

COLOMBIA

HUMAN RIGHTS DEFENDERS UNDER INCREASING ATTACK

HUMAN RIGHTS DEFENDERS NETWORK UPDATE

On 9 September 1997, Colombia's National Human Rights Day, President Samper publicly placed human rights back at the top of the political agenda. He once again reaffirmed the Colombian Government's support for human rights workers and recognised the legitimacy and importance of their work. Nevertheless, as has so often been the case, official rhetoric is not born out by the deteriorating security situation which human rights defenders across the country have to face.

There have been further campaigns of harassment, threats and attacks against national as well as international human rights and humanitarian organizations. Many well-known human rights organizations, such as *Corporación Regional para la Defensa de los Derechos Humanos* (CREDHOS), Regional Committee for the Defence of Human Rights and *Asociación de Familiares de Detenidos-Desaparecidos de Colombia* (ASFADDES), Association of Relatives of the Disappeared have been forced to close regional offices after staff were repeatedly threatened. Human rights defenders from a variety of non-governmental organizations (NGOs) have been compelled to seek temporary security outside Colombia. In July of 1997 Amnesty International closed the national section office in Bogotá after members received repeated death threats. In December 1997 the offices of Diakonia, a Swiss non-governmental humanitarian organization, were broken into and files were stolen.

Diakonia's staff subsequently received death threats. On 27 February 1998, Jesús María Valle Jaramillo, the director of *Comité Permanente por la Defensa de los Derechos Humanos de*

Amnesty International Section in Colombia

Within the context of the current campaign of threats that is affecting the human rights defenders community the country, the members of the Colombian Section of Amnesty International suffered a series of threats whose gravity caused the International Executive Committee of the organization to close the office and suspend all activities carried out by the section. The Colombian authorities were informed promptly of the threats and the reasons for and the implications of this decision.

It is important to make clear that the work carried out by Amnesty International with regard to the current human rights situation in Colombia has not and will not be affected in any way by the closure of the office of the Colombian Section. The office, in accordance with the procedures implemented by the organization worldwide, is not involved in research or campaign work on Colombia at a national or international level.

In conclusion, Amnesty International has not reduced or suspended its work in support of human rights in Colombia. In fact, the opposite is true, the human rights crisis afflicting the country continues to be a very high priority for Amnesty International, and the threats suffered by the personnel of the Colombian Section are a further example of the necessity of increasing our efforts.

Antioquia, CPDH, Antioquia Permanent Committee for the Defence of Human Rights, a widely respected NGO in Medellín, was shot dead in his office by gunmen.

The Colombian Government has taken some steps to provide greater security for certain human rights organizations. The *Unidad Administrativa Especial para los Derechos Humanos*, Special Administrative Human Rights Unit of the Interior Ministry, became operational in 1997 in order to provide security measures for those facing threats or attacks. There have been regular meetings between NGOs and this new government body in order to establish a safer working environment for human rights defenders. In recent months the *Unidad Administrativa Especial para los Derechos Humanos* has provided the offices of ASFADDES, *Colectivo de Abogados 'José Alvear Restrepo'*, Lawyers Collective 'José Alvear Restrepo' and *Asociación para la Promoción Social Alternativa* (MINGA), Association for the Promotion of a Social Alternative with bomb-proof doors and security cameras. Human rights defenders working with these organizations have also been offered the use of a number of bullet-proof vests. Although Amnesty International welcomes the provision of these security measures, they afford very limited protection in the present climate of insecurity where human rights defenders and their families may become the victims of human rights violations at any time of the day or night.

In most cases, those responsible for threats and attacks against human rights defenders are not identified or brought to justice. There have, however, been developments in the official



Elsa Alvarado (far right) at a press conference on human rights defenders organized by Amnesty International in Bogotá in 1995. Pierre Sané, Director General of Amnesty International is seated in the middle.

investigation into the killing in May 1997 of Carlos Mario Calderón, Elsa Constanza Alvarado and Carlos Alvarado Pantoja and the serious wounding of Elvira Chacón de Alvarado (UA 146/97, AMR 23/31/97, 20 May 1997). The international and national outcry which the brutal killings provoked has played an important part in ensuring that the official investigation into the killings has continued. At the end of 1997 five people were arrested in connection with the crime. Four of those have since been charged and the fifth was unconditionally released. At the beginning of 1998 a further two people were arrested who, at the time of writing, have yet to be charged. Amnesty International welcomes these apparently positive developments in the case, but continues to stress the necessity for a thorough and complete investigation, resulting in all those who planned as well as carried out the attack being brought to justice. Equally, the organization considers it essential that, in addition to providing security equipment to human rights defenders, the Colombian authorities take urgent measures to ensure that all cases of intimidation and attacks against human rights defenders are effectively investigated and those responsible are brought to justice.

