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# COLOMBIA

## San Vicente del Caguán after the Breakdown of the Peace Talks: A Community Abandoned

### INTRODUCTION

On 20 February 2002, President Andrés Pastrana ended the three-year long peace process with Colombia's largest armed opposition group, the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), Revolutionary Armed Forces of Colombia, and ordered the immediate aerial bombardment of the guerrilla's "safe haven", the Demilitarized Zone (DMZ). The bombing marked the first phase of the military operation to retake the DMZ, set up in the south of the country in 1998, as a precondition for peace talks.

San Vicente del Caguán, Department of Caquetá, was one of five municipalities which made up the DMZ. It served as the FARC "capital" in the DMZ and hosted the peace talks between government and guerrilla negotiators. This zone, and especially San Vicente, became a focus of national and international attention, while the town's economy boomed as it serviced the national and international visitors who poured into the municipality and as a result of the suspension of hostilities in the area. Just prior to the breakdown of talks, the FARC abandoned the urban centres of the five municipalities. These were subsequently retaken by the security forces in an operation which resulted in a number of civilian casualties and left the guerrilla still in control of much of the rural areas of the DMZ.

The government promised that San Vicente del Caguán would be protected from retaliation by the armed groups and that increased resources for economic development would be forthcoming. Instead, it has been abandoned, both by the Colombian authorities, which have failed to support the town economically and politically, and the international community, whose interest dissipated as soon as the armed forces retook the area. The civilian population has also been stigmatized as "pro-guerrilla" by the government and the security forces and their paramilitary allies because of its role as "hosts" to the FARC.

Although the guerrilla committed numerous acts of violence against members of the civilian population and persistently violated international humanitarian law (IHL) during its time in control of the DMZ, the level of violence has increased significantly since the military retook the area, and the civilian population is being systematically targeted both by the security forces and their

paramilitary allies and by the guerrilla. Although very few politically related killings were reported in the municipality of San Vicente del Caguán in the last few months of the DMZ, the *Defensoría del Pueblo*, Human Rights Ombudsman, recorded 17 politically related civilian killings between 20 February and the end of September. However, unofficial figures suggest the death toll is considerably higher - with a further 78 civilians murdered for political reasons in the other municipalities of the former DMZ. The guerrilla and the armed forces and their paramilitary allies have also used other methods to target the civilian population, such as harassment, torture and threats.

However, the true extent of the human rights crisis in the former DMZ is difficult to gauge since many of the violations are taking place behind a wall of silence. Apart from the urban centre of San Vicente, whose international profile and accessibility are still relatively high, information on violations committed in the rural areas and in the other four municipalities is difficult to obtain since travel to these areas is complicated. The guerrilla and the military maintain checkpoints throughout the municipalities. People who are unknown in the area are also at serious risk of being killed as suspected enemy collaborators. Many of those killed in the municipality of San Vicente del Caguán in recent months have not been identified and are not considered locals. This invisibility means that many of the violations of human rights and IHL remain hidden and those responsible can continue to target the civilian population with impunity.

Amnesty International (AI) is concerned that the breakdown of peace talks is exacerbating an already serious human rights crisis. The organization is also concerned that President Alvaro Uribe Vélez' security policies will only serve to entrench the cycle of violence affecting the whole of Colombia. These measures, including the creation of a million-strong civilian network of informers and the application of a state of emergency (*estado de conmoción interior*) on 11 August 2002, threaten to drag the civilian population further into the conflict and to strengthen existing mechanisms of impunity.

Since many of the violations of human rights and IHL in San Vicente and the other municipalities of the former DMZ are hidden and information therefore hard to collate, this study cannot offer a complete picture of the human rights crisis. Its aim is therefore to provide a snapshot of the violations and abuses which form a part of daily life in the region. Its focus is on San Vicente, since it is currently the most accessible of the five municipalities. In order to protect the identity of people who provided testimony to AI delegates who visited San Vicente in May 2002, their names have been withheld.

### **Peace Talks and the Creation of the Demilitarized Zone**

The 38-year old armed conflict between the armed opposition groups - principally the FARC and the smaller *Ejército de Liberación Nacional* (ELN), National Liberation Army - and the armed

forces, in conjunction with the paramilitaries, grouped under the umbrella organization, the *Autodefensas Unidas de Colombia* (AUC), United Self-Defence Groups of Colombia, has led to the systematic and gross abuse of human rights and IHL, of which the civilian population are the principal victims. Since 1985, more than 60,000 people have been killed, 80 per cent of them civilians, while hundreds of thousands have been displaced, tortured, kidnapped or have “disappeared”. The statistics for 2001 are chilling in themselves, with over 300 people “disappeared”, more than 4,000 civilians killed - most by army-backed paramilitaries - tens of thousands of people displaced and over 1,700 people kidnapped, mainly by guerrilla groups.<sup>1</sup> Preliminary data collated by AI suggests that the human rights situation is deteriorating still further in 2002.

In an effort to end the armed conflict, in October 1998 the government of President Pastrana agreed to a FARC demand to establish a demilitarized zone and withdraw the security forces from the area, as a precondition for the guerrilla’s participation in peace negotiations. The DMZ came into force for an initial 90-day period on 7 November 1998, and was extended further on several occasions until the definitive breakdown of talks on 20 February 2002. Peace talks formally began on 7 January 1999. The DMZ consisted of five municipalities - La Macarena, Mesetas, Uribe and Vista Hermosa, in the Department of Meta, and San Vicente del Caguán, in the Department of Caquetá - an area of 42,000 square kilometres, roughly the size of Switzerland, with a population of some 100,000. The area covered many of the FARC’s traditional strongholds in the south of the country.

San Vicente - the largest of the five municipalities with an urban population of around 13,500 and 34,300 rural inhabitants - became the unofficial FARC “capital”. It hosted the peace negotiations with the government and therefore became the focus of frenzied national and international attention. In order to further facilitate the peace process, the government gave the DMZ priority status and approved a number of special measures for the region:

- In March 1999 the government created the *Cuerpo Cívico de Convivencia*, the so-called *Policía Cívica*, Civic Police, in the five municipalities of the DMZ. The Civic Police took on police functions and consisted of 60 - officially unarmed - members, half nominated by the municipal mayors and half by the FARC.
- Since the FARC forced the judicial authorities to leave the DMZ, the Public Ministry opened offices of the *Defensoría del Pueblo*, whose function is to receive complaints of human rights violations and abuses.

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<sup>1</sup> Amnesty International, *Amnesty International Report 2002*, London, United Kingdom.

- In February 2001, the government declared the five municipalities priority areas for social investment. This meant that during the DMZ the five municipalities would receive extra funds for economic and social programs and projects.

During the three-year peace process the FARC continued to mount numerous disproportionate and indiscriminate attacks on military targets outside the DMZ, which frequently cost civilians lives, and to violate IHL inside and in the immediate vicinity of the zone, including the recruitment of children as young as 13; the direct and arbitrary killing of 13 members of a gnostic community in May 1999, just outside the DMZ in the municipality of Puerto Rico, Caquetá Department; and the kidnapping (also outside the zone) and “disappearance” of three-year old Andrés Felipe Suarez in April 2001, allegedly by the FARC. On 20 February 2002, President Pastrana definitively broke off the peace talks, following the FARC hijacking of a domestic airliner and the kidnapping of Senator Jorge Gechem Turbay, one of the passengers on the aeroplane. Since the likelihood that talks would collapse had been in the offing for some time, the guerrilla forces left the urban centres of the DMZ before the army offensive began. The guerrillas withdrew to their rural strongholds in the DMZ and reportedly to other parts of the country. On 23 February, the FARC kidnapped presidential candidate Ingrid Betancourt while she was travelling by land to San Vicente on a mission to advocate respect for the rights of the DMZ residents.

