATED KILLINGS IN PRISONS SOMETIMES RESULTED. THERE ARE NO SEPARATE FACILITIES FOR PRETRIAL DETAINEES AND CONVICTED PRISONERS. KEY NARCOTICS TRAFFICKERS AND SOME GUERRILLA AND PARAMILITARY LEADERS, HOWEVER, GET SPECIAL CELLS WITH MANY COMFORTS, SOME OF WHICH--SUCH AS ACCESS TO TWO-WAY RADIOS, CELLULAR TELEPHONES, AND COMPUTERS--ALLOWED THEM TO CONTINUE THEIR ILLEGAL ACTIVITIES FROM INSIDE JAIL. LOCAL OR REGIONAL MILITARY AND JAIL COMMANDERS DID NOT ALWAYS PREPARE MANDATORY DETENTION REGISTERS OR FOLLOW NOTIFICATION PROCEDURES; AS A RESULT, PRECISE ACCOUNTING FOR EVERY DETAINEE WAS NOT ALWAYS POSSIBLE.

THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) CONTINUED TO HAVE ROUTINE ACCESS TO MOST PRISONS AND POLICE AND MILITARY DETENTION CENTERS, AND OBTAINED MORE FREQUENT ACCESS, (ALTHOUGH STILL ON AN AD HOC BASIS) TO PRISONERS PRIVATELY HELD BY PARAMILITARY GROUPS OR GUERRILLA FORCES.

D. ARBITRARY ARREST, DETENTION, OR EXILE

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

THE LAW PROHIBITS INCOMMUNICADO DETENTION. ANYONE HELD IN PREVENTIVE DETENTION MUST BE BROUGHT BEFORE A PROSECUTOR WITHIN 36 HOURS TO DETERMINE THE LEGALITY OF THE DETENTION. THE PROSECUTOR MUST THEN ACT UPON THAT PETITION WITHIN 36 HOURS OF ITS SUBMISSION. DESPITE THESE LEGAL PROTECTIONS, INSTANCES OF ARBITRARY DETENTION CONTINUED. NGO'S CINEP AND JUSTICE AND PEACE RECEIVED 14 REPORTS OF ARBITRARY DETENTION DURING THE FIRST HALF OF 1998 (POST TO UPDATE).

CONDITIONAL PRETRIAL RELEASE IS AVAILABLE UNDER CERTAIN CIRCUMSTANCES, FOR EXAMPLE, 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

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WALKS OF LIFE, INCLUDING POLITICIANS, HUMAN RIGHTS WORKERS, SLUM-DWELLERS, BUSINESS EXECUTIVES, AND FARMERS. THE THREATS CAME FROM VARIOUS QUARTERS: ELEMENTS OF THE MILITARY, PARAMILITARY GROUPS, GUERRILLA GROUPS, NARCOTICS TRAFFICKERS, AND OTHER CRIMINAL ELEMENTS.

E. DENIAL OF FAIR PUBLIC TRIAL

THE CIVILIAN JUDICIAL SYSTEM, REORGANIZED UNDER THE 1991 UNCLAS SECTION 10 OF 24 BOGOTA 012020

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CONSTITUTION, IS INDEPENDENT OF THE EXECUTIVE AND LEGISLATIVE BRANCHES, BOTH IN THEORY AND IN PRACTICE, ALTHOUGH THE SUBORNING OR INTIMIDATION OF JUDGES, WITNESSES, AND PROSECUTORS BY THOSE INDICTED OR INVOLVED IS COMMON. THE HUMAN RIGHTS OMBUDSMAN'S OFFICE REPORTED RECEIPT OF 1,533 COMPLAINTS OF DENIAL OF THE RIGHT TO DUE LEGAL PROCESS DURING 1997.

THE JUDICIARY INCLUDES THE CONSTITUTIONAL COURT, SUPREME COURT OF JUSTICE, THE COUNCIL OF STATE, THE SUPERIOR JUDICIAL COUNCIL, LOWER COURTS, AND THE PROSECUTOR GENERAL'S OFFICE, THE INDEPENDENT PROSECUTORIAL BODY WHICH BRINGS CRIMINAL CASES BEFORE THE COURTS. A NATIONAL TRIBUNAL SERVES AS THE FIRST COURT OF APPEAL FOR CASES TRIED BEFORE THE REGIONAL, OR "FACELESS" COURTS. THE SUPREME COURT OF JUSTICE SERVES AS THE APPELLATE COURT FOR DECISIONS BY THE NATIONAL TRIBUNAL AND LOWER APPELLATE COURTS, AND IS ALSO THE COURT IN WHICH ELECTED OFFICIALS, GENERALS, ADMIRALS, DIPLOMATS, AND JUDGES ARE TO BE TRIED. THE COUNCIL OF STATE IS THE APPELLATE COURT FOR CIVIL CASES. THE CONSTITUTIONAL COURT ADJUDICATES CASES OF CONSTITUTIONALITY. THE SUPERIOR JUDICIAL COUNCIL IS THE ADMINISTRATIVE ARM OF THE JUDICIAL BRANCH, AND IS CHARGED, INTER ALIA, WITH DETERMINING WHETHER INDIVIDUAL CASES ARE TO BE TRIED IN CIVILIAN OR MILITARY COURTS -
- AN ISSUE WHICH GENERATED MUCH CONTROVERSY DURING THE YEAR.

THE JUDICIARY HAS LONG BEEN SUBJECT TO THREATS AND INTIMIDATION, PARTICULARLY WHEN DEALING WITH CASES INVOLVING MEMBERS OF THE ARMED FORCES OR OF PARAMILITARY, GUERRILLA, AND NARCOTICS ORGANIZATIONS. THESE CONCERNS LED IN THE EARLY 1990'S TO THE CREATION OF REGIONAL (OR "FACELESS") COURTS TO DEAL WITH SUCH CRIMES. NATIONAL AND INTERNATIONAL HUMAN RIGHTS GROUPS HAVE

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ACCUSED THESE COURTS, HOWEVER, OF VIOLATING FUNDAMENTAL RIGHTS TO DUE PROCESS, INCLUDING THE RIGHT TO A PUBLIC TRIAL. ALTHOUGH THE NUMBER OF INSTANCES OF VIOLENT ATTACKS AGAINST PROSECUTORS AND JUDGES DECLINED IN RECENT YEARS, 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.

AS PART OF THE MINISTRY OF DEFENSE, THE MILITARY JUDICIARY FALLS UNDER THE EXECUTIVE BRANCH OF GOVERNMENT, RATHER THAN UNDER THE JUDICIAL BRANCH. THE ARMED FORCES COMMANDER IS ALSO THE PRESIDENT OF THE MILITARY JUDICIARY. THE MILITARY JUDICIARY HAS NO DEDICATED CORPS OF MILITARY LAWYERS. COLOMBIA'S UNIFORM CODE OF MILITARY JUSTICE PRE-DATES THE 1991 CONSTITUTION, AND DOES NOT CONTEMPLATE SOME MODERN CRIMES. THE WORKINGS OF THE MILITARY JUDICIARY LACK TRANSPARENCY AND ACCOUNTABILITY, INSPIRING A GENERALIZED LACK OF CONFIDENCE IN THE SYSTEM'S ABILITY TO BRING HUMAN RIGHTS ABUSERS TO JUSTICE.

IN RESPONSE TO THIS SITUATION, THE CONSTITUTIONAL COURT DIRECTED THE MILITARY JUDICIAL SYSTEM IN 1997 TO RELINQUISH TO THE CIVILIAN JUDICIARY INVESTIGATION AND PROSECUTION OF GRAVE HUMAN RIGHTS VIOLATIONS AND OTHER ALLEGED CRIMES NOT DIRECTLY RELATED TO "ACTS OF SERVICE." ACCORDING TO THE COLOMBIAN JURISTS' COMMISSION, THE COURT'S DECISION DEFINED ONLY THREE CRIMES -- TORTURE, GENOCIDE, AND FORCED DISAPPEARANCE -- AS GRAVE HUMAN RIGHTS VIOLATIONS (HOMICIDE WAS NOT INCLUDED). HOWEVER, TWO OF THE THREE -- GENOCIDE AND FORCED DISAPPEARANCE -- WERE NOT CODIFIED AS CRIMES IN THE CIVILIAN PENAL CODE, AND THUS COULD NOT BE PROSECUTED IN CIVILIAN COURTS.

MOST CASES INVOLVING HIGH-LEVEL MILITARY PERSONNEL WERE ASSIGNED BY THE SUPERIOR JUDICIAL COUNCIL TO THE MILITARY COURTS, WHERE CONVICTIONS IN HUMAN RIGHTS-RELATED CASES WERE THE RARE EXCEPTION. ACCORDING TO THE 1991 CONSTITUTION, GENERAL-RANK OFFICERS ARE TO BE TRIED BY THE SUPREME COURT, BUT THAT PROVISION WAS IGNORED IN PRACTICE. IN DETERMINING WHICH ALLEGED CRIMES WERE TO BE TRIED BY MILITARY TRIBUNALS, THE SUPERIOR JUDICIAL COUNCIL ALSO REGULARLY EMPLOYED AN EXTREMELY BROAD DEFINITION OF "ACTS OF SERVICE," THUS ENSURING THAT MOST UNIFORMED DEFENDANTS OF ANY RANK WERE TRIED IN MILITARY TRIBUNALS.

ON OCTOBER 1, THE SUPERIOR JUDICIAL COUNCIL DETERMINED THAT BRIGADIER GENERAL FERNANDO MILLAN PEREZ'S ALLEGED FOMENTATION OF

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A PARAMILITARY GROUP CONSTITUTED AN "ACT OF SERVICE," AND THEREFORE TURNED GENERAL MILLAN'S CASE OVER TO THE MILITARY JUDICIARY FOR PROSECUTION (SEE SECTION 1.A.). THE SUPERIOR JUDICIAL COUNCIL'S DECISION EFFECTIVELY ENDED THE PROSECUTOR GENERAL'S INVESTIGATION INTO WHETHER HE HAD PROVIDED WEAPONS AND INTELLIGENCE TO PARAMILITARIES IN SANTANDER DEPARTMENT.

THE ATTORNEY GENERAL'S OFFICE ("PROCURADURIA") INVESTIGATES MISCONDUCT BY PUBLIC OFFICIALS, INCLUDING MEMBERS OF THE MILITARY AND POLICE. ITS CONSTITUTIONAL MANDATE PROVIDES FOR THE UNCLAS SECTION 11 OF 24 BOGOTA 012020

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IMPOSITION OF ADMINISTRATIVE SANCTIONS ONLY (E.G., FINES AND DISMISSALS); IT HAS NO AUTHORITY TO CRIMINALLY PROSECUTE, BUT CAN RECOMMEND CRIMINAL PROSECUTION IN THE EVENT THAT A MEMBER OF THE ARMED FORCES IS PROSECUTED BY THE PROSECUTOR GENERAL'S OFFICE. BECAUSE IT CANNOT IMPOSE CRIMINAL SANCTIONS, IT IS INCAPABLE OF ADEQUATELY PUNISHING HUMAN RIGHTS ABUSERS. THE PROCURADURIA MAY REFER CASES TO THE PROSECUTOR GENERAL'S OFFICE FOR INVESTIGATION AND PROSECUTION, BUT OFTEN FAILS TO DO SO. UNDER LAW, THE TWO INSTITUTIONS ARE PRECLUDED FROM COORDINATING THEIR INVESTIGATIONS. THE PROCURADURIA CAN DRAW UPON A NATIONWIDE NETWORK OF HUNDREDS OF GOVERNMENT HUMAN RIGHTS INVESTIGATORS COVERING THE NATION'S 1,074 MUNICIPALITIES.