Rhetoric and Reality: The Security Forces Stepping Up Their Campaign Against Human Rights Defenders.

In July 1997, Presidential Directive m 11 was issued to all government authorities, including the security forces, reaffirming the government's support for non governmental human rights organizations and commanding all representatives of the state to recognise the legitimacy of their work. The directive ordered all public servants to:

“abstenerse de incurrir en la formulación de falsas imputaciones o en conductas que menoscaben el derecho de defensa, al debido proceso y a la honra del sindicado” (“abstain from formulating false accusations or acting in a way which would undermine the right to defence, the due process of law and the honour of those being accused”).

In spite of this presidential order to respect human rights defenders and the organizations they work with, there has been a simultaneous and unofficial campaign by the security forces to convey, very publicly, the opposite message: that the NGO community are in fact the covert political wing of the armed opposition.

The aim of the security forces appears to be to undermine the credibility of both national and international human rights and humanitarian NGOs so that all those working in the field may be regarded as legitimate targets in the counter insurgency war being conducted by the military and their paramilitary allies. Past experience shows that accusations by military officials against organizations and individuals, serve as an open invitation to paramilitary groups to target those mentioned for serious human rights violations, such as extrajudicial execution, abduction, harassment and threats. The accusations against human rights defenders are often made through

unofficial reports and “accidental” press leaks, all easily disowned and denied by the military authorities. Nevertheless, there can be no doubt that those who make the accusations are well aware of their consequences.

In July, the former head of the army and now head of the armed forces, General Manuel José Bonnet urged “*las Organizaciones No Gubernamentales para que cesen sus ofensas contra las autoridades colombianas, a través de las declaraciones negativas que permanentemente conceden ante los medios de comunicación extranjeros*” [El Colombiano, 24.7.97], (Non governmental organizations to stop attacking the Colombian authorities, by permanently making negative statements to the foreign media)

In November 1997 an influential group, including retired army generals and a former Minister of Defence, published an unofficial report entitled “*Evaluación del Conflicto Interno Colombiano: Organizaciones No Gubernamentales y Derechos Humanos*”. The report makes serious accusations against a number of national and international organizations including Amnesty International and was widely distributed to the representatives of European governments as well as United Nations agencies. The report claims NGOs have: “*resuelto apoyar el proceso subversivo en Colombia mediante el ataque sistemático al estado de derecho y a la vez mediante el apoyo directo o indirecto a la guerra política y militar*” (decided to support the subversive process in Colombia through systematically attacking the state of law and at the same time by supporting, directly or indirectly, the political and military war) and that “*la temática de los derechos humanos hace parte de una conspiración orquestada*” (the human rights debate is part of an orchestrated conspiracy).

Also in November 1997, a national NGO discovered a 94-page military intelligence report dating from 1994. The report came to light when defence lawyers were checking prosecution evidence in a judicial investigation and discovered the charges against the defendants were based solely on the contents of the old report. The case exemplifies the way in which military intelligence, however out-of-date or unsubstantiated, can serve as the evidence in criminal prosecutions (refer to section on the system of *Justicia Regional*). The contents of the report were subsequently made public in an attempt to show the degree to which Military Intelligence considers all social activism and particularly human rights work to be subversive.

The report named more than 50 members of human rights and social organizations across the country as being involved in terrorism and acting as fronts for armed opposition groups. One of those mentioned is Alirio Uribe Muñoz, president of *Colectivo de Abogados ‘José Alvear Restrepo’*, a lawyers collective which often defends the legal rights of political prisoners as well as acting on behalf of victims in legal cases brought against members of the armed forces accused of human rights violations. In 1996 Colectivo de Abogados received two international prizes for its human rights work.

According to the military intelligence report, the fact that Alirio Uribe Muñoz “*viene realizando una campaña para que los bandoleros reclusos en las diferentes cárceles sean declarados presos políticos*” (is campaigning for bandits imprisoned in various jails to be declared political prisoners), is evidence of his involvement with armed opposition groups. In late 1997, a lawyer working for the Colectivo de Abogados, Miguel Puerto Barrera, involved in preparing legal cases against military personnel accused of human rights violations in the department of Arauca, was reportedly declared by local military sources to be an “*objetivo militar*” (military target) of the XVIII Brigade.

These public attacks on the credibility of human rights workers have coincided with the detention a number of people connected with human rights organizations around the country. Arrest warrants have also been issued for several others. A characteristic of the media coverage that has accompanied these detentions and investigations has been the speed and willingness of military officials, or those close to the military, to make blanket accusations against all human rights workers of belonging to or acting on behalf of the armed opposition. These unsubstantiated accusations have been presented as statements of fact, confirmed by “evidence” which has remained unspecified. The systematic fashion in which these claims have been made public has not only prejudiced the cases of those arrested or facing arrest, but reveals a clear intent to undermine the legitimacy of all national and international human rights and humanitarian organizations. In fact, it seems likely that some of the arrests have been motivated with this end in mind.