Some members of the San Vicente community have argued that, despite the abuses committed by the FARC, the municipality enjoyed a three-year period of relative calm and economic prosperity, free from the effects of the armed conflict and the threat of violence from the security forces and the paramilitaries which have affected so many other parts of the country. These individuals are not guerrilla sympathizers but respected members of the community who were never asked and never gave their permission for the government to make their municipality the focal point for peace talks, but sought only to make their forced coexistence with the FARC guerrilla as safe as possible for themselves and their families. Their real fear is that the armed forces, with the help of the paramilitaries, are seeking their revenge for this coexistence, and that the guerrilla are doing likewise to ensure that the civilian population is not tempted to collaborate with its enemies.

## **THE MILITARY: UNDERMINING SUPPORT FOR THE GUERRILLA**

Since retaking the urban centre of San Vicente del Caguán and the other municipalities of the former DMZ, the armed forces' strategy has consisted of undermining what they perceive to be the civilian population's continued support for the FARC guerrilla. This counter-insurgency strategy - based on the concept of "removing the water from the fish" - views civilian victims of the armed conflict, including those who inadvertently come into contact with the armed opposition groups, such as the people of San Vicente del Caguán, not as innocent victims but as part of the enemy. This strategy has been put into practice through the systematic stigmatization and harassment of the civilian population and the introduction of mechanisms to ensure that these human rights violations remain hidden.

### **Building a Wall of Silence**

Many of the mechanisms employed by the military to ensure that human rights violations committed by its members remained outside the scope of national and international scrutiny were already in place by the time the armed forces retook the DMZ. The principal instrument of control were the Theatres of Military Operations (TMOs), which formed part of the Defence and National Security Law, that came into effect on 13 August 2001. The TMOs were *de facto* states of emergency applied in geographical areas where there was a "possible threat to and alteration of the constitutional order, sovereignty, independence and integrity of the national territory".<sup>2</sup> They were activated for the first time on 20 February 2002 in 19 municipalities in six departments, including Meta and Caquetá.

The TMOs gave the military significant powers to control the civilian population, including jurisdiction over governors and mayors; the right to carry out registers of the population; the authority to force migrants to register with the civilian authorities when entering and leaving a municipality; and the right to demand that mayors adopt measures that the military deemed necessary for the application of the TMOs, such as curfews and military checkpoints. These measures complemented the powers included in the Defence and National Security Law, which granted the military judicial police powers in certain circumstances; restricted the ability of the Office of the Procurator General, *Procuraduría General de la Nación*, to undertake disciplinary investigations against security force personnel for human rights violations committed during military operations; and limited the obligation of the security forces to communicate the detention of suspects during military operations rather than to ensure their immediate transfer to civilian judicial authorities.

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<sup>2</sup> Defence and National Security Law, Chapter IV, Article 54.

These provisions not only threatened to undermine local democratic institutions and facilitate the violation of human rights with impunity, but also reduce freedom of movement and association. These measures had serious implications for human rights and humanitarian agencies. Although these continued to enter the region, the security of their employees was placed under threat. Although the Defence and National Security Law was declared unconstitutional by the Colombian Constitutional Court (*Corte Constitucional*) on 11 April 2002, some provisions of the TMOs and the Defence and National Security Law were still being applied when Amnesty International visited San Vicente in May.



©AI Soldiers patrol the main square of San Vicente del Caguán on 30 April 2002

According to the local office of the *Defensoría del Pueblo*, the military have been carrying out arbitrary arrests and fail to cooperate properly with the civilian authorities. On several occasions the military either refused to immediately acknowledge that individuals had been detained or, once an arrest had been acknowledged, to provide information to the families, the *Defensor* or to the *Personera Municipal* -- a municipal representative who acts as the agent of the Public Ministry and serves as a people's advocate, protector of human rights and civic inspector. Following the alleged arbitrary arrest of five individuals in the urban centre of San Vicente del Caguán on 30 April 2002, the arresting military officer refused to provide the *Defensoría del Pueblo* with any information, while on 1 May the Commander of the local military battalion, the *Batallón de Infantería No.36 Cazadores*, refused to meet with the *Defensoría del Pueblo*.

The Amnesty International delegation met the Commander on 2 May. During the meeting, he argued that arrest warrants were not required since the detainees, who were accused of guerrilla activities, were caught “*in flagrante delicto*”, although this was rejected by the local *Defensoría del Pueblo*.<sup>3</sup> Claims by the army that the men were caught *in flagrante delicto* were further thrown into doubt when it was revealed that one of the young men was detained while working in a shop. The Commander also told Amnesty International that he was not aware that the *Personera Municipal* had to be informed immediately every time an arrest was made and that he would ensure that this did not happen again. He finally agreed to meet with the *Defensores* on the same day of Amnesty International’s meeting with him. Reports received by Amnesty International in August suggest that the army is stepping up its arbitrary detention of suspected guerrillas and guerrilla sympathizers, so much so that it is alleged that at one point there were around 70 suspects detained at the *Batallón Cazadores*.

Because of the presence of guerrilla and paramilitary checkpoints, access to most of the rural areas of San Vicente del Caguán is very difficult, except for local Catholic priests and some humanitarian organizations. Even soldiers from the local *Batallón Cazadores* rarely venture out of barracks (situated a few kilometres from the town) with the limited armed confrontations with the FARC carried out by specialist anti-insurgency mobile units, the *Brigadas Móvil* (Mobile Brigades).<sup>4</sup> The *Batallón Cazadores* only has jurisdiction in the urban areas of San Vicente del Caguán. At the time of writing, three Mobile Brigades were operating in the rural areas of the municipality - numbers 2, 3 and 6 - as well as the *Batallón Contra Guerrilla* No.12, Counter-guerrilla Battalion No.12.

The police also do not leave the limits of their jurisdiction, which only covers urban areas. Human rights and humanitarian agencies are therefore finding it very difficult to gather data on what is occurring in the rural parts of the former DMZ. What is evident is that out of sight of the national and international spotlight, a human rights crisis is unfolding in the rural areas that is likely to overshadow the more visible violations in the urban parts of San Vicente.

The wall of silence is likely to be reinforced following the government’s decision to revive some of the provisions included in the now defunct Defence and National Security Law, through the introduction of a state of emergency (*estado de conmoción interior*) on 11 August and through

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<sup>3</sup> An arrest is “*in flagrante delicto*” when a suspect is caught in the act of committing a crime, is identified and immediately detained after committing an illegal act, or found with items which could be used to commit a crime.

<sup>4</sup> Since their creation in 1990, the army’s mobile brigades have been accused of frequent and serious human rights violations against civilians. These specialist counter-insurgency brigades are made up of professional soldiers, equipped with sophisticated weaponry. They have been deployed in rural areas where guerrillas have their strongholds.

Decree 2002, implemented on 10 September. The latter not only gives the security forces the right to detain and hold suspects for 24 hours and to carry out house searches without a warrant, but includes provisions to set up so-called “areas of rehabilitation and consolidation” (*zonas de rehabilitación y consolidación*). In these areas, two of which were set up on 21 September - in parts of Arauca Department and in Bolívar and Sucre Departments - the security forces have the right to restrict freedom of circulation and movement, set up registers of the local population and to detain for 24 hours anyone found without identification papers.