THE PUBLIC MINISTRY'S NATIONAL OMBUDSMAN FOR HUMAN RIGHTS ("DEFENSOR DEL PUEBLO") IS ELECTED BY THE CHAMBER OF DEPUTIES (LOWER HOUSE OF THE CONGRESS) TO A FOUR-YEAR TERM (WHICH DOES NOT COINCIDE WITH THAT OF THE PRESIDENT) AND HAS THE CONSTITUTIONAL DUTY TO ENSURE THE PROMOTION AND EXERCISE OF HUMAN RIGHTS. IN ADDITION TO PROVIDING PUBLIC DEFENSE ATTORNEYS IN CRIMINAL CASES, THE OMBUDSMAN'S 32 DEPARTMENTAL OFFICES THROUGHOUT THE COUNTRY PROVIDE A LEGAL CHANNEL FOR THOUSANDS OF COMPLAINTS AND ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS. IN PRACTICE, HOWEVER, THE OMBUDSMAN'S OPERATIONS WERE UNDERFUNDED AND UNDERSTAFFED, SLOWING ITS DEVELOPMENT OF A CREDIBLE PUBLIC DEFENDER SYSTEM.

THE PROSECUTOR GENERAL ("FISCAL GENERAL DE LA NACION"), ELECTED TO A FOUR-YEAR TERM (WHICH DOES NOT COINCIDE WITH THAT OF THE PRESIDENT) BY THE SUPREME COURT OF JUSTICE FROM A LIST OF THREE CANDIDATES CHOSEN BY THE PRESIDENT, IS TASKED WITH INVESTIGATING CRIMINAL OFFENSES AND PRESENTING EVIDENCE AGAINST THE ACCUSED

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BEFORE THE VARIOUS JUDGES AND TRIBUNALS. THIS OFFICE, ESTABLISHED BY THE 1991 CONSTITUTION, RETAINS SIGNIFICANT JUDICIAL FUNCTIONS CHARACTERISTIC OF AN INQUISITORIAL SYSTEM. LIKE OTHER ELEMENTS OF THE CIVILIAN JUDICIARY, IT IS STRUGGLING WITH MAKING THE CURRENT TRANSITION FROM A NAPOLEONIC LEGAL SYSTEM TO A MIXED INQUISITORIAL-ACCUSATORIAL ONE. INEFFICIENCY HAS OFTEN RESULTED.

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 IS PRESUMED INNOCENT UNTIL PROVEN GUILTY AND HAS THE RIGHT TO REPRESENTATION BY COUNSEL, ALTHOUGH REPRESENTATION FOR THE INDIGENOUS AND THE INDIGENT HISTORICALLY HAS BEEN INADEQUATE. ON OCTOBER 3, SUPERIOR JUDICIAL COUNCIL PRESIDENT GUSTAVO CUELLO IRIARE STATED THAT THE CIVILIAN JUDICIARY SUFFERED FROM A "DRAMATIC" BACKLOG OF 3.5 MILLION CASES. THE NUMBER OF OUTSTANDING ARREST WARRANTS STOOD AT 150,000 IN AUGUST.

TRIALS CONDUCTED BY THE REGULAR 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, CONTRADICT, AND 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 HUMAN RIGHTS UNIT OF THE PROSECUTOR GENERAL'S OFFICE ATTEMPTED TO COMBAT PREVAILING IMPUNITY BY ORDERING THE ARREST (AS OF AUGUST) OF 49 SOLDIERS AND POLICE, INCLUDING TWELVE OFFICERS, ON A VARIETY OF CHARGES INCLUDING KIDNAPING, SPONSORSHIP OF PARAMILITARIES, TORTURE, AND HOMICIDE. THE PROCURADURIA AND THE SECURITY FORCES DID NOT ALWAYS FOLLOW UP WITH INSTRUCTIONS THAT THOSE CONVICTED BE REMOVED FROM THEIR DUTIES OR TURNED OVER TO CIVILIAN JUDICIAL AUTHORITIES, HOWEVER: IN SPITE OF A 1997 CONVICTION ON TERRORISM CHARGES IN A CIVILIAN COURT AND SENTENCING IN 1998 TO 18 YEARS' IMPRISONMENT, COLONEL MARCO BAEZ GARZON REMAINED ON ACTIVE DUTY WITH THE ARMY'S THIRD BRIGADE (SEE SECTION 1.A.).

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

THE LAW GENERALLY REQUIRES A JUDICIAL ORDER SIGNED BY A PROSECUTOR FOR AUTHORITIES TO ENTER A PRIVATE HOME, EXCEPT IN CASES OF HOT PURSUIT. THE MINISTRY OF DEFENSE CONTINUED TRAINING

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PUBLIC SECURITY FORCES IN LEGAL SEARCH PROCEDURES THAT COMPLY WITH CONSTITUTIONAL AND HUMAN RIGHTS. DEFENSE MINISTRY OFFICIALS COMPLAINED, HOWEVER, THAT IN THE ABSENCE OF EVIDENTIARY PROOF COLLECTED DIRECTLY BY PROSECUTORS, GUERRILLA SUSPECTS THE SECURITY FORCES CAPTURE IN OR OUT OF BATTLE AND TURN OVER TO JUDICIAL AUTHORITIES ARE ROUTINELY FREED DUE TO A LACK OF JURIDICALLY ACCEPTABLE EVIDENCE.

A JUDICIAL ORDER OR THE APPROVAL OF A PROSECUTING ATTORNEY IS REQUIRED TO AUTHORIZE THE INTERCEPTION OF MAIL OR MONITORING OF UNCLAS SECTION 12 OF 24 BOGOTA 012020

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E.O. 12958: N/A

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EITHER LANDLINE OR CELLULAR TELEPHONES. THIS PROTECTION EXTENDS TO PRISONERS HELD IN JAILS. HOWEVER, VARIOUS STATE AUTHORITIES SOMETIMES MONITORED TELEPHONES WITHOUT OBTAINING PRIOR AUTHORIZATION.

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

THE INTERNAL ARMED CONFLICT AND NARCOTICS TRAFFICKING ARE THE CENTRAL CAUSES OF VIOLATIONS OF HUMAN RIGHTS AND HUMANITARIAN LAW. ALL PARTIES TO THE VARIOUS INTERNAL CONFLICTS VIOLATED INTERNATIONAL HUMANITARIAN LAW. SECURITY FORCE MEMBERS ACCUSED OF PAST OFFENSES WHO WERE TRIED AND CONVICTED DURING 1998, HOWEVER, WERE APPROPRIATELY PUNISHED. CINEP DEEMED STATE SECURITY FORCES RESPONSIBLE FOR 13.1 PERCENT OF ALL HUMAN RIGHTS VIOLATIONS DURING THE FIRST HALF OF 1998. THE ICRC REPORTED THAT THE GOVERNMENT, INCLUDING MILITARY AUTHORITIES, FOLLOWED AN OPEN-DOOR POLICY TOWARD THE ICRC AND READILY INCORPORATED RED CROSS CURRICULUMS ON INTERNATIONAL HUMANITARIAN LAW IN STANDARD MILITARY TRAINING. ACCORDING TO MILITARY SOURCES, LOCAL COMMANDERS TYPICALLY PREFERRED TO TRANSFER OR DISCHARGE SOLDIERS ACCUSED OF SERIOUS HUMAN RIGHTS VIOLATIONS, RATHER THAN INITIATE COURT MARTIAL PROCEEDINGS.

THE CPDH REPORTED 78 MASSACRES FROM JANUARY TO JUNE, 1998, WHICH RESULTED IN THE DEATHS OF 464 PEOPLE. TWENTY-FOUR MASSACRES OCCURRED IN HIGHLY-CONFLICTIVE ANTIOQUIA DEPARTMENT. CPDH REPORTED THAT PARAMILITARIES WERE RESPONSIBLE FOR 51.5 PERCENT OF MASSACRES, THE FARC FOR 9.5 PERCENT, UNIDENTIFIED ARMED GROUPS

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FOR 12.5 PERCENT, STATE SECURITY FORCES FOR 5.2 PERCENT, AND "SOCIAL CLEANSING GROUPS" (I.E., CONTRACT KILLERS OF SOCIETAL ELEMENTS APPARENTLY DEEMED "UNDESIRABLE," SUCH AS PROSTITUTES, HOMOSEXUALS, AND STREET CHILDREN) FOR 4.5 PERCENT. CPDH REPORTED HAVING NO INFORMATION REGARDING THE SPONSORSHIP OF THE REMAINING 12.5 PERCENT OF MASSACRES.

PUBLIC SECURITY FORCES IN SOME CASES CONTINUED TO EXERCISE SPECIAL POWERS OVER THE CIVILIAN POPULATION AND AUTHORITIES, INCLUDING JUDICIAL AUTHORITIES. FOR EXAMPLE, MILITARY OFFICERS WERE SOMETIMES APPOINTED AS ACTING MAYORS OF CONFLICTIVE MUNICIPALITIES OR OF MUNICIPALITIES WHOSE LOCAL LEADERS HAD BEEN ASSASSINATED.

(NOTE: POST WILL PROVIDE UPDATED LANGUAGE ON THE STATUS OF THE PEACE PROCESS HERE. END NOTE). ACHIEVING A LASTING INTERNAL PEACE WAS THE FIRST PRIORITY OF THE PASTRANA ADMINISTRATION DURING 1998, AND AT YEAR'S END, PROSPECTS FOR PEACE LOOKED BETTER THAN THEY HAD IN SEVERAL DECADES. PEACE EFFORTS, WHICH PASTRANA INITIATED WITH A JULY 10 MEETING WITH FARC LEADER MANUEL MARULANDA VELEZ, WERE THE CENTERPIECE OF HIS PRESIDENTIAL CAMPAIGN. CIVIL SOCIETY GROUPS MET WITH THE ELN IN MAINZ, GERMANY, JUNE 28 IN AN ATTEMPT TO "HUMANIZE" THE STATE-ELN CONFLICT. SOME OF THE TERMS OF THE ACCORD WHICH WAS REACHED, HOWEVER, VIOLATED INTERNATIONAL HUMANITARIAN LAW. A SECOND ROUND OF ELN-CIVIL SOCIETY TALKS WAS HELD IN COLOMBIA OCTOBER 12. IN A PRE-NEGOTIATION CONCESSION TO THE FARC, THE GOVERNMENT COMMITTED TO WITHDRAW ITS MILITARY FORCES FROM FIVE SOUTHERN MUNICIPALITIES NOVEMBER 7 FOR A NINETY-DAY PERIOD, EFFECTIVELY TURNING THE AREA OVER TO FARC CONTROL. AT YEAR'S END...

IN JULY, THE GOVERNMENT DISCONTINUED ITS PRACTICE (BEGUN IN DECEMBER 1994) OF ORGANIZING AND REGISTERING CIVILIAN RURAL DEFENSE COOPERATIVES, KNOWN COLLECTIVELY AS "CONVIVIR," WHICH WERE TO PROVIDE COUNTER-INSURGENCY INTELLIGENCE TO LOCAL POLICE AND MILITARY COMMANDERS. ALTHOUGH THE AUTHORITIES ORIGINALLY INTENDED THESE GROUPS TO BE UNARMED, THEY SUBSEQUENTLY AUTHORIZED AN UNDETERMINED NUMBER TO CARRY SMALL ARMS IN SELF-DEFENSE. CONVIVIR PRESIDENT CARLOS ALBERTO DIAZ ANNOUNCED JULY 25 THE DISBANDING OF 289 OF THE PROGRAM'S 414 OFFICIALLY RECOGNIZED RURAL SECURITY COOPERATIVES. THERE WERE CREDIBLE CHARGES THAT SOME COOPERATIVE MEMBERS HAD COMMITTED HUMANITARIAN LAW INFRACTIONS WHILE FIGHTING ALONGSIDE, OR AS MEMBERS OF, PARAMILITARY UNITS. CITING A NEED TO DEFEND THEMSELVES FROM GUERRILLAS, MORE THAN 200 MEMBERS OF 39 DISBANDED COOPERATIVES IN NORTHWESTERN COLOMBIA ANNOUNCED THAT THEIR COMMUNITIES WOULD JOIN THE OUTLAWED UNITED SELF-DEFENSE GROUPS OF COLOMBIA ("AUC," A NETWORK OF PARAMILITARY UNITS), ACCORDING TO PRESS.