After the detention of four human rights workers in Bucaramanga, Santander Department in September 1997, the commander of II Division of the army, General Rafael Hernández López¹, claimed in the press that the arrests: “*desenmascar la manipulación que hace el ELN² de algunas ONG nacionales e internacionales, valiéndose de ellas para desprestigiar el Estado colombiano*” [Vanguardia 24/9/97], (expose how the ELN manipulates some national and international NGOs, taking advantage of them in order to undermine the Colombian State). Such unsubstantiated claims by military officials have become common place in the Colombian media and have put the physical safety of all those working in defence of human rights at risk.

¹In 1993/4 the Procurator General's office recommended that General Rafael Hernández López, along with other military officials, should face disciplinary measures for their part in the attempt to cover up the massacre of unarmed peasant farmers in Riofrió, department of Valle de Cauca, in September 1993. In that case, General Hernández, along with others, falsely claimed that the those killed were members of the ELN.

In November 1997 General Rafael Hernández López was implicated in the kidnapping of relatives of members of the armed opposition.

²*Ejército de Liberación Nacional*, National Liberation Army, an armed opposition group.

In the same media reports on the arrests in Bucaramanga, high ranking military officials made unfounded claims that Amnesty International and European Union funds were being misappropriated from relief projects in the area and diverted to the ELN. Such accusations had absolutely no basis in fact, as Amnesty International does not contribute any funds to projects in the department of Santander and the European Union's relief project coordinators in Colombia, Project Counseling Service, have verified that no such misappropriation of funds took place.

In spite of the fact that this propaganda war against human right defenders and the organizations they work with clearly contravenes the spirit and letter of the Presidential Directive m 11 of August 1997 and the Presidential statement of 9 September 1997, there has been no attempt by the executive to discipline or reprimand those responsible. By continuing to show itself unwilling to confront those behind the propaganda campaign, the government further encourages those responsible for attacking human rights defenders to believe that their strategy has a measure of official sanction and that they will benefit from the impunity that protects the vast majority of those who commit human rights violations in Colombia.

HUMAN RIGHTS DEFENDERS UNDER ATTACK

There have in general been three different types of campaign conducted against human rights defenders in recent months:

- i. intensive and intimidating surveillance by unknown groups who the authorities claim to have no knowledge of. These campaigns of harassment are often accompanied by written and spoken death threats;
- ii. extrajudicial execution, abduction, harassment, surveillance, attacks and direct death threats by members of paramilitary groups;
- iii. detention and prosecution in "regional justice" courts on the basis of "evidence" provided by Military Intelligence.

i) Campaigns of Threats and Harassment against Human Rights Organizations.

Asociación para la Promoción Social Alternativa (MINGA)

MINGA, Association for the Promotion of Social Alternatives, is a national human rights organization based in Bogotá which denounces human rights abuses across the country, particularly in the departments of Cesar, Norte de Santander and Bolívar. Members of MINGA have repeatedly been the target of threats and harassment. Amnesty International has documented many of these incidents and has issued Urgent Actions on their behalf (UA 204/95 AMR 23/52/95, 21 August 1995). Over the last year the offices of MINGA and those who work with the organization have been subject to intensive covert surveillance operations.

In the document, “*Colombia: No Security for Human Rights Defenders*” (AMR 23/32/97) reference was made to a debate in the Colombian parliament on 6 December 1996, broadcast on national television, in which Senator Pablo Victoria claimed that members of MINGA, along with other national and international human rights organizations, were guerrilla collaborators whose sole aim was to discredit the Colombian State. The Senator claimed that various military intelligence cassette recordings of intercepted telephone conversations in his possession proved his claims. He went on to read out details of MINGA’s bank account as well as the financial support the organization received from international humanitarian agencies. The Colombian Government has never repudiated the claims made by Senator Victoria, nor given any explanation of why military intelligence was carrying out clandestine phone tapping of national human rights organizations.

On the same day as the debate in congress took place, a prominent member of MINGA, Ludivia Giraldo, was followed at close quarters by two men and a woman for several hours. For the next few weeks the surveillance of MINGA’s office and its members was constant.

On 29 September 1997, the surveillance operation was visibly renewed. A group of unidentified men, dressed in civilian clothes were seen watching the building where the offices of MINGA are located. The men positioned themselves on the surrounding streets and in front of the building, with some taking up positions in the entrance to the building itself. When members of the human rights organization left the building they were followed.

On the same day, staff in the MINGA office received an anonymous call on an external line which had only recently been installed. The caller swore violently, calling the MINGA workers “sons-of-bitches and bastards” (*hijueputas y malparidas*).