Independent monitoring of the human rights situation in these areas - in which the security forces will be under the operational control of a military commander - will be made more difficult by the provisions included in Decree 2002 which require national and international human rights monitors wishing to visit these areas to obtain special permission from the local governor. If such an area covers more than one department - as will be the case with the former DMZ if, as is likely, it is named as an area of rehabilitation and consolidation- permission to enter will need to be obtained from the Ministry of the Interior. All foreign nationals not complying with these provisions could be deported or expelled.

### **Stigmatizing and Harassing the Civilian Population**

This wall of silence is being reinforced by the security forces’ policy of stigmatizing and harassing the civilian population, principally by labelling them as either members of the guerrilla or as guerrilla sympathizers. This is not only because the people of the DMZ were forced to coexist with the FARC, by trading with them and housing them, but because failure to actively cooperate with the security forces in their counter-insurgency strategy is interpreted as collaboration with the guerrilla. Civilians have increasingly been drawn into the conflict against their will since both the guerrilla and government forces demand their support and collaboration. But giving support to one side of the hostilities, however unwillingly, is frequently followed by reprisals from the other side. This is what is now happening in the former DMZ, despite government guarantees that reprisals would not be carried out against the five municipalities for having hosted the peace talks with the FARC.

Harassment of civilians, by accusing them of collaborating with the guerrilla, is common. Amnesty International has received reports of soldiers harassing women by accusing them of being lovers of members of the guerrilla. The army has also been accused of carrying out indiscriminate house searches, especially of peasant communities, and of destroying or stealing property.

**Case 1:** On 22 April 2002, several soldiers entered the home of A.B., a teacher from a village in San Vicente del Caguán. On 25 April she testified that:

“[...] the army said to us that we were accomplices of the guerrilla because we lived, slept and ate with the guerrilla. Then the soldiers asked us whether we would continue to live with that pair [referring to her son and his wife]. My husband said yes because they are my son and daughter-in-law. They [the soldiers] did not reply and just laughed. They then took my son and said that they would interrogate him and then would return him [...] I asked them to return my son safe and sound and they said they would [...] They have not yet returned him to me.”

**Case 2:** KL, a shopkeeper from San Vicente del Caguán:

“On 30 April of this year [...] an [army officer] and around eight soldiers asked me who was the owner of the motorcycle parked outside the shop and I told them I was [...] They then asked me if I was the owner of the shop and if I sold radios. I told them I was and that I sold AM and FM radios like the ones on display. They then asked me if I sold two-metre radios to the guerrilla and I said I did not. They then said that I had used the motorcycle to deliver a shipment of radios, and I said that they were mistaken [...] They said that in the green Rodeo truck with tinted windows they had guerrillas who had given themselves up and they were pointing out all those with links to the guerrilla and they said I had to accompany them to the battalion. I said that I would not go without a written request from the battalion. They then said I had to go to the police station to make a statement and I said I would only do it if presented with a request to do so by the *Fiscalía* [*General de la Nación*, Office of the Attorney General] or the police. The [officer] then asked for my identification papers and noted the details in a notebook [...] They asked my wife for her name and papers but she refused. They then left.”

The popular neighbourhood of Ciudad Bolívar, on the outskirts of San Vicente town, has been targeted by the military. Its inhabitants have been particularly labelled as guerrilla by the security forces. The community, which consists of some 200 dwellings, was created after a *toma* (an illegal land takeover) instigated by the FARC. Until the military retook San Vicente, the neighbourhood was run by FARC urban units (*milicias*), some of which are allegedly still present in the neighbourhood. As a result, the whole community has been labelled as guerrilla by the security forces. This has led to repeated acts of harassment and the burning of homes. A resident of Ciudad Bolívar told Amnesty International that the military are abusing their authority, including by beating people as they take them away and refusing to inform relatives why their sons or husbands are being taken away: “People speak badly of the community because we are poor, but we are honest and hardworking.” Residents from Ciudad Bolívar also claim that the army is carrying out selective registers in the neighbourhood, although others have said that all the houses in the neighbourhood have been registered.

**Torture and cruel, inhuman and degrading treatment:** The *Defensoría del Pueblo* has received a number of complaints about torture and cruel, inhuman and degrading treatment committed by military personnel, especially by the Mobile Brigades. The *Defensoría del Pueblo* has received testimonies about cases of torture in San Vicente and La Macarena in which the army is allegedly involved. The victims alleged that they were accused of being members of the guerrilla and tortured to force them to physically identify supposed members of the guerrilla or guerrilla collaborators within their communities from photo albums carried by the soldiers. In a case from La Macarena, the victim alleged that he witnessed the torture of his brother. The *Asociación Ambiental del Bajo Pato*, Environmental Association of Bajo Pato, on the Huila-Caquetá border, also presented a written complaint in which it accuses soldiers of raping a minor, who was subsequently forced to sign a declaration stating that she had been well treated. Many of the alleged victims of torture have been forced to sign similar documents. Many have also left the area.

**Case 3:** G.H., unemployed, along with a number of other men, was detained by the *Brigada Móvil No. 6* and taken to an unidentified army post in the municipality of San Vicente:

“When we arrived at the post several soldiers put my hands behind my back and handcuffed me and took me to see an [army officer] who punched me in the mouth and kicked me in the stomach. He said I was a guerrilla. I told him I wasn’t, that I had a shop [...] The officer told some soldiers to make me talk. They put me in a room, threw me to the ground, took off my shoes and tied a wet towel around my head, blocking my nose and mouth. They said, ‘You are a guerrilla aren’t you?’ I told them I wasn’t, so they wrapped the towel around my face again and tightened it and dripped water onto the towel [...] Again they said ‘You are a guerrilla’, and I said I wasn’t so they kept doing the same. This went on for about an hour. Then one of the soldiers said, ‘This son-of-a-bitch guerrilla has been brainwashed well and if this therapy doesn’t work then this will’. So they burned me with a cigarette in the neck. They asked me how long I had been with the guerrilla and I said I wasn’t a guerrilla, so they burned my arms and feet with the cigarette [...] They threw me to the ground and stamped on my face, feet and arms and began to cut my feet and stomach with a machete. They grabbed my testicles and placed the edge of the machete on them [...] I then felt a blow to my head and passed out.”

When G.H. woke they offered him money to become an informer, but he said that he did not work for either side and did not want any problems. They showed him a photo album and asked him if he knew any of the individuals. He said he did not. They held him for a further two days, during which he was not tortured. Before releasing him they made him sign a document but did not allow him to read it. The army told him not to return home until further notice. When he returned, the house had been ransacked and money and livestock stolen.

**Involving minors in the conflict:** The military have allegedly been using children as informers, both to pinpoint the whereabouts of the guerrilla and to identify individuals who sympathize or collaborate with them. Amnesty International has received reports that soldiers have arrived at schools to solicit information from the children, either with sweets, money or threats. It is claimed that after the breakdown of talks, the military arrived in San Vicente with publicity from the government's *Programa de Reinserción*, Reinsertion Program (for armed actors wishing to return to civilian life), and asked children to distribute them around the municipality. It is also alleged that in the municipalities of Vista Hermosa and Mesetas minors were pressurized, either with money or intimidation, to stand in specific places, such as parks, to identify guerrillas and their collaborators. Deserters from the guerrilla, including children, have also allegedly been used by the army to identify guerrillas and sympathizers. This violates rules on the reinsertion of insurgents and the rehabilitation of minors involved in the war. The army, as well as the guerrilla, have also allegedly been using school buildings in rural areas as posts for their combatants. In many cases the school buildings are still in use by children. Battles between army forces and the FARC have taken place near these buildings, which has resulted in children being placed at risk of being caught in the crossfire.