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THE MANY PARAMILITARY GROUPS ARE DIVERSE IN THEIR MOTIVATIONS, STRUCTURE, LEADERSHIP, AND IDEOLOGY, ALTHOUGH THE 1997 ESTABLISHMENT OF THE AUC AS A NATIONAL UMBRELLA ORGANIZATION WAS CLEARLY DESIGNED BOTH TO PROVIDE A NATIONAL STRUCTURE AND TO DEVELOP A MORE COHERENT POLITICAL CULTURE FOR THE NATION'S LOCAL AND REGIONAL PARAMILITARY GROUPS. ALTHOUGH ILLEGAL, SOME PARAMILITARY GROUPS REFLECTED RURAL CITIZENS' LEGITIMATE DESIRE TO DEFEND THEMSELVES FROM THE GUERRILLA THREAT. OTHER PARAMILITARIES WERE ACTUALLY THE PAID, PRIVATE ARMIES OF DRUG UNCLAS SECTION 13 OF 24 BOGOTA 012020

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E.O. 12958: N/A

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TRAFFICKERS OR LARGE LAND OWNERS. ACCORDING TO CINEP, PARAMILITARIES WERE RESPONSIBLE FOR 58.2 PERCENT OF ALL HUMAN RIGHTS VIOLATIONS COMMITTED DURING THE FIRST HALF OF 1998. MEMBERSHIP IN THE AUC (UNITED SELF-DEFENSE GROUPS OF COLOMBIA) PARAMILITARY UMBRELLA GROUP OF SEVEN MAJOR ORGANIZATIONS TOTALLED APPROXIMATELY 4,000 - 6,000 COMBATANTS IN 1998.

THERE WAS NO CREDIBLE EVIDENCE THAT THE ARMED FORCES (AT THE NATIONAL LEVEL) SYSTEMATICALLY ARMED, COORDINATED ACTIONS WITH, OR SHARED INTELLIGENCE WITH PARAMILITARY GROUPS. AT TIMES, INDIVIDUAL COMMANDERS AT LOCAL LEVELS DID SO ILLEGALLY ON THEIR OWN INITIATIVE, BUT SUCH BEHAVIOR WAS LESS PERVASIVE THAN IN PREVIOUS YEARS. IN SPITE OF THE CIVILIAN GOVERNMENT AND THE NEW ARMED FORCES HIGH COMMAND'S PUBLIC PRONOUNCEMENTS OF WILLINGNESS TO COMBAT PARAMILITARIES, SOME LOCAL ARMY AND POLICE COMMANDERS TACITLY TOLERATED PARAMILITARIES' ACTIVITIES. SOME MILITARY COMMANDERS EFFECTIVELY AFFORDED PARAMILITARIES PROTECTION BY ALLOWING THEM TO ESTABLISH THEIR BASE CAMPS IN AREAS GENERALLY UNDER MILITARY SWAY. PARAMILITARIES RECEIVING SUCH SHELTER WERE OFTEN ABLE TO ATTACK GUERRILLAS WITH ONLY MINIMAL FEAR OF REPRISALS. VICE PRESIDENT GUSTAVO BELL ADMITTED OCTOBER 18 THAT "SOME MEMBERS OF THE ARMED FORCES HAVE MAINTAINED SOME DEGREE OF LINKS TO PARAMILITARIES." HE CONTINUED, "WHAT IS CLEAR, HOWEVER, IS THAT THERE IS NO EVIDENCE THAT THERE IS AN INSTITUTIONAL DECISION BY THE ARMED FORCES TO COOPERATE WITH PARAMILITARIES."

THE PROSECUTOR GENERAL'S OFFICE AND, TO A LESSER EXTENT, THE ATTORNEY GENERAL'S OFFICE, ACTED TO CONFRONT SECURITY FORCE MEMBERS' COLLABORATION WITH PARAMILITARIES. DESPITE THE CONTINUING, ALARMING RISE IN PARAMILITARY ACTIVITY SINCE 1992,

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THE THINLY-STRETCHED MILITARY HAS OFTEN FAILED TO GIVE PRIORITY TO CONFRONTING THESE ILLEGAL GROUPS. THERE WERE, HOWEVER, EXCEPTIONS: ELEMENTS OF THE ARMY'S 17TH BRIGADE, UNDER THE COMMAND OF BRIGADIER GENERAL MARTIN ORLANDO CARRENO, CAPTURED 23 PARAMILITARY MEMBERS IN HIGHLY CONFLICTIVE URABA REGION FEBRUARY 8, AND TURNED THEM OVER TO CIVILIAN AUTHORITIES FOR PROSECUTION. THE PARAMILITARIES HAD SOUGHT PROTECTION FROM THE ARMY AFTER RUNNING OUT OF AMMUNITION DURING A CLASH WITH THE FARC. POLICE AND MARINES KILLED FOUR PARAMILITARIES AND CAPTURED TEN IN THE SAME AREA FEBRUARY 18. IN SEPTEMBER, ELEMENTS OF THE 24TH BRIGADE, UNDER THE COMMAND OF COLONEL DIEGO AURELIO GANTIVA, CAPTURED EIGHT PARAMILITARY MEMBERS IN PUTUMAYO DEPARTMENT AND TURNED THEM OVER TO THE CIVILIAN JUDICIARY.

IN TOTAL, THE SECURITY FORCES REPORTED HAVING KILLED 28 PARAMILITARY MEMBERS BETWEEN JANUARY AND AUGUST AND HAVING CAPTURED 205. THE ARMY KILLED 17 AND CAPTURED 66, THE POLICE KILLED FIVE AND CAPTURED 93, AND OTHER STATE AGENTS KILLED SIX AND CAPTURED 46 (POST TO UPDATE). THESE FIGURES REPRESENTED AN INCREASE FROM 1997, WHEN THE ARMY REPORTED HAVING KILLED 25 PARAMILITARY MEMBERS AND HAVING CAPTURED 31 (NOTE: FIGURES FOR POLICE KILLS AND CAPTURES OF PARAMILITARIES DURING 1997 ARE NOT CURRENTLY AVAILABLE. END NOTE).

PARAMILITARIES REDOUBLED THEIR EFFORTS DURING 1998 TO DEPRIVE GUERRILLAS OF CIVILIAN SUPPORT BY DISPLACING CIVILIAN POPULATIONS BELIEVED TO BE SYMPATHETIC TO THE GUERRILLAS. TO THIS END, PARAMILITARIES REGULARLY SHOCKED RURAL CIVILIANS INTO FLIGHT FROM THEIR HOMES BY THE COMMISSION OF HIGHLY VISIBLE, HORRIFIC CRIMES, SUCH AS MASSACRES, DECAPITATIONS, AND MULTIPLE RAPES. THE PARAMILITARIES OFTEN ESCHEWED COMBAT WITH ARMED OPPONENTS, INSTEAD FOCUSING ON THE PERSECUTION OF UNARMED, NONCOMBATANT CIVILIANS. REGULAR TARGETS WERE TEACHERS, LABOR LEADERS, COMMUNITY ACTIVISTS, MAYORS OF TOWNS AND VILLAGES, TOWN COUNCIL MEMBERS, AND PEASANTS WHOM THEY ACCUSED OF SUPPORTING THE LEFTIST GUERRILLAS. A NUMBER OF THESE VICTIMS INCLUDED MEMBERS OF INDIGENOUS COMMUNITIES. "AUSAC," A PARAMILITARY GROUP, PUBLICLY CLAIMED RESPONSIBILITY FOR THE MAY 16 MASSACRE OF 36 CIVILIANS AT BARRANCABERMEJA (SEE SECT. 1.A.).

FORCED DISPLACEMENT OF CIVILIAN POPULATIONS, ONCE A SECONDARY EFFECT OF PARAMILITARY ACTIONS, IS A PRINCIPAL OBJECTIVE OF MANY PARAMILITARY OPERATIONS. ACCORDING TO THE INDEPENDENT ADVISORY COMMITTEE FOR HUMAN RIGHTS AND DISPLACEMENTS (CODHES), SOME 148,000 PEOPLE WERE FORCIBLY DISPLACED FROM THEIR HOMES BY VIOLENCE DURING THE FIRST SEMESTER OF 1998, THE HIGHEST NUMBER DURING ANY SIX-MONTH PERIOD TO DATE DURING THIS DECADE. CODHES ESTIMATED IN OCTOBER THAT PARAMILITARIES WERE RESPONSIBLE FOR 54

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PERCENT OF DISPLACEMENTS DURING 1998, GUERRILLAS FOR 29 PERCENT, AND GOVERNMENT FORCES FOR 11 PERCENT. IT ESTIMATED THAT THE REMAINING SIX PERCENT WERE DUE TO PRIVATE LAND TENURE DISPUTES. THE TOTAL NUMBER OF INTERNALLY DISPLACED CITIZENS DURING 1995-98 PROBABLY EXCEEDED 500,000, BUT THE TRUE NUMBER WAS DIFFICULT TO DISCERN. CODHES ESTIMATED THAT PERHAPS 65 PERCENT OF DISPLACEMENTS BECAME PERMANENT. HARDER TO QUANTIFY WAS THE PSYCHOLOGICAL AND ECONOMIC HARM DONE TO DISPLACED PEOPLE. MANY DISPLACED PEOPLE LOST ACCESS TO HEALTH CARE AND EMPLOYMENT, AND DISPLACED CHILDREN WERE OFTEN UNABLE TO ATTEND SCHOOL.

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DEPT FOR DRL/CRT AND ARA/AND

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, CO

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THE SAMPER GOVERNMENT'S RESPONSE TO THE NEEDS OF THE DISPLACED POPULATION WAS INADEQUATE, AND BY ITS OWN ESTIMATE REACHED ONLY TEN PERCENT OF THE DISPLACED POPULATION. MOST DISPLACED COLOMBIANS RECEIVING GOVERNMENTAL ASSISTANCE RECEIVED IT FOR ONLY 90 DAYS. CONDITIONS AT THE GOVERNMENT'S TWO CAMPS FOR DISPLACED PEOPLE, AT PAVARANDO AND TURBO, WERE POOR. THE BOGOTA OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS CRITICIZED THE GOVERNMENT IN ITS MARCH, 1998 REPORT FOR SOMETIMES ENCOURAGING CIVILIAN POPULATIONS BACK TO THEIR HOMES BEFORE THE SECURITY SITUATION HAD NORMALIZED.

TENS OF THOUSANDS OF DISPLACED PEOPLE ALSO FLED TO PANAMA, ECUADOR, AND VENEZUELA, WHERE THEY WERE USUALLY DENIED REFUGEE STATUS, AND INSTEAD WERE TREATED AS ILLEGAL IMMIGRANTS, AND WERE THUS DENIED PROTECTION OR ASSISTANCE. RECOGNIZING THE SCALE OF THE PROBLEM, THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES OPENED ITS COLOMBIA OFFICE IN JULY, 1998. THE PRINCIPAL COLOMBIAN CITIES IN WHICH THE DISPLACED SOUGHT REFUGE DURING 1998 WERE BARRANCABERMEJA, BOGOTA, VALLEDUPAR, SANTA MARTA, BARRANQUILLA, CARTAGENA, MONTERIA, BUCARAMANGA, TUNJA, VILLAVICENCIO, FLORENCIA, QUIBDO, AND MEDELLIN.

POLICE AND PROSECUTORS ARRESTED BILLIONAIRE EMERALD MAGNATE VICTOR CARRANZA FEBRUARY 24 IN BOGOTA ON CHARGES OF SPONSORING THE EASTERN PLAINS SELF-DEFENSE PARAMILITARY GROUP ("AUTODEFENSAS DE LOS LLANOS ORIENTALES"). DESPITE HIS EFFORTS TO SUBVERT THE WORKINGS OF THE JUDICIARY THROUGH BRIBERY AND POLITICAL INFLUENCE, CARRANZA REMAINED IN JAIL AT YEAR'S END.

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TWO MAIN COMMUNIST GUERRILLA ARMIES, THE FARC AND THE ELN, AS WELL AS THE MUCH SMALLER EPL, ERP, ERG, AND JAIME BATEMAN GROUPS, COMMANDED AN ESTIMATED TOTAL OF (11,000 - 17,000, POST TO UPDATE AS REQUIRED) FULL-TIME GUERRILLAS OPERATING IN MORE THAN 100 FRONTS IN AN ESTIMATED 30 OF THE NATION'S 32 DEPARTMENTS. THESE GROUPS UNDERTOOK ARMED ACTIONS IN NEARLY 700 OF THE NATION'S 1,074 MUNICIPALITIES. BOTH THE FARC AND THE ELN SYSTEMATICALLY ATTACKED NON-COMBATANTS AND VIOLATED OTHER KEY ASPECTS OF INTERNATIONAL HUMANITARIAN LAW DURING THE YEAR. EXAMPLES OF SUCH VIOLATIONS WERE MUTILATIONS OF CADAVERS, FARC ATTACKS ON AMBULANCES, AND ELN EXECUTIONS OF PATIENTS IN HOSPITALS. CINEP REPORTED THAT GUERRILLAS WERE RESPONSIBLE FOR 28.7 PERCENT OF ALL HUMAN RIGHTS VIOLATIONS DURING THE FIRST HALF OF 1998.

ALTHOUGH THE ELN AGREED TO HALT RECRUITMENT OF CHILDREN UNDER THE TERMS OF THE JUNE 28 MAINZ "HEAVEN'S GATE" AGREEMENT, BOTH IT AND THE LARGER FARC REGULARLY PRESSED CHILDREN UNDER THE AGE OF 15 INTO THEIR RANKS (SEE SECTION 5, SECTION ON CHILDREN). ONCE RECRUITED, CHILD GUERRILLAS WERE VIRTUAL PRISONERS OF THEIR COMMANDERS AND WERE OFTEN SUBJECTED TO VARIOUS FORMS OF ABUSE. SEXUAL ABUSE OF YOUNG GIRLS WAS A PARTICULAR PROBLEM.

MORE THAN 1,000 COMBATANTS OF THE FARC AND ELN REPEATEDLY VIOLATED HUMANITARIAN LAW AS THEY UNLEASHED A SERIES OF UNPRECEDENTED TACTICAL DEFEATS ON THE ARMY AND POLICE AUGUST 3-5. THE ATTACKS TOOK PLACE IN 18 OF THE COUNTRY'S 32 MUNICIPALITIES. THE MOST SERIOUS DEFEAT OF GOVERNMENT FORCES OCCURRED AT MIRAFLORES, GUAVIARE DEPARTMENT, WHERE A NATIONAL POLICE COUNTERNARCOTICS BASE WAS OVERRUN AND DESTROYED. SEVERAL HUMANITARIAN WORKERS, INCLUDING ONE PRIEST, ONE MEDICAL DOCTOR, AND THREE NURSES WERE KIDNAPED, IN ADDITION TO SEVERAL OTHER CIVILIANS. CAR BOMBS EMPLOYED IN CUCUTA AND MEDELLIN DESTROYED PRIVATE HOMES. IN SOME AREAS, GUERRILLAS SHUT DOWN BASIC UTILITY SERVICES, SUCH AS ELECTRICITY AND WATER, AND ATTACKED INFRASTRUCTURE FACILITIES SUCH AS HYDRO-ELECTRIC PLANTS AND POWER LINES. ADDITIONALLY, ELN AND FARC ATTACKS ON THE CANO LIMON-COVENAS AND OTHER CIVILIAN PIPELINES, DURING THE AUGUST ATTACKS AND THROUGHOUT THE YEAR, OCCASIONED THE SPILLAGE OF HUNDREDS OF THOUSANDS OF BARRELS OF OIL, RESULTING IN MASSIVE ENVIRONMENTAL DAMAGE.

ON OCTOBER 18, THE ELN BLEW UP A GAS AND OIL PIPELINE AT MACHUCA, ANTIOQUIA DEPARTMENT. THE RESULTING EXPLOSION KILLED 56 CIVILIANS, AT LEAST 28 OF WHOM WERE CHILDREN. MORE THAN 70 OTHERS WERE WOUNDED. THE ATTACK FOLLOWED AN OCTOBER 12 ELN-CIVIL SOCIETY MEETING WHICH HAD FOCUSED IN PART ON "HUMANIZING" THE CONDUCT OF HOSTILITIES.

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BOTH PARAMILITARY AND GUERRILLA GROUPS 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 FEBRUARY 17, TWO SOLDIERS WERE KILLED AND FIVE WOUNDED AT THE ARMY'S ARTILLERY SCHOOL IN BOGOTA WHEN A GRENADE EXPLODED AS THE SOLDIERS UNLOADED THE CORPSES OF THREE SOLDIERS WHO HAD DIED IN COMBAT WITH THE FARC. THE FARC HAD BOOBY-TRAPPED ONE OF THE CADAVERS, IN VIOLATION OF INTERNATIONAL HUMANITARIAN LAW, WHICH PROVIDES FOR THE SANCTITY OF THE BODIES OF THE DEAD. UNCLAS SECTION 15 OF 24 BOGOTA 012020

DEPT FOR DRL/CRT AND ARA/AND

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, CO

SUBJECT: 1998 COUNTRY HUMAN RIGHTS REPORT FOR COLOMBIA

ON JUNE 13, THE ELN KIDNAPED FIFTEEN FEMALES, AMONG THEM FIVE CHILDREN, AS THEY DID PUBLIC, CIVIC ACTION WORK FOR THE ARMY'S 14TH BRIGADE, ACCORDING TO HUMAN RIGHTS WATCH. THE FIFTEEN WERE MEMBERS OF THE ARMY'S "STEEL GIRLS" PROGRAM, AND WERE WEARING ARMY-ISSUED UNIFORMS. THE ELN CLAIMED THAT, BY UNIFORMING THE FIFTEEN, THE ARMY HAD PUT THEM AT RISK OF BEING MISIDENTIFIED AS COMBATANTS. THEY WERE SUBSEQUENTLY RELEASED.

ACCORDING TO ARMY ESTIMATES, BETWEEN 50,000-70,000 ANTI-PERSONNEL LANDMINES WERE PRESENT IN 13 OF COLOMBIA'S 32 DEPARTMENTS DURING 1998. THE ARMED FORCES EMPLOYED APPROXIMATELY 20,000 LANDMINES DURING THE YEAR, MOST OF WHICH WERE USED TO DEFEND STATIC POSITIONS. GUERRILLAS USED LANDMINES BOTH TO DEFEND STATIC POSITIONS (SUCH AS BASE CAMPS, COCAINE LABORATORIES, AND SITES AT WHICH KIDNAPEES WERE HELD) AND AS INDISCRIMINATE WEAPONS OF TERROR. PARAMILITARY GROUPS INFREQUENTLY USED LANDMINES. DUE TO THE ONGOING CONFLICT, NO GENERALIZED MINE CLEARANCE PROGRAM WAS UNDERWAY AT YEAR'S END. THOUSANDS OF DISPLACED PEOPLE WERE UNABLE TO RETURN TO THEIR HOMES DUE TO PRESENCE OF ANTI-PERSONNEL MINES. THERE WERE NO KNOWN CIVILIAN MINE AWARENESS CAMPAIGNS OR ASSISTANCE PROGRAMS FOR CIVILIAN VICTIMS OF LANDMINES.

SECTION 2

RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

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THE CONSTITUTION PROVIDES FOR FREEDOM OF THE PRESS. ALTHOUGH THE GOVERNMENT GENERALLY RESPECTED THIS RIGHT IN PRACTICE, THERE WERE SIGNIFICANT EXCEPTIONS. WHILE JOURNALISTS REGULARLY PRACTICED SELF-CENSORSHIP, THE PRIVATELY OWNED PRINT MEDIA PUBLISHED A WIDE SPECTRUM OF POLITICAL VIEWPOINTS AND OFTEN VOICED HARSH ANTI-GOVERNMENT OPINIONS WITHOUT FEAR OF ADMINISTRATIVE REPRISALS. A GOVERNMENT BAN ON MEDIA PUBLICATION OF GUERRILLA COMMUNIQUE WAS DECLARED UNCONSTITUTIONAL BY THE CONSTITUTIONAL COURT IN LATE 1997. A BAN ON THE PUBLICATION OF EVIDENCE PERTAINING TO CRIMINAL INVESTIGATIONS, BASED ON THE SECRECY PROVISIONS OF THE PENAL CODE AND AN ANTI-CORRUPTION STATUTE, REMAINED IN EFFECT.

A LEGAL CHALLENGE TO THE 1997 CONSTITUTIONAL COURT DECISION TO UPHOLD THE 1996 TELEVISION LAW, WHICH GAVE THE GOVERNMENT UNPRECEDENTED AUTHORITY OVER THE CONTENT OF TELEVISION PROGRAMMING, WAS FILED IN AUGUST BY THE DEAN OF THE LOS ANDES UNIVERSITY LAW SCHOOL AND COLOMBIA'S LEADING DAILY NEWSPAPER, "EL TIEMPO." THE PLAINTIFFS ASSERTED THAT THE LAW WAS AIMED AT LIMITING JOURNALISTIC FREEDOM OF EXPRESSION. NO DECISION ON THE CHALLENGE HAD YET BEEN RENDERED AT YEAR'S END.

A CONSTITUTIONAL COURT RULING ABOLISHING PROFESSIONAL LICENSING REQUIREMENTS FOR JOURNALISTS WAS WIDELY CRITICIZED BY JOURNALISM FACULTIES AND STUDENTS, BUT WAS PRAISED BY THE MEDIA AND FREE SPEECH ADVOCATES.

THE MILITARY CONTINUED TO ATTEMPT TO SKEW REPORTING TO ITS FAVOR BY SOMETIMES DISSEMINATING INFORMATION ONLY TO FAVORED JOURNALISTS. THE FREQUENCY OF THIS PRACTICE DECREASED AFTER ARMY GENERAL FERNANDO TAPIAS ASSUMED COMMAND OF THE MILITARY IN AUGUST.

BOTH COLOMBIAN AND INTERNATIONAL JOURNALISTS TYPICALLY WORK IN AN ATMOSPHERE OF THREATS AND INTIMIDATION. TWELVE JOURNALISTS WERE MURDERED BETWEEN JANUARY AND SEPTEMBER, ALTHOUGH ONLY FIVE OF THE MURDERS APPEARED TO HAVE BEEN RELATED TO THE JOURNALISTS' WORK. OSCAR GARCIA, SPORTS REPORTER FOR BOGOTA'S SECOND LEADING DAILY NEWSPAPER, "EL ESPECTADOR," WAS MURDERED FEBRUARY 23, THE DAY BEFORE HE WAS TO MEET WITH REPRESENTATIVES OF THE PROSECUTOR GENERAL'S OFFICE, APPARENTLY TO DISCUSS ORGANIZED CRIME LINKS TO THE BULLFIGHTING INDUSTRY WHICH HE HAD UNCOVERED. NELSON CARVAJAL, A RADIO ANNOUNCER AND SCHOOL TEACHER, WAS KILLED APRIL 16 IN FRONT OF HIS SCHOOL IN PITALITO, HUILA DEPARTMENT. CARVAJAL'S KILLING WAS APPARENTLY IN RETALIATION FOR HIS DENUNCIATIONS OF CORRUPTION AGAINST A FORMER PITALITO MAYOR. RADIO AND TELEVISION JOURNALIST BERNABE CORTES WAS MURDERED MAY

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19 IN CALI. HE WAS RUMORED TO HAVE HAD LINKS TO ORGANIZED CRIME. LUZ AMPARO JIMENEZ, A TELEVISION REPORTER AND COORDINATOR OF THE CESAR AND LA GUAJIRA DEPARTMENT CHAPTERS OF "REDEPAZ" (AN NGO), WAS MURDERED IN FRONT OF HER HOME IN VALLEDUPAR, CESAR DEPARTMENT AUGUST 11. SHE HAD RECENTLY DENOUNCED LOCAL POLICE LINKS TO PARAMILITARIES, AND REGULARLY COVERED THE PLIGHT OF DISPLACED PEOPLE IN THE REGION (SEE SECTION 4). JOURNALIST AND ASPIRING POLITICIAN NESTOR VILLAR JIMENEZ WAS KILLED SEPTEMBER 11 IN VILLAVICENCIO.