### **Failure to Protect Civilians from the Effects of the Hostilities**

The guerrilla had left the urban areas of the DMZ by the time the military began their campaign to retake the zone on 20 February and dispersed around the DMZ. The military bombing campaign supposedly targeted the FARC's rural strongholds. The bombings, which marked the start of the military's efforts to retake the DMZ, led to the loss of civilian lives and significant damage to property. Three hours after the breakdown of talks, the armed forces reportedly carried out some 200 aerial missions from the Tres Esquinas base in Caquetá Department using OV-10, AT-37, DC-34 and Kafir planes and Black Hawk helicopters, which bombed 87 sites in the DMZ. One of these, on the morning of 21 February, killed three civilians in the village of El Rubí in the municipality of San Vicente del Caguán - Kenny Losada, Saúl Quesada and his young son Yesid Esneider Quesada - and seriously injured at least five civilians, and extensively damaged property in the village.

A second wave of aerial bombardments began on 25 February. According to satellite information the bombing also targeted much of the FARC's civilian infrastructure in the former DMZ, which inevitably placed the civilian population at risk. However, the exact death toll and the scale of physical damage has been impossible to gauge since access to these areas has not been possible. The bombing was reported to have killed a significant number of guerrillas but the exact number is difficult to ascertain because of lack of access to the area and the FARC practice of taking their dead with them. There are also reports that one aerial bombing raid in the municipality of Algeciras, Huila Department, which is just outside the DMZ but within the

area that was covered by the TMOs, was directed at a group of school children, although there were no fatalities.

Immediately following the aerial bombardment, the army entered the DMZ - the *Batallón de Infantería No.36 Cazadores* to San Vicente, other battalions to the urban centres of the other four municipalities of the zone, and the mobile units to the rural areas. There have been few confrontations in San Vicente del Caguán. These have been mainly confined to rural areas, but details remain sketchy. Neither the aerial bombardment nor the land campaign have succeeded in significantly weakening the guerrilla strongholds in the municipality of San Vicente del Caguán. The security forces are only in control of the urban areas, and only during the day. Cases have also been reported of guerrilla checkpoints close to army ones, yet the army more often than not has failed to engage with them militarily - at the time of writing there was a reported semi-permanent guerrilla checkpoint only 2.5 kilometres from the *Cazadores* army battalion. At night, both the police and the army are withdrawn to barracks for their own safety. Much of the activities of this battalion consists of raiding the homes of families of suspected guerrillas or sympathizers and making arrests.

©AP Residents carry the body of Saúl Quesada and his son from the back of a truck at the San Vicente del Caguán cemetery

At the time of writing, reports suggest that the army has failed to regain complete control of the inter-municipal highways in the DMZ (San Vicente-Macarena, Mesetas-Uribe and Vista Hermosa-Macarena), except for the Vista Hermosa-Mesetas road. It does, however, maintain control of many of the routes into the former DMZ, in an effort to isolate the territory, such as the Mesetas-Vista Hermosa highway towards Granada-Villavicencio-Bogotá and the San Vicente-Neiva and Florencia-Neiva highways.

The people of San Vicente have expressed their concern that the army has repeatedly camped near their homes, inside schools and community centres and near water towers, thus putting civilians and infrastructure at increased risk of guerrilla retaliatory attacks or of civilians being caught in the crossfire. The community has also criticized the guerrilla for building camps near their homes.

**Case 4:** At the time of writing, an unspecified mobile unit had occupied the Paeces indigenous community in the “*resguardo*” (reserve) of Altamira in San Vicente, situated between the rivers Caguán, Pescado and Ricaurte. The community alleges that the army has used the school and families’ cooking facilities inside their homes. The community refused to hand over two of its members accused of being guerrillas by the army. In response the military threatened to

remove their special status as an indigenous community<sup>5</sup>. Members of the community claim to be in conflict with a neighbouring community, which has accused them of links with the guerrilla. They have said that the guerrilla sometimes passed through their community but that they are never allowed to remain or to build camps. They also fear a paramilitary incursion because of the accusations that have been levelled against them.

### **The Paramilitaries and their Links with the Armed Forces**

Army-backed paramilitaries have sown terror in Colombia for decades, torturing, killing and “disappearing” with virtual impunity. Many have their origin in legally constituted civilian “self-defence” groups which the army created to act as auxiliaries during counter-insurgency operations. Their legal basis was removed in 1989 but as yet no effective military or political measures have been taken to disband them. Their collaboration with the security forces has been well documented by Amnesty International. Reports from the United Nations (UN) and the Organization of American States (OAS) have also documented strong links, while criminal and disciplinary investigations continue to implicate high-ranking security force officers in serious human rights violations committed by paramilitary units. Over the last few decades, paramilitary forces have been held responsible for most killings and “disappearances” of civilians in Colombia.

As the Colombian armed forces have faced mounting international condemnation for human rights violations in recent years they have resorted increasingly to the use of paramilitary auxiliaries to implement the “dirty war” tactics. The security forces can no longer depend on traditional judicial mechanisms of impunity. International and national attention is increasingly focused on the urgent need to dismantle these mechanisms which have until now guaranteed that members of the armed forces would, in all but the most exceptional cases, escape investigation or appropriate sanction. To circumvent these pressures, those responsible for designing and implementing the “dirty war” can continue their strategy without fear of prosecution by devolving these tasks to paramilitary forces.

The paramilitaries have strengthened their presence in the former DMZ. They now have a strong and public presence in the south of Caquetá and in the urban centres of Mesetas, La Macarena, Uribe and Vista Hermosa in Meta Department, and paramilitary checkpoints proliferate in these areas. There are numerous reports of human rights violations committed by the paramilitaries in these municipalities, often with the knowledge of and in collusion with the

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<sup>5</sup> Under the 1991 Constitution, indigenous communities can, in certain circumstances, function under their own political and legal systems, so long as these do not run counter to Colombian law.

security forces. There is also a strong and open paramilitary presence in the areas surrounding the former DMZ, such as Nariño, Cauca and Putumayo.

In San Vicente, the presence of paramilitaries is more limited and low-key. In part this may be because of the relatively high international and media spotlight the municipality has enjoyed and the paramilitaries' inability to penetrate the town of San Vicente following the aerial bombing's failure to dislodge the guerrilla from their rural strongholds around the town. At the time of writing there was little evidence of mass paramilitary activity in the town of San Vicente. Paramilitary graffiti has appeared in the town, however, and there are a number of paramilitary checkpoints in the rural areas of the municipality. Information received by Amnesty International suggests that some of the paramilitaries operating at some of these checkpoints have been seen in the town dressed in civilian clothes.

The paramilitaries' strategy, in the whole of the country and not just in the former DMZ, has evolved significantly over the last year. Instead of engaging in the mass killing of civilians suspected of collaboration or sympathy with the guerrilla, which has been their traditional strategy, they have generally opted not to kill more than three people at any one time. This avoids such murders from being classified as massacres in Colombia. This strategy reflects paramilitary efforts to reverse the decision of the US government, adopted on 10 September 2001, to place the AUC on its list of "terrorist" organizations, as well as their desire not to damage the electoral prospects of now President Alvaro Uribe Vélez in the run up to the 26 May 2002 poll. Throughout the election campaign the paramilitaries expressed their support for Alvaro Uribe's presidential candidacy, and in many areas of Colombia allegedly pressurized communities into voting for him. This strategy could well continue following Alvaro Uribe's election victory as some paramilitary sectors seek to clean up their image in preparation for possibly entering the legal political arena.