UNCLAS SECTION 16 OF 24 BOGOTA 012020

DEPT FOR DRL/CRT AND ARA/AND

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, CO

SUBJECT: 1998 COUNTRY HUMAN RIGHTS REPORT FOR COLOMBIA

A TREND OF CONCENTRATION OF MEDIA OWNERSHIP CONTINUED THROUGHOUT THE YEAR. LARGE NEWS FIRMS CONTINUED TO PURCHASE SMALL, PREVIOUSLY INDEPENDENT NEWSPAPERS. WEALTHY FAMILIES OR GROUPS ASSOCIATED WITH ONE OR THE OTHER OF COLOMBIA'S TWO DOMINANT POLITICAL PARTIES ALSO CONTINUED TO EXPAND THEIR HOLDINGS OF NEWS MEDIA, AND REGIONAL FIRMS CONTINUED TO PURCHASE LOCAL NEWS MEDIA OUTLETS. ALTHOUGH COLOMBIA'S PRESS REMAINED FREE AND LIVELY, THESE TRENDS IN NEWS MEDIA OWNERSHIP TENDED TO NARROW THE RANGE OF POLITICAL VIEWPOINTS OFFERED IN THE PRESS.

THE GOVERNMENT GENERALLY RESPECTED ACADEMIC FREEDOM, AND THERE EXISTS A WIDE SPECTRUM OF POLITICAL ACTIVITY THROUGHOUT THE COUNTRY'S UNIVERSITIES. PARAMILITARY GROUPS AND GUERRILLAS, HOWEVER, OFTEN TARGETED TEACHERS AT THE ELEMENTARY AND SECONDARY LEVELS IN AREAS OF CONFLICT. THE CPDH REPORTED THAT SLIGHTLY MORE THAN TEN PERCENT OF ALL VICTIMS OF POLITICALLY MOTIVATED HOMICIDES DURING THE YEAR WERE PUBLIC SCHOOL TEACHERS.

B.FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE CONSTITUTION PROVIDES FOR FREEDOM OF PEACEFUL ASSEMBLY, 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 DANGER TO PUBLIC ORDER.

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THE CONSTITUTION PROVIDES FOR FREEDOM OF ASSOCIATION, AND THE GOVERNMENT RESPECTS THIS RIGHT IN PRACTICE. ANY LEGAL ORGANIZATION IS FREE TO ASSOCIATE WITH INTERNATIONAL GROUPS IN ITS FIELD. MEMBERSHIP IN PROSCRIBED ORGANIZATIONS, SUCH AS THE FARC, ELN, AND EPL, IS A CRIME.

ON MAY 19, MORE THAN ONE MILLION COLOMBIANS JOINED TOGETHER IN BOGOTA AND OTHER MAJOR CITIES FOR A "NATIONAL DAY OF PROTEST AGAINST VIOLENCE AND IMPUNITY." THIS PREVIOUSLY PLANNED DISPLAY OF PUBLIC OUTRAGE FOLLOWED ON THE HEELS OF THE MAY 16 BARRANCABERMEJA MASSACRE (SEE SECTION 1.A.). MANY COLOMBIANS ALSO PARTICIPATED IN A NATIONAL "SHOUT FOR PEACE" AT NOON ON SEPTEMBER 7 IN PROTEST OF THE ONGOING ARMED CONFLICT.

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 RELIGION 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. REPRESENTATIVES OF BOTH CHURCHES COMPLAINED OF INABILITY TO PERFORM ALTERNATIVE SERVICE TO MILITARY CONSCRIPTION, DESPITE THE MILITARY'S OWN LEGAL PROCEDURES PROVIDING FOR IT. PUBLIC LAW 48 OF 1993 PROVIDED THAT SEMINARIANS WERE NOT TO BE SUBJECTED TO THE MILITARY DRAFT, AND THE 1991 CONSTITUTION MAKES PROVISION FOR CONSCIENTIOUS OBJECTORS. MENNONITE SEMINARIANS, HOWEVER, STILL WERE BEING FORCED INTO MILITARY CONSCRIPTION AT YEAR'S END.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

THE CONSTITUTION PROVIDES CITIZENS WITH THE RIGHT TO TRAVEL DOMESTICALLY AND ABROAD. OUTSIDERS WHO WISH TO ENTER INDIAN TRIBES' RESERVES MUST BE INVITED. IN AREAS WHERE COUNTER-

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INSURGENCY OPERATIONS WERE UNDERWAY, POLICE OR MILITARY OFFICIALS OCCASIONALLY REQUIRED CIVILIANS TO OBTAIN SAFE-CONDUCT PASSES; GUERRILLAS AND PARAMILITARY FORCES OFTEN USED SIMILAR MEANS TO RESTRICT TRAVEL IN AREAS UNDER THEIR CONTROL. GUERRILLA INCURSIONS, MILITARY COUNTER-INSURGENCY OPERATIONS, FORCED CONSCRIPTION BY PARAMILITARY AND GUERRILLA ORGANIZATIONS, AND LAND SEIZURES INSTIGATED BY WEALTHY INDIVIDUALS OR NARCOTICS TRAFFICKERS OFTEN FORCED PEASANTS TO FLEE THEIR HOMES AND FARMS (SEE SECTION 1.G. FOR INFORMATION ON DISPLACED PEOPLE).

UNCLAS SECTION 17 OF 24 BOGOTA 012020

DEPT FOR DRL/CRT AND ARA/AND

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, CO

SUBJECT: 1998 COUNTRY HUMAN RIGHTS REPORT FOR COLOMBIA

COLOMBIA HAS HAD A TRADITION OF PROVIDING 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 PROVIDED FOR IN THE 1991 CONSTITUTION.

THE GOVERNMENT COOPERATES WITH THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, WHICH OPENED ITS BOGOTA OFFICE IN JULY 1998, AND OTHER HUMANITARIAN ORGANIZATIONS IN ASSISTING REFUGEES AND INTERNALLY DISPLACED PERSONS. THE GOVERNMENT RESERVES THE RIGHT TO DETERMINE ELIGIBILITY FOR ASYLUM, BASED UPON ITS OWN ASSESSMENT OF THE NATURE OF THE PERSECUTION AN APPLICANT MAY HAVE SUFFERED. THE ISSUE OF THE PROVISION OF FIRST ASYLUM DID NOT ARISE. (NOTE: THERE MAY BE A FIRST ASYLUM ISSUE REGARDING APPROXIMATELY 200 PRO-DEMOCRACY PERUVIANS WHO APPARENTLY SOUGHT REFUGE IN COLOMBIA THIS YEAR. POST IS CHECKING WITH THE BOGOTA OFFICE OF THE UNHCR. END NOTE). THERE WERE NO REPORTS OF THE FORCED EXPULSION OF PERSONS HAVING A VALID CLAIM TO REFUGEE STATUS TO A COUNTRY WHERE THEY FEARED PERSECUTION.

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, AND CITIZENS EXERCISE THIS RIGHT IN REGULARLY SCHEDULED ELECTIONS BY SECRET BALLOT. CONSERVATIVE PARTY

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CANDIDATE ANDRES PASTRANA DEFEATED LIBERAL HORACIO SERPA IN A SECOND ROUND OF PRESIDENTIAL ELECTIONS JUNE 21 AMIDST HEAVY VOTER TURNOUT. INDEPENDENT PRESIDENTIAL CANDIDATE NOEMI SANIN MADE A STRONG THIRD PLACE FINISH DURING THE FIRST ROUND OF PRESIDENTIAL ELECTIONS MAY 31, AND WAS THE FIRST-PLACE FINISHER IN MOST LARGE CITIES, INCLUDING IN THE CAPITAL, BOGOTA. BOTH ROUNDS OF PRESIDENTIAL ELECTIONS WERE FREE, FAIR, AND TRANSPARENT DESPITE SOME THREATS BY GUERRILLAS TO THE ELECTORAL PROCESS. PASTRANA'S AUGUST 7 INAUGURATION MARKED THE END OF THE FOUR-YEAR ADMINISTRATION OF PRESIDENT ERNESTO SAMPER, AND 16 YEARS OF LIBERAL PARTY NATIONAL ADMINISTRATIONS.

PRESIDENTIAL ELECTIONS ARE HELD EVERY FOUR YEARS, WITH THE INCUMBENT BARRED FOR LIFE FROM REELECTION. THE LIBERAL AND CONSERVATIVE PARTIES HAVE LONG DOMINATED THE FORMAL POLITICAL PROCESS WITH ONE OR THE OTHER 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 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. VOTING IS VOLUNTARY AND UNIVERSAL FOR CITIZENS AGED 18 AND OLDER, EXCEPT FOR ACTIVE-DUTY MEMBERS OF THE POLICE AND ARMED FORCES, WHO MAY NOT VOTE.

COLOMBIANS TURNED OUT TO VOTE IN HIGH NUMBERS MARCH 8 FOR ALL 102 MEMBERS OF THE SENATE (THE UPPER CHAMBER OF THE LEGISLATURE), AND FOR ALL 161 MEMBERS OF THE CHAMBER OF REPRESENTATIVES (THE LOWER CHAMBER OF THE LEGISLATURE). VOTER TURNOUT WAS SIGNIFICANTLY LOWER IN GUERRILLA-CONTROLLED AREAS. IN SPITE OF GUERRILLAS' DETENTION OF 52 ELECTORAL WORKERS AND BURNING OF ELECTORAL MATERIALS AND VEHICLES, NORMAL ELECTIONS WERE CARRIED OUT IN OVER 90 PERCENT OF ALL MUNICIPALITIES. ALTHOUGH THE ELECTIONS WERE FREE, FAIR, AND TRANSPARENT, SEVERAL CONGRESSMEN PUBLICLY IDENTIFIED WITH NARCOTRAFFICKING INTERESTS WERE REELECTED. OTHERS LINKED TO THE DRUG TRADE OR JAILED FOR CORRUPTION HAD SPOUSES OR SIBLINGS SUCCESSFULLY RUN IN THEIR STEAD. THE LIBERAL PARTY LOST SOME GROUND BUT REMAINED THE LARGEST PARTY IN CONGRESS, WINNING 50 PERCENT OF SENATE SEATS. CONSERVATIVES WON 24 PERCENT OF SENATE SEATS, AND SMALL PARTY REPRESENTATIVES AND INDEPENDENTS TOOK THE REMAINING 26 PERCENT. IN THE LOWER CHAMBER, LIBERALS WON 52 PERCENT OF SEATS AND CONSERVATIVES WON 17 PERCENT OF SEATS. SMALL PARTY REPRESENTATIVES AND INDEPENDENTS WON THE REMAINDER. SOME VOTE BUYING AND FRAUD TOOK PLACE, BUT NEITHER SIGNIFICANTLY AFFECTED THE OUTCOME OF THE ELECTIONS.

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THERE ARE NO LEGAL RESTRICTIONS, AND FEW PRACTICAL ONES, ON THE PARTICIPATION OF WOMEN OR MINORITIES IN THE POLITICAL PROCESS, ALTHOUGH THEY ARE UNDERREPRESENTED IN OFFICIAL AND PARTY POSITIONS. FOURTEEN WOMEN WERE ELECTED TO THE SENATE IN MARCH, AND 19 WERE ELECTED TO THE CHAMBER OF REPRESENTATIVES. PRESIDENT PASTRANA APPOINTED TWO WOMEN TO HIS 16-MEMBER CABINET, TO SERVE AS MINISTERS OF COMMUNICATION AND FOREIGN TRADE.

INDIGENOUS PEOPLE ARE UNDERREPRESENTED IN GOVERNMENT AND POLITICS. TWO OF 102 SENATE SEATS ARE RESERVED FOR INDIGENOUS UNCLAS SECTION 18 OF 24 BOGOTA 012020

DEPT FOR DRL/CRT AND ARA/AND

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, CO

SUBJECT: 1998 COUNTRY HUMAN RIGHTS REPORT FOR COLOMBIA

REPRESENTATIVES. BLACKS ALSO ARE UNDERREPRESENTED IN GOVERNMENT AND POLITICS. A 1993 LAW THAT SET ASIDE TWO HOUSE SEATS FOR CITIZENS OF AFRICAN HERITAGE WAS DECLARED UNCONSTITUTIONAL IN SEPTEMBER 1996 BY THE CONSTITUTIONAL COURT, WHICH NONETHELESS ALLOWED THE INCUMBENTS TO COMPLETE THEIR TERMS IN OFFICE.