In San Vicente, the aim of the paramilitaries has not been to attack the population directly but to infiltrate it. Like the military and the FARC, they appear to be engaged in a preparatory intelligence-gathering phase, mainly using civilian sympathizers. This has raised fears that the paramilitaries will seek to "cleanse" San Vicente of "undesirables". The paramilitaries have also allegedly issued threats against civilians in the municipality.

**Case 5:** M.N., a hospital doctor working in San Vicente was forced to leave the area after allegedly being repeatedly threatened, verbally and in writing, by the paramilitaries since 2000. The paramilitaries apparently accused her of medically treating guerrillas during the DMZ period. At the beginning of 2002, she received a flier reportedly signed by the AUC dated 31 December 2001, which stated:

"The hospital facilities are used to treat guerrillas. The hospital is run by a doctor who was sent to Cuba to strengthen her studies in order to improve the services provided to

the guerrilla [...] The clinics in this municipality are also getting rich with guerrilla money. This is why in 2002 we will strengthen our army in Colombian territory in order to cleanse it.”

Rather than actual attacks by the paramilitaries, the trend in San Vicente has been for the security forces to threaten the civilian population by warning them that “the paramilitaries are coming”, that “they will show no mercy” or that “they’re coming behind us cutting off heads” (“*vienen atrás mochando cabezas*”). There is also evidence that the military have failed to dismantle known paramilitary checkpoints. There is no record of military engagement with the paramilitaries in the area despite government stated policy to engage with both guerrillas and paramilitaries. Amnesty International has also received information that in some operations military personnel have hidden their insignia and names in order to avoid identification and that hooded informers are sometimes operating with military units.

**Case 6:** The army raided the school in the village of Miravelle in San Vicente, which was damaged and the school canteen ransacked. They threatened the villagers “*con los que venían atrás*”, “with those coming behind us”, in reference to the paramilitaries. They stole agricultural produce and livestock, such as chickens, pigs and sheep. When the owners complained, they were told that they could not complain since the goods belonged to the guerrilla and that the villagers were therefore guerrilla. A peasant who asked for the return of his radio was beaten with the butt of a rifle and told to ask the guerrilla for a new one.

The armed forces have also reportedly prepared lists with the names and identities of civilians in San Vicente del Caguán. Each name is either marked “guerrilla” or “auxiliary”. Also, all visitors or residents arriving or leaving San Vicente by aeroplane (the only safe way to travel in and out of the municipality) have to register with the military authorities at the airport. The Amnesty International delegates’ arrival was noted on two separate registers on arrival and again on departure, and information on name, occupation, employer and purpose of visit recorded. According to the local *Defensoría del Pueblo* the compilation of these registers by the military is illegal since it contravenes the Constitutional Court’s ruling against the legality of the Defence and National Security Law. There have been credible allegations that these lists are been passed on to the paramilitaries.

**Case 7:** E.F. is a former civilian member of the Civic Police from San Vicente who has allegedly been threatened by the security forces:

“On 5 April, when I was walking with my father-in-law towards my smallholding [...] the army stopped us and accused me of being a *miliciano* [...] and finally of being a guerrilla. They took me to their checkpoint, on the Las Ceibas bridge [...] I don’t know how, but they knew I was in the Civic Police. They told me to tell them where the

guerrilla were. They said I knew where they were. They told me to collaborate because my name was on a list. He showed it to me. It consisted of two sheets [...] full of handwritten names [...] He only showed me the page with my name on it. On it I saw the names of my parents-in-law and next to my name was written 'guerrilla' and next to my parents-in-laws, 'auxiliaries'. He told me they would hand over the list to the paramilitaries, so that they could clean up since it looked bad for the army to kill people. I don't know if my mother-in-law is on the list because the guerrilla camped on her farm during the DMZ [...] My wife arrived at around six. They told her that they would take us to the battalion. My father-in-law [...] brother-in-law [...] his wife [...] and their nine-year old son had also been taken to the battalion."

## **THE GUERRILLA: TACTICAL WITHDRAWAL FROM THE URBAN AREAS**

After the breakdown of the peace talks the FARC made a tactical retreat to their strongholds in the rural areas of the former DMZ, where they remain in control. FARC militia are, however, reportedly still present and active in many of the urban areas. In San Vicente it is reported that they have been responsible for a number of grenade attacks against police targets in the town, some of which have led to the deaths of civilians. As with the other armed actors, the guerrilla are engaged in an intelligence-gathering exercise in preparation for what many believe will be an attempt to retake the urban centre of San Vicente. The guerrilla have on the whole also been reticent about engaging directly and *en masse* with the armed forces, either in the rural or urban areas. Their strategy to retake San Vicente apparently involves a preparatory two-pronged strategy: to intimidate the civilian population into submission and to make the area ungovernable. In these two objectives, they have been relatively successful.

©AP FARC guerrillas patrol San Vicente del Caguán the day before the military retakes the town

### **Retaliation Against the Civilian Population**

The FARC are now challenging army control of the former DMZ partly by waging a war against those it perceives as collaborating with its enemies. This has involved the violation of IHL, including the killing of civilians; threats against members of the community, many of which have been displaced; forced recruitment, including of minors; and cruel, inhuman and degrading treatment. However, the scale of the problem is probably more serious than the evidence would suggest, since many members of the community are too afraid to denounce the guerrilla to the authorities, such as the *Defensoría del Pueblo* and *Personería*, for fear of retaliation.

Initial investigations have implicated the FARC in many of the selective killings in San Vicente del Caguán. Some have also been attributed to “*fuerzas oscuras*” (“dark forces”), a reference to the paramilitaries or to security force personnel collaborating with the paramilitaries. Some of the corpses, many of which have not been identified, have been dumped by the roadside on the outskirts of the town of San Vicente del Caguán. Some have placards attached to the bodies in which they warn that “this is how we return your intelligence”, a warning to the army not to use informers. Bodies have also been dumped on the roadside as an apparent warning to the civilian population not to collaborate with the security forces. Many of these have not been identified.

**The Civic Police:** Members of the Civic Police have been particularly at risk, both from the guerrilla and the army. The Civic Police, who were backed and financed by the government,

consisted of 60 individuals, 30 nominated by the FARC and 30 by the mayor and was the only law-and-order body in the DMZ. Those members of the Civic Police nominated by the FARC left the urban areas with the guerrilla. The FARC warned the civilian members - who were ordinary members of the community - that if they stayed and were not killed by the security forces or the paramilitaries, then they would assume that they were collaborating with them. They would therefore become "legitimate military targets". Most have been threatened and have left the area. Many have left for Bogotá where, because they have been labelled as guerrilla sympathizers, are constantly harassed and threatened. For the same reason, the authorities are reluctant to provide the help they are entitled to as displaced persons.

The coordinator of the civilian members of the Civic Police, Juan Carlos Miranda, was murdered in his home on 22 April in front of his 14-year old son in the Bellavista neighbourhood of San Vicente, allegedly by the FARC, although others in the town attribute his death to the "*fuerzas oscuras*". The few members of the Civic Police who remained in San Vicente have alleged that the authorities have refused to guarantee their safety because of their presumed association with the guerrilla. They have also reported that the security forces have harassed them and accused them of being members of the guerrilla.

**Case 8:** E.F. was also threatened by the guerrilla:

"On 15 December 2001, the guerrilla coordinator of the Civic Police told the 30 members named by the mayor to leave with them and that if we didn't, and stayed in the town and nothing happened to us, it would be because we were paramilitaries or soldiers, and that they would come and find us and make us pay. I told him I couldn't leave. On 25 February, I went out to buy some meat and when I left the butchers I came across two units from the FARC side of the Civic Police. They told me: 'Disappear brother, it's the best thing you can do, you have been warned.' "

There are also other well documented cases of killings allegedly carried out by the FARC in the other municipalities of the former DMZ, such as that of seven civilians in La Macarena on 24 February, and of 11 civilians in the village of Loma Linda in the municipality of Vista Hermosa on 15 September.