SECTION 4

GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

A LARGE AND VARIED NONGOVERNMENTAL 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; THE INTERCONGREGATIONAL COMMISSION FOR JUSTICE AND PEACE; THE PERMANENT COMMITTEE FOR THE DEFENSE OF HUMAN RIGHTS; THE CENTER FOR INVESTIGATIONS AND POPULAR RESEARCH; THE ADVISORY COMMITTEE FOR HUMAN RIGHTS AND DISPLACEMENTS; THE LATIN AMERICAN INSTITUTE FOR ALTERNATIVE LEGAL SERVICES; THE COMMITTEE IN SOLIDARITY WITH POLITICAL PRISONERS; THE ASSOCIATION OF FAMILIES OF DETAINED AND DISAPPEARED PERSONS; THE REINSERTION FOUNDATION (FOCUSED ON DEMOBILIZED GUERRILLAS); THE PA-S LIBRE FOUNDATION (FOCUSED ON THE RIGHTS OF KIDNAP VICTIMS); AND THE VIDA FOUNDATION (FOCUSED ON THE RIGHTS OF VICTIMS OF GUERRILLA VIOLENCE). INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS IN THE COUNTRY INCLUDE THE PEACE BRIGADES INTERNATIONAL AND THE U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS.

NONGOVERNMENTAL ORGANIZATIONS (NGO'S) INVESTIGATED AND REPORTED

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ON HUMAN RIGHTS ABUSES COMMITTED BY GOVERNMENT FORCES, VARIOUS PARAMILITARY GROUPS, AND THE GUERRILLA ARMIES. HOWEVER, THEY GENERALLY TENDED TO UNDER-EMPHASIZE GUERRILLA VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW. MANY NGO'S EXPRESSED SERIOUS CONCERN OVER THE GROWING PARAMILITARY AND GUERRILLA 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 PARAMILITARY GROUPS, BOTH IN TERMS OF THEIR RESPONSIBILITY FOR AN INCREASED PROPORTION OF HUMAN RIGHTS VIOLATIONS AND THEIR GROWING POLITICAL AND MILITARY POWER.

THE HUMAN RIGHTS COMMUNITY CAME UNDER INTENSE PRESSURE DURING THE YEAR. ALTHOUGH THE GOVERNMENT GENERALLY DID NOT INTERFERE DIRECTLY WITH THE WORK OF HUMAN RIGHTS NGO'S, 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, PARAMILITARY, AND GUERRILLA FORCES.

THE GOVERNMENT HAS AN EXTENSIVE HUMAN RIGHTS APPARATUS, WHICH INCLUDES THE OFFICE OF THE PRESIDENT'S ADVISER FOR HUMAN RIGHTS, THE MINISTRY OF DEFENSE HUMAN RIGHTS OFFICE, AND DEPENDENT OFFICES FOR EACH OF THE ARMED FORCES. THE NATIONAL HUMAN RIGHTS OMBUDSMAN AND ITS REGIONAL REPRESENTATIVES AND CORPS OF PUBLIC DEFENDERS, THE ATTORNEY GENERAL'S OFFICE (PROCURADURIA) AND ITS OFFICE FOR HUMAN RIGHTS AND REGIONAL REPRESENTATIVES, AND THE PROSECUTOR GENERAL'S OFFICE (FISCALIA) AND ITS HUMAN RIGHTS UNIT ARE ALL INDEPENDENT INSTITUTIONS, AND ARE NOT SUBJECT TO EXECUTIVE BRANCH DIRECTION. IN SEPTEMBER, PRESIDENT PASTRANA DEMONSTRATED HIS GOVERNMENT'S STRONG COMMITMENT TO HUMAN RIGHTS BY NAMING VICE-PRESIDENT GUSTAVO BELL TO SERVE CONCURRENTLY AS PRESIDENTIAL ADVISOR ON HUMAN RIGHTS.

THE HUMAN RIGHTS OMBUDSMAN'S OFFICE (DEFENSORIA DEL PUEBLO) RECEIVED 20,101 HUMAN RIGHTS COMPLAINTS DURING 1997, AND CONCLUDED INVESTIGATIONS OF 11,047 COMPLAINTS DURING THE SAME PERIOD. IT ALSO PROVIDED 29,406 PRO BONO LEGAL CONSULTATIONS THROUGH ITS CORPS OF NEARLY 1,000 PUBLIC DEFENDERS, MANY OF WHOM WORK ONLY PART TIME FOR THE DEFENSORIA. AMONG THE COMPLAINTS WERE 383 COMPLAINTS OF DEPRIVATION OF THE RIGHT TO LIFE (I.E., HOMICIDE), 754 COMPLAINTS OF DEATH THREATS, 175 COMPLAINTS OF MASSACRES, 230 COMPLAINTS OF FORCED DISAPPEARANCES, 296 COMPLAINTS OF TORTURE, 1,045 COMPLAINTS OF INHUMAN, DEGRADING, OR CRUEL TREATMENT, AND 532 COMPLAINTS OF ARBITRARY DETENTIONS (SEE SECTION 1.A.).

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THE ICRC CONTINUED TO EXPAND OPERATIONS, WITH AN OFFICE IN BOGOTA PLUS 15 OFFICES IN VARIOUS CONFLICT ZONES. THE ICRC, WORKING WITH THE PRESIDENTIAL HUMAN RIGHTS ADVISER AND THE PUBLIC SECURITY FORCES, HELPED PROVIDE TRAINING PROGRAMS IN INTERNATIONAL HUMANITARIAN LAW. THESE PROGRAMS WERE DIRECTED NOT ONLY AT AFFECTED CIVILIAN POPULATIONS BUT WERE ALSO INTEGRATED INTO THE MILITARY TRAINING CURRICULUM. MANY OBSERVERS CREDITED THESE PROGRAMS WITH HAVING DONE MUCH TO FOSTER A CLIMATE OF INCREASED RESPECT FOR HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW WITHIN THE MILITARY FORCES IN RECENT YEARS.

UNCLAS SECTION 19 OF 24 BOGOTA 012020

DEPT FOR DRL/CRT AND ARA/AND

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, CO

SUBJECT: 1998 COUNTRY HUMAN RIGHTS REPORT FOR COLOMBIA

THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (UNHCHR) OPENED A FIELD OFFICE IN BOGOTA TO OBSERVE HUMAN RIGHTS PRACTICES AND ADVISE THE GOVERNMENT IN APRIL, 1997. ORIGINALLY SCHEDULED TO END IN APRIL 1998, ITS MANDATE WAS EXTENDED AT THE REQUEST OF THE GOVERNMENT UNTIL APRIL 1999. THE OFFICE IS TASKED WITH MONITORING AND ANALYZING THE HUMAN RIGHTS SITUATION THROUGHOUT THE COUNTRY AND WITH THE PROVISION OF ASSISTANCE TO THE GOVERNMENT, CIVIL SOCIETY, AND NGO'S IN THE FIELD OF HUMAN RIGHTS PROTECTION. IT SUBMITTED PRIVATE REPORTS TO THE GOVERNMENT AND TO THE U.N. AND OCCASIONALLY SPOKE OUT PUBLICLY ON PARTICULARLY EGREGIOUS ABUSES COMMITTED BY GOVERNMENT, PARAMILITARY, OR GUERRILLA FORCES. IN ITS MARCH 1998 REPORT, THE UNHCHR BOGOTA OFFICE REPORTED HAVING RECEIVED EXCELLENT SUPPORT FROM THE GOVERNMENT. IN RESPONSE TO THE GROWING PROBLEM OF DISPLACED PEOPLE, THE UN HIGH COMMISSIONER FOR REFUGEES (UNHCR) OPENED A BOGOTA OFFICE IN JULY.

FIVE PEOPLE ALLEGEDLY LINKED TO PARAMILITARY GROUPS WERE INDICTED (AND THREE OF THEM DETAINED) IN SEPTEMBER FOR THE MAY 19, 1997 MURDERS OF TWO CINEP WORKERS, MARIO CALDERON AND ELSA ALVARADO. ELSA'S FATHER CARLOS ALVARADO WAS ALSO KILLED. THE PROSECUTOR GENERAL'S OFFICE ALSO ORDERED THE ARREST OF ACCU PARAMILITARY LEADER CARLOS CASTANO IN RELATION TO THE CRIMES, BUT HE HAD NOT BEEN DETAINED AT YEAR'S END.

LUZ AMPARO JIMENEZ, A TELEVISION REPORTER AND COORDINATOR OF THE CESAR AND LA GUAJIRA DEPARTMENT CHAPTERS OF "REDEPAZ" (AN NGO), WAS MURDERED IN FRONT OF HER HOME IN VALLEDUPAR, CESAR DEPARTMENT

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AUGUST 11. SHE HAD RECENTLY DENOUNCED LOCAL POLICE LINKS TO PARAMILITARIES, AND REGULARLY COVERED THE PLIGHT OF DISPLACED PEOPLE IN THE REGION (SEE SECTION 2.A). POLICE HAD ANNOUNCED NO LEADS IN THE CASE BY YEAR'S END.

AN URBAN COUNTER-TERRORISM UNIT ATTACHED TO THE ARMY'S FIFTH DIVISION, ACCOMPANIED BY A STATE PROSECUTOR BEARING A LEGAL WARRANT, RAIDED THE OFFICES OF CATHOLIC CHURCH-BASED, LEFTIST HUMAN RIGHTS NGO JUSTICIA Y PAZ MAY 13. THE OSTENSIBLE PURPOSE OF THE RAID WAS TO SEARCH FOR INFORMATION REGARDING SUBVERSIVE GUERRILLA MOVEMENTS AND THE MAY 12 ASSASSINATION OF FORMER DEFENSE MINISTER AND COMMANDING GENERAL FERNANDO LANDAZABAL. DURING THE COURSE OF THE RAID, THE SECURITY FORCES COPIED THE NGO'S "NEVER AGAIN" DATABASE OF OVER 40,000 HUMAN RIGHTS CRIMES. THE SEARCH WAS EXECUTED WITH A VALID SEARCH WARRANT ISSUED BY THE PROSECUTOR GENERAL'S OFFICE, BUT THE PROSECUTOR WHO ACCOMPANIED THE ARMY WAS FIRED FOR HAVING CONDUCTED THE RAID IN AN ILLEGAL MANNER. THE ARMED FORCES, WHICH HAVE NO LEGAL MANDATE TO PERFORM DOMESTIC LAW ENFORCEMENT FUNCTIONS, RETAINED EVIDENCE WHICH BY LAW SHOULD HAVE BEEN TURNED OVER TO THE PROSECUTOR. HOWEVER, NO GRAVE HUMAN RIGHTS ABUSES OCCURRED. NOW ARMY-COMMANDER MAJOR GENERAL JORGE ENRIQUE MORA (WHO WAS IN COMMAND OF THE FIFTH DIVISION AT THE TIME) TOLD PRESS IN MAY THAT THIRTEENTH BRIGADE COMMANDER RITO ALEJO DEL RIO (SEE SECTION 1.A.) HAD ORDERED THE RAID.

SECTION 5

DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

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.

WOMEN

RAPE AND OTHER ACTS OF VIOLENCE AGAINST WOMEN ARE PERVASIVE 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 SPOUSAL ABUSE, BUT THE LEVEL AND AMOUNT OF THESE SERVICES WERE DWARFED BY THE MAGNITUDE OF THE PROBLEM.

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THE INSTITUTE FOR FORENSIC MEDICINE ESTIMATED IN 1997 THAT 239,400 PEOPLE ARE VICTIMS OF SEXUAL ABUSE ANNUALLY, 88 PERCENT OF THEM WOMEN. THE INSTITUTE ALSO ESTIMATED THAT (95) PERCENT OF ALL ABUSE CASES ARE NEVER REPORTED TO AUTHORITIES (POST TO UPDATE).

THE HUMAN RIGHTS OMBUDSMAN'S OFFICE REPORTED AN INCREASE IN VIOLENCE AGAINST WOMEN DURING 1997 (THE MOST RECENT YEAR FOR UNCLAS SECTION 20 OF 24 BOGOTA 012020

DEPT FOR DRL/CRT AND ARA/AND

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, CO

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WHICH IT HAD STATISTICS), ESPECIALLY IN WAR ZONES. IT NOTED THAT MOST FEMALE VICTIMS IN CONFLICTIVE ZONES CHOSE NOT TO REPORT THE ABUSES THEY HAD SUFFERED, IN PART DUE TO A LACK OF CONFIDENCE IN THE EFFICACY OF GOVERNMENTAL INSTITUTIONS TO ADDRESS THEIR PROBLEMS. THE OMBUDSMAN NOTED THAT WOMEN LEADERS OF POLITICAL AND PEASANT ORGANIZATIONS IN THE URABA-ANTIOQUIA REGION WERE INCREASINGLY THE TARGETS OF "PERSECUTION, THREATS, TORTURE, AND EXECUTIONS." 1997 ALSO SAW A SUBSTANTIAL INCREASE IN SEXUAL ASSAULT AND MURDER OF WOMEN IN META, ARAUCA, CESAR, AND SUCRE DEPARTMENTS, ACCORDING TO THE OMBUDSMAN'S 1997 REPORT, WHICH WAS ISSUED IN 1998.

THE 1996 LAW ON FAMILY VIOLENCE 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. IT ALLOWS A JUDGE TO OBLIGE AN ABUSER TO SEEK THERAPY OR REEDUCATION. FOR ACTS OF SPOUSAL SEXUAL VIOLENCE, THE LAW MANDATES SENTENCES OF 6 MONTHS TO 2 YEARS AND DENIES PROBATION OR BAIL TO OFFENDERS WHO DISOBEY COURT RESTRAINING ORDERS. A 1997 LAW ALSO MADE ADDITIONAL, SUBSTANTIAL MODIFICATIONS TO THE PENAL CODE AND INTRODUCED SENTENCES OF BETWEEN 4 AND 40 YEARS FOR CRIMES AGAINST SEXUAL FREEDOM OR HUMAN DIGNITY, INCLUDING: RAPE, SEX WITH A MINOR, SEXUAL ABUSE, INDUCTION INTO PROSTITUTION, AND CHILD PORNOGRAPHY. THERE WAS LITTLE EVIDENCE THAT THE AFOREMENTIONED LEGISLATION WAS SYSTEMATICALLY ENFORCED, HOWEVER.

THE CONSTITUTION PROHIBITS ANY FORM OF DISCRIMINATION AGAINST

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WOMEN AND SPECIFICALLY REQUIRES THE AUTHORITIES TO ENSURE "ADEQUATE AND EFFECTIVE PARTICIPATION BY WOMEN AT DECISION MAKING LEVELS OF PUBLIC ADMINISTRATION." EVEN PRIOR TO IMPLEMENTATION OF THE 1991 CONSTITUTION, THE LAW HAD PROVIDED WOMEN WITH EXTENSIVE CIVIL RIGHTS. DESPITE THESE CONSTITUTIONAL PROVISIONS, HOWEVER, DISCRIMINATION AGAINST WOMEN PERSISTED.

CHILDREN

THE CONSTITUTION FORMALLY PROVIDES FOR FREE PUBLIC EDUCATION, WHICH IS COMPULSORY BETWEEN THE AGES OF 6 AND 14, INCLUSIVE. NEVERTHELESS, AN ESTIMATED 25 PERCENT OF CHILDREN IN THIS AGE GROUP DO NOT ATTEND SCHOOL, DUE TO LAX ENFORCEMENT OF TRUANCY LAWS, INADEQUATE CLASSROOM SPACE, AND ECONOMIC PRESSURES TO PROVIDE INCOME FOR THE FAMILY.

DESPITE SIGNIFICANT CONSTITUTIONAL AND LEGISLATIVE COMMITMENTS TO THE PROTECTION OF CHILDREN'S RIGHTS, THESE WERE IMPLEMENTED ONLY TO A MINIMAL DEGREE. 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 AND 1997 LAWS ON FAMILY VIOLENCE, WHICH HAD BEEN DRAFTED PARTICULARLY TO INCREASE LEGAL PROTECTION FOR WOMEN AND CHILDREN.

ACCORDING TO THE INSTITUTE FOR FORENSIC MEDICINE, DURING 1997 (THE MOST RECENT YEAR FOR WHICH STATISTICS WERE AVAILABLE) 82 PERCENT OF SEXUAL ABUSE VICTIMS WERE MINORS. AN ESTIMATED 25,000 BOYS AND GIRLS UNDER AGE 18 WORK IN THE SEX TRADE. IN 1996 LEGISLATORS PASSED A LAW PROHIBITING SEX WITH MINORS OR THE EMPLOYMENT OF MINORS FOR PROSTITUTION, AND IN 1997 THAT LAW WAS AMENDED TO PROVIDE THAT CONVICTION FOR NONVIOLENT SEXUAL ABUSE OF A CHILD UNDER 14 CARRIES A PRISON SENTENCE OF 4 TO 10 YEARS. CONVICTION FOR RAPE OF ANYONE UNDER THE AGE OF 12 CARRIES A MANDATORY SENTENCE OF 20 TO 40 YEARS IN PRISON. ALTHOUGH ENFORCEMENT OF SUCH LAWS IS LAX, CRIMES AGAINST CHILDREN ARE BEING DEALT WITH MORE SEVERELY THAN IN THE PAST. THE ICBF OVERSEES ALL GOVERNMENT CHILD PROTECTION AND WELFARE PROGRAMS AND FUNDS NONGOVERNMENTAL AND CHURCH PROGRAMS FOR CHILDREN.

IN CONFLICT ZONES, CHILDREN WERE ALSO OFTEN CAUGHT IN THE CROSSFIRE BETWEEN THE PUBLIC SECURITY FORCES, PARAMILITARY GROUPS, AND GUERRILLA ORGANIZATIONS. CHILDREN SUFFERED

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DISPROPORTIONATELY FROM THE INTERNAL CONFLICT, OFTEN FORFEITING OPPORTUNITIES TO STUDY AS THEY WERE DISPLACED BY CONFLICT, AND SUFFERING PSYCHOLOGICAL TRAUMAS. THE ARMY ESTIMATED THAT 3,000 CHILDREN WERE MEMBERS OF THE ELN OR FARC. THE SIMON BOLIVAR GUERRILLA COORDINATING BOARD ADMITTED IN AUGUST THAT SEVEN TO TEN PERCENT OF ARMED GUERRILLAS WERE CHILDREN BETWEEN THE AGES OF 13-17. THE ELN AGREED TO STOP PRESSING CHILDREN INTO ITS RANKS AS PART OF ITS ACCORD WITH CIVIL SOCIETY SIGNED JUNE 28 IN MAINZ, GERMANY. PARAMILITARIES ALSO PRESSED CHILDREN INTO THEIR RANKS.

UNCLAS SECTION 21 OF 24 BOGOTA 012020

DEPT FOR DRL/CRT AND ARA/AND

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, CO

SUBJECT: 1998 COUNTRY HUMAN RIGHTS REPORT FOR COLOMBIA

PEOPLE WITH DISABILITIES

THE CONSTITUTION ENUMERATES THE FUNDAMENTAL SOCIAL, ECONOMIC, AND CULTURAL RIGHTS OF THE PHYSICALLY DISABLED, BUT SERIOUS PRACTICAL IMPEDIMENTS EXIST THAT PREVENT DISABLED PERSONS' FULL PARTICIPATION IN SOCIETY. THERE IS NO LEGISLATION THAT SPECIFICALLY MANDATES ACCESS FOR PEOPLE WITH DISABILITIES. ACCORDING TO THE CONSTITUTIONAL COURT, PHYSICALLY DISABLED INDIVIDUALS MUST HAVE ACCESS TO, OR IF THEY SO REQUEST, RECEIVE ASSISTANCE AT, VOTING STATIONS. THE COURT HAS ALSO RULED THAT THE SOCIAL SECURITY FUND FOR PUBLIC EMPLOYEES CANNOT REFUSE TO PROVIDE SERVICES FOR THE DISABLED CHILDREN OF ITS MEMBERS, REGARDLESS OF THE COST INVOLVED.

INDIGENOUS PEOPLE

THERE ARE APPROXIMATELY 80 DISTINCT ETHNIC GROUPS AMONG THE 800,000-PLUS 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 RIGHTS ORGANIZATIONS, AS WELL AS WITH NGO HUMAN RIGHTS GROUPS AND CIVIL RIGHTS ORGANIZATIONS, TO PROMOTE INDIAN INTERESTS AND INVESTIGATE VIOLATIONS OF INDIGENOUS RIGHTS.

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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. ADDITIONALLY, INDIGENOUS COMMUNITIES SUFFER DISPROPORTIONATELY FROM THE INTERNAL ARMED CONFLICT.

TRADITIONAL INDIAN AUTHORITY BOARDS OPERATE SOME 334 DESIGNATED INDIAN RESERVES; THE BOARDS HANDLE NATIONAL OR LOCAL FUNDS AND ARE SUBJECT TO FISCAL OVERSIGHT BY THE NATIONAL COMPTROLLER GENERAL. THESE BOARDS ADMINISTER THEIR TERRITORIES AS MUNICIPAL ENTITIES, WITH OFFICIALS ELECTED OR OTHERWISE CHOSEN ACCORDING TO INDIAN TRADITION. INDIGENOUS COMMUNITIES ARE FREE TO EDUCATE THEIR CHILDREN IN TRADITIONAL DIALECTS AND IN THE OBSERVANCE OF CULTURAL AND RELIGIOUS CUSTOMS. INDIGENOUS MEN ARE NOT SUBJECT TO THE NATIONAL MILITARY DRAFT.

THE NATIONAL HUMAN RIGHTS OMBUDSMAN STATED IN HIS ANNUAL HUMAN RIGHTS REPORT THAT THE INDIGENOUS COMMUNITIES MOST AFFECTED BY EXTRAJUDICIAL KILLINGS DURING 1996-1997 WERE THE ZENU (26 REPORTEDLY KILLED BY PARAMILITARIES), THE EMBERA-KATIO (NINE ALLEGEDLY KILLED BY THE ARMY, THE FARC, AND PARAMILITARIES), THE PAEZ (EIGHT ALLEGEDLY KILLED BY PARAMILITARIES AND GUERRILLAS), THE KOREGUAJE (23 KNOWN TO HAVE BEEN KILLED BY THE FARC), THE LOS PASTOS (ONE REPORTEDLY KILLED BY THE ARMY), AND THE PIJAO (ONE REPORTEDLY KILLED BY ARMY). A TOTAL OF SIXTY-THREE INDIGENOUS LEADERS WERE MURDERED DURING 1997, THE MOST RECENT YEAR FOR WHICH STATISTICS WERE AVAILABLE. THIRTEEN OTHER INDIGENOUS COMMUNITY MEMBERS WERE KILLED DURING 1997, AND THREE DISAPPEARED. ACCORDING TO THE HUMAN RIGHTS OMBUDSMAN, STATE AUTHORITIES HAD OPENED INVESTIGATIONS INTO MANY OF THE CASES AT YEAR'S END, BUT NO ONE HAD BEEN TRIED AND CONVICTED OF THESE CRIMES.

NATIONAL/RACIAL/ETHNIC MINORITIES

APPROXIMATELY 2 MILLION CITIZENS OF AFRICAN HERITAGE LIVE PRIMARILY IN THE PACIFIC DEPARTMENTS OF CHOC-, VALLE DEL CAUCA, AND NARIÑO, AND ALONG THE CARIBBEAN COAST. THEY REPRESENT ROUGHLY 5 PERCENT OF THE TOTAL POPULATION, WHILE THE FIGURES OF THE NATIONAL ADMINISTRATIVE DEPARTMENT OF STATISTICS PLACE THE NATIONAL BLACK POPULATION AT 16 PERCENT OF THE TOTAL, OR 6.4 MILLION.