### **Making the Former DMZ Ungovernable**

The FARC are seeking to undermine the authority of the state in the former DMZ in order to assert their control over the area. Many commentators believed that following the end of the DMZ the guerrilla would immediately seek to launch spectacular attacks against urban targets in the whole of the country and to militarily confront the army and police. While the frequency of military attacks has increased, the FARC's main strategy appears to be to create a *de facto* DMZ by making large swathes of Colombia ungovernable. The most visible part of this strategy

has involved “resign or die” threats, made by the FARC and first issued in May, against mayors, judges and councillors in several southern departments, including Caquetá. The FARC warned that those public and judicial officials who failed to resign from their posts would become “legitimate military targets”. This threat has gradually been extended to all mayors and governors of the country. The guerrilla hope the ensuing political vacuum will facilitate their efforts to gain or regain control of large parts of the country, including the five municipalities of the former DMZ.

According to press reports in July, 222 mayors out of a total of 465 in 24 of the 35 departments in the country have resigned, while media reports at the end of August suggest that 408 judges and 396 *fiscales* in 248 municipalities in 18 departments around the country have been threatened, resulting in court closures and the displacement of judicial officials. Some mayors have been killed while others have been kidnapped. At the time of writing this report, 35 municipalities reportedly had no civilian or administrative representation, an area covering 50,000 square kilometres, larger than the former DMZ. Meta, where four of the five municipalities of the former DMZ are located, has been particularly hard hit, accounting for almost a quarter of the territory that, at the time of writing, was without any civilian authorities. San Vicente del Caguán and other municipalities in the department of Caquetá have also been affected by the FARC threat:

- On 5 June, the mayor of Solita in the south west of Caquetá Department, Luis Carlos Caro Pacheco, was killed. According to press reports, the *Federación Colombiana de Municipios*, Colombian Federation of Municipalities, attributed responsibility for his death to the FARC.
- On 6 July, Gloria Porteneur, the wife of the interim mayor San Vicente, Javier Ortega, was shot dead, also allegedly by FARC militias.
- On 13 July, the mayor of San Vicente, Nestór Iván Ramírez, reportedly confirmed that on 24 June all municipal officials, including councillors, had resigned because of threats.

The *Personera* has also been forced to leave the town of San Vicente del Caguán following FARC threats, while the representative of the *Defensoría del Pueblo* has been left without an office following the closure of the municipal building. At the time of writing, there were no civilian state representatives in the municipality, apart from those from the *Defensoría*.

This strategy has allegedly been complemented by the destruction of infrastructure. In San Vicente, the guerrilla has been blamed for repeatedly destroying energy installations, water

towers, bridges and communication facilities.<sup>6</sup> The municipality is therefore regularly left *incomunicado* and lacking in basic services. Because of the dominant presence of the FARC in rural areas, overland travel within, and access to and from Caquetá and Meta is dangerous. This has had a negative impact on the economies of the region and made it much more difficult for those who wish to leave the area. The FARC also called an “armed strike” on 24 May, two days before the 26 May election, blocking all routes by land and river out of San Vicente. At the time of writing this strike is still partially operational, but whether it is enforced depends much on the whim of individual FARC commanders. This has only served to increase the uncertainty and isolation of the civilian population.

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<sup>6</sup> The security forces are also responsible for some of the destruction of civilian infrastructure, particularly roads built by the FARC and local communities during the DMZ.

## **THE LACK OF STATE PRESENCE: SAN VICENTE ABANDONED**

The lack of democratic civilian representation in San Vicente del Caguán - as a result of the threats issued by the FARC against mayors and municipal councillors - has been seriously compounded by the failure of state bodies to return to the area following the collapse of the DMZ. This is having a negative impact on the administration of justice and social welfare and on the protection of human rights in San Vicente.

Although the *Fiscalía General de la Nación* (Office of the Attorney General) made a brief reappearance in San Vicente soon after the end of the DMZ, it was soon forced to leave again because of renewed threats from the FARC. The *Fiscalía* is responsible for investigating and prosecuting all crimes committed in Colombia, including human rights violations. Before the DMZ, San Vicente had a *Fiscalía*, judges and two courts. There are also no representatives from the *Procuraduría General de la Nación* (Office of the Procurator General), which is responsible for investigating allegations of misconduct, including human rights violations, by public officials. There is now effectively no legal system in San Vicente. Although courts and the *Fiscalía* are functioning in Florencia, 150 kilometres away, the lack of security on the region's highways means that complainants find it difficult to travel there.

Human rights investigations in San Vicente are also being seriously hampered by the absence of officers from the *Cuerpo Técnico de Investigación* (CTI), Technical Investigations Unit. The CTI forms part of the *Fiscalía General de la Nación* and is responsible for carrying out judicial police duties for the *Fiscalía*, including *levantamientos de cadáveres*, official removal of the body for post-mortem examination. In San Vicente, this work is being carried out by the *Junta de Acción Comunal*, Neighbourhood Action Committee, and the *Inspector de Policía*, Police Inspector, a civilian post. Neither are adequately trained to undertake this task. More often than not, safety considerations mean that even these institutions are unwilling to collect the corpses found in rural areas, while the army has refused to provide an escort. During the DMZ it was often left to the *Defensoría del Pueblo* to remove the corpses, sometimes in a refuse truck, a practice which still continues. Bodies often remain untouched for days, while others are removed by relatives and are therefore never recorded.

This situation has deteriorated significantly since the civilian authorities left the town. There has been a dramatic increase in the number of unidentified bodies found in the municipality. The lack of relevant state officials has meant that the identities of many of these corpses have not been established nor investigations set up into the circumstances surrounding the deaths. It is alleged that many of these bodies are being buried in mass graves.

### **Role of the *Defensoría del Pueblo***

The *Defensoría del Pueblo* (Office of the Human Rights Ombudsman) was created under the 1991 Constitution to oversee the promotion, exercise and dissemination of human rights. It has no official investigative role, but has provided an important and accessible point for receiving complaints of violations of human rights and IHL, for providing advice to victims and for passing on cases to the *Procuraduría General de la Nación* (Office of the Procurator General) and the *Fiscalía General de la Nación* (Office of the Attorney General). The *Defensoría*'s representatives in San Vicente del Caguán, who were the only state officials to remain in the municipality during the DMZ, have played an invaluable role in highlighting and monitoring violations of human rights and IHL. They are also one of the only state bodies in San Vicente not to have received the latest threats from the FARC to resign from their posts and therefore still remain in the town. However, they have been threatened in the past and still live in fear for their lives. Despite its critical work in San Vicente, the *Defensoría* does suffer from a number of weaknesses:

- There is a lack of stability. There have been several different *Defensores* (ombudsmen) since the end of the DMZ. This rotation is problematic, since it makes it more difficult for staff members to win the trust of the community who are therefore often reluctant to testify. The *Defensores* are also on temporary contracts, while permanent staff are unwilling to go to the former DMZ because of safety considerations.
- There is a lack of effectiveness. There are fears that testimonies will end up in the archives of the head office and that no action will be taken. Given the absence of other state agencies, the *Defensoría* has also been severely overstretched. Since the DMZ was created, and following its demise, it has fulfilled the functions of other state bodies, especially those of social agencies such as the labour ministry. During the DMZ, the *Defensoría* was even forced to organize the ambulance service because of threats against medical personnel. Their work is currently hampered by their inability to travel outside the urban centre.
- The local office of the *Defensoría del Pueblo* has an uncertain future. It is funded by the international community. However, this funding is due to end on 30 November 2002. There is concern that this funding might not be renewed thereby forcing the Office to close. This will have a severe impact on the reporting of violations of human rights and IHL in the area, especially since the Office is currently the only non-military state institution with a presence in the municipality.

### **The Departure of the International Community**

San Vicente del Caguán hosted the world's media, which was eager to report about life in the officially sanctioned guerrilla safe haven. Diplomats from Europe, Canada, Japan and other countries visited the municipality to participate in conferences on a range of themes, such as illicit drug policy, while the FARC and the government issued joint open invitations for Colombians to visit the municipality to discuss issues such as employment. On 17 March 2000 a group of Colombia's most important businesspeople visited the DMZ for a meeting with FARC leader Manuel Marulanda. International business also participated - on 26 June 1999, the President of the New York Stock Exchange, Richard Grasso, met with FARC leaders in San Vicente, while on 15 March 2000 America Online co-founder James Kimsey travelled to the DMZ for a meeting with Manuel Marulanda. The meeting sought to educate the guerrillas about the changes in the world economy brought on by new technologies and international investment flows. During the DMZ period, San Vicente's economy boomed, with new shops, hotels and restaurants springing up to service the town's national and international clientele.

The international community's involvement in the peace process, however, was much more direct. On 9 March 2001, the *Mesa Nacional de Diálogo y Negociación*, National Dialogue and Negotiating Table - consisting of government and FARC negotiators - agreed to establish a *Comisión Facilitadora*, Facilitating Commission of 10 countries to provide international support to the peace process. The Commission formed part of a larger group of "friendly countries" (*países amigos*).<sup>7</sup> Members of the negotiating teams also visited a number of European countries. For example, in January and February 2001, Peace Commissioner Victor G. Ricardo and a delegation of FARC negotiators travelled to Sweden, Norway, Switzerland, Italy, France and Spain on a tour facilitated by Jan Egeland, Norwegian special representative for Colombia of UN Secretary-General Kofi Annan.

In the last few months of 2001 and through January 2002, representatives from the international community visited San Vicente as part of a concerted effort to end the latest of the many crises to affect the peace talks. Their efforts ultimately failed. Visits by the international community subsequently dried up, while media interest waned following the breakdown of talks. However, a small number of international organizations and humanitarian and human rights agencies have visited San Vicente since the breakdown of peace talks. Nevertheless, the general lack of

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<sup>7</sup> The Commission consisted of Canada, Cuba, Spain, France, Italy, Mexico, Norway, Sweden, Switzerland and Venezuela. The "friendly countries" were, Austria, Belgium, Brazil, Canada, Costa Rica, Chile, Cuba, Denmark, Ecuador, Germany, Finland, France, Italy, Japan, Mexico, Norway, the Netherlands, Panama, Peru, Portugal, Spain, United Kingdom, Sweden, Switzerland, Venezuela and the Vatican, as well as the Special Delegate of the UN Secretary General and the European Commission.

international interest and presence has led to much resentment in the municipality, whose citizens feel abandoned and let down.

### **Lack of Support for Displaced Persons**

Colombia has one of the world's most serious displacement problems. Official figures suggest that some 720,000 people have been internally displaced since 1995, although non-governmental organizations data and UN data point to a figure closer to 2 million. According to the UN High Commissioner for Refugees, the number of displaced persons increased by 48 per cent in 2001 from the previous year.<sup>8</sup> Following the breakdown of peace talks, this figure is likely to increase further in 2002. Figures from the *Consultoría para los Derechos Humanos y el Desplazamiento* (CODHES), Advisory Committee for Human Rights and Displacement, indicate over 90,000 people were displaced in the first three months of this year.<sup>9</sup> According to the *Defensoría del Pueblo*, the departments of Caquetá and Meta accounted for over 5 per cent of the total displaced population during the period of the DMZ. Fears about FARC kidnapping and extortion, forced recruitment of minors by the guerrilla and the paramilitaries, and concerns about military actions in the areas surrounding the DMZ are cited as the main reasons for displacement.<sup>10</sup>

There have been some displacements since the breakdown of the peace talks but exact figures are difficult to obtain. Most displacement has taken place towards bordering areas and in particular towards the capitals of the departments of Caquetá, Huila, Meta and Nariño. Since Caquetá and Meta departments are not currently in dispute between the armed sectors to the same degree as other regions, such as Antioquia and Bolívar, the level of displacement of the civilian population is not as severe. However, the number of displaced persons is likely to increase if the former DMZ becomes, as many fear, the focus of a power struggle between the FARC and the security forces and their paramilitary allies.

In the immediate aftermath of the bombing campaign, the *Red de Solidaridad*, Solidarity Network, the main state body responsible for the welfare of displaced persons, estimated that 130 people were displaced to San Vicente, although this figure has fallen since then. According

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<sup>8</sup> Alto Comisionado de las Naciones Unidas para los Refugiados & Oficina de las Naciones Unidas para la Coordinación de Asuntos Humanitarios, *Estado de Situación del Desplazamiento, Enero a Diciembre 2001*, Grupo Temático de Desplazamiento (GTD), May 2002, Bogotá, Colombia.

<sup>9</sup> CODHES, *Boletín de la Consultoría para los Derechos Humanos y el Desplazamiento*, No. 41, 9 May 2002, Bogotá, Colombia.

<sup>10</sup> Defensoría del Pueblo, *El Desplazamiento Forzado por la Violencia en Colombia, April 2002*, Bogotá, Colombia.

to the *Defensoría del Pueblo*, a total of 454 individuals have so far been displaced to San Vicente, some as a result of threats to their lives and others because they were ordered to do so by the guerrilla. This figure is most likely a significant underestimate, since the stigma attached to being a displaced person, especially one from the former DMZ, has dissuaded many from registering. Many more would also like to leave the area but are too scared to travel by road and lack the resources to travel by air. There have also been reports of intra-rural displacement within the municipality of San Vicente del Caguán.

However, the presence of the *Red de Solidaridad* in San Vicente has been patchy - visiting every two weeks - and it has been unable to offer any real assistance to those in need. People who have succeeded in relocating to the cities, especially Bogotá, have not fared any better. State assistance has been scarce, while they continually suffer harassment due to the perception, common among public officials and the population as a whole, that they are guerrilla sympathizers. In Bogotá many displaced persons from San Vicente have allegedly been followed and interrogated by the security forces. Some have become so desperate that they are even willing to collaborate with the military in return for assistance. As stated earlier, the civilian members of the Civic Police have been particularly vulnerable in this respect. It is thought that there are between 16 and 20 members of the Civic Police living in Bogotá. Many of the civilians displaced from San Vicente to Bogotá have also refused to register for fear of being classified as guerrilla.

## CONCLUSIONS AND RECOMMENDATIONS

Although the human rights situation in San Vicente del Caguán is not as severe as that in other areas of the country, Amnesty International is seriously concerned that the situation could deteriorate. This is not only because the collapse of the peace process with the FARC in February 2002 is leading to an intensification of the conflict throughout the country, but because the security policies being implemented by the new government of President Alvaro Uribe Vélez threaten to weaken many of Colombia's constitutional human rights safeguards and to drag the civilian population further into the armed conflict.