BLACKS ARE ENTITLED TO ALL CONSTITUTIONAL RIGHTS AND PROTECTIONS BUT HAVE TRADITIONALLY SUFFERED FROM DISCRIMINATION. BLACKS ARE UNDER-REPRESENTED IN GOVERNMENT, BOTH IN ELECTIVE POSITIONS AND

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IN EXECUTIVE AND JUDICIAL BRANCH CIVIL SERVICE POSITIONS. SIMILARLY, BLACKS ARE UNDER-REPRESENTED IN THE CATHOLIC CHURCH AND MILITARY HIERARCHIES. DESPITE THE PASSAGE OF THE AFRICAN-COLOMBIAN LAW IN 1993, LITTLE CONCRETE PROGRESS WAS MADE IN EXPANDING PUBLIC SERVICES AND PRIVATE INVESTMENT IN THE CHOC- OR OTHER PREDOMINANTLY BLACK REGIONS. UNEMPLOYMENT AMONG AFRICAN-COLOMBIANS RAN AS HIGH AS 76 PERCENT IN SOME COMMUNITIES. CHOC-DEPARTMENT REMAINS THE DEPARTMENT WITH THE LOWEST PER CAPITA LEVEL OF SOCIAL INVESTMENT AND IS LAST IN TERMS OF EDUCATION, HEALTH, AND INFRASTRUCTURE. IT ALSO HAS BEEN THE SCENE OF SOME OF THE NATION'S MOST UNREMITTING POLITICAL VIOLENCE, AS UNCLAS SECTION 22 OF 24 BOGOTA 012020

DEPT FOR DRL/CRT AND ARA/AND

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, CO

SUBJECT: 1998 COUNTRY HUMAN RIGHTS REPORT FOR COLOMBIA

GUERRILLAS AND PARAMILITARY FORCES STRUGGLED FOR CONTROL OF THE URABA REGION.

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. HOWEVER, LEGISLATION THAT PROHIBITS PUBLIC EMPLOYEES FROM STRIKING IS STILL IN EFFECT, EVEN IF OFTEN OVERLOOKED. NON-EMERGENCY GOVERNMENT EMPLOYEES STAGED A TWO-DAY NATIONAL STRIKE IN SEPTEMBER, PROTESTING WAGES WHICH DID NOT KEEP UP WITH INFLATION. (NOTE: POST WILL REPORT HERE ON A LARGER PUBLIC EMPLOYEES STRIKE IN MID-OCTOBER ONCE IT HAS BEEN RESOLVED. END NOTE). THE 1948 LABOR CODE (WHICH HAS BEEN REPEATEDLY AMENDED) 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 ABOUT 2,235 LABOR UNIONS. THE NUMBER OF UNIONS FELL DRAMATICALLY DURING 1998 (FROM A 1997 TOTAL OF APPROXIMATELY 4,900), REFLECTING EFFECTS OF NEW LEGISLATION ENCOURAGING THE

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CONSOLIDATION OF INDIVIDUAL COMPANIES' UNIONS INTO BROADER, INDUSTRY-BASED UNIONS. SOME UNIONS WERE ALSO CLOSED DUE TO THE MURDERS OF THEIR LEADERS.

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 MAY, THE INTERNATIONAL LABOR ORGANIZATION (ILO) EXPRESSED ITS SERIOUS CONCERN AT ALLEGATIONS OF MURDERS, FORCED DISAPPEARANCES, DEATH THREATS, AND OTHER ACTS OF VIOLENCE AGAINST TRADE UNION OFFICIALS AND MEMBERS. THE ILO DOCUMENTED OVER 300 MURDERS OF TRADE UNIONISTS DURING 1995-1998. THE ILO HARSHLY CRITICIZED THE GOVERNMENT FOR FAILING, SINCE NOVEMBER 1996, TO PROVIDE IT WITH INFORMATION ON A SINGLE CASE OF DETENTION, TRIAL, AND CONVICTION OF ANYONE RESPONSIBLE FOR THE MURDER OF UNIONISTS.

AFTER A 1993 COMPLAINT BY THE ILO REGARDING THE LABOR CODE'S PROVISION THAT GOVERNMENT OFFICIALS SUPERVISE UNION MEETINGS, THE GOVERNMENT DISCONTINUED ITS PRACTICE OF MONITORING SUCH MEETINGS. THE GOVERNMENT DID NOT ADDRESS DURING 1998 OTHER ILO CRITICISMS OF THE LABOR CODE. IN 1993, THE ILO HAD COMPLAINED ABOUT THE FOLLOWING PROVISIONS OF THE LAW: THAT GOVERNMENT OFFICIALS BE PRESENT 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 TARGETS OF ATTACKS BY PARAMILITARY GROUPS, GUERRILLAS, NARCOTICS TRAFFICKERS, AND THEIR OWN UNION RIVALS. IN MARCH THE INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS ANNOUNCED IN GENEVA THAT AT LEAST 50 UNION MEMBERS HAD BEEN KILLED BECAUSE OF THEIR UNION ACTIVITIES DURING 1998. MANY OF THESE WERE TARGETED BY THE FARC FOR THEIR MEMBERSHIP IN, OR SYMPATHY WITH, THE NATIONAL SYNDICATE OF AGRICULTURAL INDUSTRY WORKERS (SINTRAINAGRO), A UNION LARGELY COMPOSED OF DEMOBILIZED EPL MEMBERS. MANY OF THE MURDERED SINTRAINAGRO MEMBERS HAD WORKED IN

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THE BANANA INDUSTRY IN URABA REGION. OTHER MURDERS OF LABOR LEADERS WERE CONCENTRATED IN ARAUCA, ANTIOQUIA, CASANARE, CESAR, CORDOBA, AND MAGDALENA DEPARTMENTS. ALSO AMONG THOSE TARGETED FOR ASSASSINATION DURING THE YEAR WERE LEADERS OF THE UNION OF SYNDICATED LABOR (USO), THE NATIONAL FEDERATION OF AGRICULTURAL SYNDICATES (FENSUAGRO), AND THE CORDOBA DEPARTMENT TEACHERS' ASSOCIATION (ADEMACOR).

A COLLECTIVE WORK CONVENTION SIGNED IN 1995 BETWEEN ECOPETROL AND THE UNION OF SYNDICATED LABOR (USO) REMAINED IN EFFECT (NOTE: UNCLAS SECTION 23 OF 24 BOGOTA 012020

DEPT FOR DRL/CRT AND ARA/AND

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, CO

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POST WILL UPDATE ONCE A NEW ECOPETROL LABOR AGREEMENT IS SIGNED IN NOVEMBER. END NOTE). 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.

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 THESE UNIONIZED WORKERS REPRESENT ONLY A SMALL PORTION OF THE ECONOMICALLY ACTIVE POPULATION. HIGH UNEMPLOYMENT (15.8 PERCENT IN JUNE), TRADITIONAL ANTI-UNION ATTITUDES, AND WEAK UNION ORGANIZATION AND LEADERSHIP LIMIT WORKERS' BARGAINING POWER IN ALL SECTORS.

THE LAW FORBIDS ANTIUNION DISCRIMINATION AND THE OBSTRUCTION OF FREE ASSOCIATION. GOVERNMENT LABOR INSPECTORS THEORETICALLY ENFORCE THESE PROVISIONS, BUT BECAUSE THEREQ0 LABOR

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INSPECTORS TO COVER COLOMBIA'S 1,074 MUNICIPALITIES AND MORE THAN 300,000 COMPANIES, THE INSPECTION APPARATUS IS WEAK. FURTHERMORE, LABOR INSPECTORS OFTEN LACKED BASIC EQUIPMENT, SUCH AS VEHICLES. THE LABOR CODE CALLS FOR FINES TO BE LEVIED FOR RESTRICTING FREEDOM OF ASSOCIATION AND PROHIBITS THE USE OF STRIKE BREAKERS.

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 NINE FREE TRADE ZONES (FTZ'S), BUT ITS STANDARDS WERE OFTEN NOT ENFORCED IN THE ZONES, IN PART DUE TO LACK OF POLITICAL WILL. PUBLIC EMPLOYEE UNIONS HAVE WON COLLECTIVE BARGAINING AGREEMENTS IN THE FTZ'S OF BARRANQUILLA, BUENAVENTURA, CARTAGENA, AND SANTA MARTA, BUT THE GARMENT MANUFACTURING ENTERPRISES IN MEDELLIN AND RISARALDA, WHICH HAVE THE LARGEST NUMBER OF EMPLOYEES, ARE NOT ORGANIZED. NATIONAL LABOR LEADERS CLAIM THAT IN THESE FTZ'S THE PROVISIONS OF THE LABOR CODE DEALING WITH WAGES, HOURS, HEALTH, AND SAFETY ARE NOT HONORED.

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

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 GOVERNMENT PROHIBITS FORCED AND BONDED LABOR BY CHILDREN BUT

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IS UNABLE TO ENFORCE THIS PROHIBITION EFFECTIVELY (SEE SECTION 6.C.).

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
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AND 17 (INCLUSIVE). THESE REQUIREMENTS ARE LARGELY IGNORED IN PRACTICE, HOWEVER, AND ONLY 5 PERCENT OF THOSE WORKING HAVE FILED FOR THE REQUIRED WORK PERMITS. BY ALLOWING CHILDREN OF AGES TWELVE AND 13 TO WORK UNDER ANY CONDITIONS, COLOMBIAN LAW CONTRAVENED INTERNATIONAL STANDARDS ON CHILD LABOR, WHICH SET THE MINIMUM LEGAL AGE FOR EMPLOYMENT IN DEVELOPING COUNTRIES AT 14.

RECENT DATA ON CHILD LABOR WAS NOT AVAILABLE. A 1997 STUDY BY LOS ANDES UNIVERSITY, HOWEVER, USING 1992 DATA, CONCLUDED THAT AT LEAST 1.6 MILLION CHILDREN BETWEEN THE AGES OF 12-17 WORKED. CHILD PARTICIPATION IN AGRICULTURAL WORK SOARED AT HARVEST TIMES. THIRTY-ONE PERCENT OF 14-17 YEAR-OLDS ARE ACTIVE PARTICIPANTS IN THE LABOR MARKET, AND 784,000 CHILDREN AGES 6-11 WORKED. TWENTY-FIVE PERCENT OF WORKING CHILDREN WERE EMPLOYED IN POTENTIALLY DANGEROUS ACTIVITIES. ACCORDING TO ARMY ESTIMATES, AT LEAST 3,000 CHILDREN WERE EMPLOYED BY GUERRILLAS AND PARAMILITARIES AS COMBATANTS (SEE SECTION 5, SECTION ON CHILDREN). SCHOOL ATTENDANCE BY WORKING CHILDREN WAS SIGNIFICANTLY LOWER THAN FOR NON-WORKING CHILDREN. ONLY 10 PERCENT 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 FIGURE REACHED 70 PERCENT.

E. ACCEPTABLE CONDITIONS OF WORK

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THE GOVERNMENT SETS A UNIFORM MINIMUM WAGE FOR WORKERS EVERY JANUARY TO SERVE AS A BENCHMARK FOR WAGE BARGAINING. THE MONTHLY MINIMUM WAGE, SET BY TRIPARTITE NEGOTIATION AMONG REPRESENTATIVES OF BUSINESS, ORGANIZED LABOR, AND THE GOVERNMENT WAS 203,826 PESOS (USD 150 AT THE SEPTEMBER EXCHANGE RATE) THROUGHOUT 1998. THE MINIMUM WAGE DOES NOT PROVIDE A DECENT STANDARD OF LIVING FOR A WORKER AND FAMILY. BECAUSE THE MINIMUM WAGE IS BASED ON THE GOVERNMENT'S TARGET INFLATION RATE, THE MINIMUM WAGE HAS NOT KEPT UP WITH INFLATION IN RECENT YEARS. BY GOVERNMENT ESTIMATES, THE PRICE OF THE FAMILY SHOPPING BASKET IS 2.4 TIMES THE MINIMUM WAGE. HOWEVER, 77 PERCENT OF ALL WORKERS EARN NO MORE THAN, AND OFTEN MUCH LESS THAN, TWICE THE MINIMUM WAGE.

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 THE LOSS OF 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 A 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 1998, AND THAT THE INDUSTRIES MOST PRONE TO WORKER ACCIDENTS WERE MINING, CONSTRUCTION, AND TRANSPORTATION.

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