In San Vicente, as elsewhere in Colombia, the armed parties to the conflict are increasingly showing very grave disregard for human rights and international humanitarian law. It is the civilian population that inevitably bears the brunt of this deteriorating human rights crisis, since it is increasingly targeted by all armed sectors to prevent its possible, perceived or imaginary support for the opposing side. Because of its duties and obligations under domestic and international law, and its role in upholding the law, maintaining order and dispensing justice, the government must assume responsibility for resolving the human rights crisis, and for the abuses committed by the armed forces and its tolerance of and acquiescence with paramilitary forces, which Amnesty International condemns. The FARC, which has also been responsible for numerous and repeated violations of international humanitarian law, must assume its responsibility for perpetuating and exacerbating the human rights crisis. Amnesty International condemns its direct and arbitrary killings of civilians, kidnappings and hostage taking, and indiscriminate and disproportionate attacks on military targets which have resulted in the killing and wounding of civilians.

The civilian population in San Vicente have expressed fears that the municipality will in the near future become the scene of intensified fighting, as the parties to the conflict seek to exercise military control of the territory. The evidence suggests that the guerrilla and the army-backed paramilitaries are now engaged in a preliminary intelligence-gathering phase - the former in preparation for a future military assault on the municipality, and the latter to possibly "cleanse" the area of "undesirables". In light of the symbolic importance of San Vicente as the host of the peace talks and its role as the unofficial FARC "capital" during the DMZ period, all the armed actors - the guerrilla and the military in collaboration with the paramilitaries - are keen to assert control over the territory.

These fears have been compounded by the state's failure to protect the civilian population, in stark contrast to the promises made by the government to the communities of the former DMZ that they would be well rewarded for the sacrifices made during the three-year long forced cohabitation with the FARC. However, the security forces - sent in to protect them - have been accused of repeated violations of human rights, including torture, and have sought to harass and

humiliate the civilian population through repeated and unfounded allegations that they collaborated with the guerrilla, both during and after the DMZ period.

The state's failure to secure the safety of its representatives in the municipality has left a vacuum of justice. As a result, impunity for human rights violations has increased. Of particular concern is the failure of the *Fiscalía* (Office of the Attorney General) and the courts to reopen their offices in San Vicente. The notable exception to this is the *Defensoría del Pueblo* (Office of the Human Rights Ombudsman), whose office in the municipality has played an invaluable role in exposing violations of human rights and international humanitarian law. The failure of the state's social agencies to return to the region has only served to exacerbate the already precarious economic situation facing many families in San Vicente, especially internally displaced persons. The FARC strategy of threatening and murdering civilian public officials, such as mayors and councillors has left a vacuum of governance not only in San Vicente but throughout Colombia which has further increased the vulnerability of the civilian population. However, many community leaders in San Vicente reserve much of their anger for the international community for failing to maintain their support for the region following the end of the peace talks and the DMZ.

Amnesty International fears that some of the constitutional reforms being mooted by the government and the security measures already being implemented by the new administration will exacerbate the human rights crisis. The international community, and human rights organizations in particular, welcomed the introduction of strong human rights safeguards in Colombia's 1991 Constitution. These provisions, and the autonomy of state institutions which have a critical role to play in the protection of human rights, must be guaranteed and strengthened, if the human rights crisis is to be resolved. Amnesty International is therefore alarmed by suggestions that the government might seek to weaken the Constitutional Court, which has played a crucial role in ensuring that the human rights provisions enshrined in the Constitution are upheld, in principle if not in practice. The proposal to merge the *Defensoría del Pueblo* with the *Procuraduría General de la Nación* could seriously undermine the *Defensoría's* ability to pursue its role of vigilance and monitoring of human rights and severely threatens to weaken the capacity of the *Procuraduría*. Amnesty International is also calling on the new government to re-consider its announced intention to re-establish the President's faculty to call a state of siege, dropped in the 1991 Constitution, since it would give extraordinary powers to the armed forces and the Presidency for an unlimited period, principally by removing judicial and legislative oversight over states of exception.

Government measures to strengthen the nation's security must be based on the full respect of international standards to which Colombia is a party. This is why Amnesty International also has strong concerns about some of the measures included as part of the state of emergency, which allow the security forces to carry out house searches and arrests without judicial authority. This not only runs against the spirit of the ruling by the Constitutional Court, which declared

unconstitutional similar measures contained in the Defence and National Security Law, but also threatens to strengthen the mechanisms of impunity by covering up responsibility for human rights violations committed by the armed forces and the paramilitaries.

Amnesty International is also alarmed by the decision to create a million-strong civilian network of informers, similar to the now disbanded *Convivir* created by the government of former President Ernesto Samper. Like the *Convivir*, the million-strong civilian network - which, according to military sources already has almost 40,000 members - will assist the security forces in counter-intelligence tasks that would inevitably further fuel the spiral of political violence. Such a strategy risks dragging the civilian population further into the conflict and expose those involved to revenge attacks from one of the sides in the armed conflict, especially in municipalities such as San Vicente del Caguán, where the guerrilla are particularly strong.

#### **A. Recommendations to the Government:**

- The government must ensure the safety and security of the civilian population of San Vicente del Caguán.
- The government must develop a comprehensive human rights policy that complies fully with Colombia's international obligations, the human rights recommendations of the UN and other international bodies, including on action to end impunity; to confront and dismantle army-backed paramilitaries; and to guarantee the safety of vulnerable sectors, such as the civilian members of the Civic Police.
- The *Defensoría del Pueblo*, which has played such an invaluable role in San Vicente, needs to be extended and strengthened and its autonomy guaranteed.
- The *Fiscalía General de la Nación* in San Vicente, and other judicial entities, such as courts, should be reopened and the safety of their representatives guaranteed.
- The security forces must provide full support to the *Defensoría del Pueblo* and the *Fiscalía General de la Nación* in exposing human rights violations and advancing judicial investigations into such cases.
- All members of the security forces implicated by judicial or disciplinary investigations in cases of human rights violations should be suspended from duty until such time that their responsibility or innocence has been determined.
- The government should reconsider proposals to increase the involvement of the civilian population in the conflict through measures such as the million-strong civilian network of informers which, as in the past, threatens to strengthen paramilitarism.

- The government should resolve the problem facing internally displaced persons in the former DMZ by adopting the UN Guiding Principles on Internal Displacement, including prevention of forced displacement, protection of the internally displaced, access to humanitarian aid and the right to return or resettlement.

#### **B. Recommendations to the FARC:**

- The leadership of the FARC should order all combatants to abide by international humanitarian law, which specifically prohibits all parties to an internal armed conflict from targeting people taking no direct part in hostilities; and in particular from carrying out acts of violence, including murder, mutilation, cruel treatment and torture, outrages upon personal dignity and the taking of hostages;
- The FARC should implement specific measures aimed at ensuring compliance with the standards of international humanitarian law, such as ensuring that all forces under their control are trained and ordered to adhere at all times to basic principles of humanitarian law, investigating allegations of violation of international humanitarian law to determine responsibility, and ensuring that those responsible are removed from any position in which they may commit human rights abuses against civilians and those who are hors de combat.
- The FARC must respect international symbols protected under international humanitarian law such as ambulances, medical personnel and the UN.
- The FARC must respect the right of public officials, such as mayors, councillors and judicial officials, to carry out their legal and rightful duties free from threats.

#### **C. Recommendations to the International Community:**

- Foreign governments, especially the “friendly countries”, and intergovernmental organizations, which played an active role in the peace process, should develop a coherent strategy for closely monitoring the human rights situation and the impact of the new Colombian government’s policies and its progress in adopting measures which are in line with the recommendations of the UN and other international organizations.
- The international community must increase its *in situ* monitoring of the human rights situation in San Vicente del Caguán and the other municipalities of the former DMZ and support mechanisms complementary to the work of the UN Office in Colombia to ensure greater *in situ* monitoring.