On the following day, 30 September 1997, the surveillance continued with unidentified men seen watching the building from nearby, including two young men who set up sweet vending stalls directly in front of the main door. They were then observed throughout the day and evening taking careful note of everybody who entered and left the building.

On 1 October two MINGA workers were photographed by a man in a taxi on leaving the offices of the *Coordinación Colombia Europa*, Europe Colombia Coordination. The taxi sped away immediately after the photographs were taken.

On 2 October 1997, members of MINGA and volunteers with International Peace Brigades, PBI³, who were accompanying them at the time, observed four men acting suspiciously in the entrance to Los Andes building. One of the men was carrying a camera.

Amnesty International does not deny the right of the authorities to investigate those it suspects of carrying out illegal activities. However, so far no authority has assumed responsibility for conducting the surveillance operation against MINGA. The authorities have been unable to provide an explanation or justification for the operation and, as far as is known, have not initiated an investigation into finding those responsible for conducting it.

Recent reports suggest that the Colombian authorities are taking the threat against MINGA seriously and have provided the organization's office with some security measures. While welcoming these steps to increase the security of MINGA's premises, Amnesty International continues to call on the Colombian authorities to provide MINGA with the security measures the organization deems appropriate; which includes most importantly, the full and exhaustive investigation into the campaign of harassment and threats against the organization and its workers.

Asociación de Familiares de Detenidos Desaparecidos, ASFADDES

On the 22 July 1997, the Inter-American Court of Human Rights issued a resolution (CDH-S/721) calling on the Colombian Government to implement provisional *medidas cautelarias* (special protection measures) in favour of members *Asociación de Familiares de Detenidos Desaparecidos*, (ASFADDES), Association of Relatives of the Disappeared, a national organization made up of relatives the "disappeared" who press the authorities to investigate and bring to justice those responsible for the "disappearance" of their relatives.

Members of ASFADDES, whose work threatens the impunity enjoyed by members of the security forces responsible for human rights violations, have repeatedly been the target of harassment, threats and attacks. In June 1997 a bomb exploded in the building in Medellín where an ASFADDES regional office is located. In August, María Eugenia Cárdenas, regional director of ASFADDES in Riosucio, department of Caldas, was threatened by an armed man carrying grenades, who threatened to blow up the local office (UA follow up, 27 August 1997, to UA 191/97, AMR 23/64/97, 27 June 1997). The organization was forced to close the offices temporarily in response to this threat to its workers. There are further fears for the safety of María Eugenia Cárdenas, her family and members of ASFADDES, after her cousin, José María Cárdenas was abducted and killed in the village of Bajo Pirza in the department of Caldas on

³ An international human rights organization whose volunteers accompany national human rights defenders in order to help guarantee their safety and to act as witnesses in the event of an attack or threat.

3 December 1997, reportedly as a reprisal against the family's continued efforts to seek justice for other members of the family who "disappeared" in 1992 (UA 386/97, AMR 23/84/97, 9 December 1997). Death threats against staff in recent years have forced ASFADDES to temporarily close other regional offices such as in Ocaña, department of Santander.

The Inter-American court decision calling on the Colombian Government to protect the safety of ASFADDES members and premises stipulates that:

- effective security measures guaranteeing the physical integrity of members of ASFADDES, measures which should be agreed between the Colombian Government and the persons to be protected in order to ensure that they are both effective and appropriate;
- an effective investigation be undertaken into the campaign against ASFADDES, as an essential element of the protection measures;
- steps be taken by the Colombian Government to make sure that all ASFADDES offices be provided with adequate protection in order that they may carry out their normal activities without danger to the personnel that work in them, especially the offices in Medellín and Ocaña;
- the Colombian Government should report regularly back to the Court on the steps it had taken to implement the *medidas cautelarias*.

In the official response made to the Inter-American Court on 6 August 1997, although the Colombian Government acknowledged its responsibility under international law to implement the rulings, it disputed the Court's right to make such a decision, claiming that there was still an on going investigation into threats received by ASFADDES members in 1994, and that therefore all judicial measures had not been exhausted within the national legal system - a requirement before *medidas cautelarias* may be sought from the Inter-American Court. In making such a defence the Colombian Government ignored the fact that the original investigation had been allowed to stagnate and has produced no positive results.

On 4 November 1997 representatives of the Colombian Government and ASFADDES met to discuss possible protection measures. Agreement was reached for the authorities to provide financial support for the temporary relocation to different parts of the country of 18 members of ASFADDES and their families. Police authorities also submitted security studies for the 5 most threatened offices of ASFADDES. Amnesty International has recently been informed that authorities have provided the national office of ASFADDES with some security measures.

On 11 November 1997 the Inter-American Court decided to extend for a further six months the requirement on the Colombian Government to provide special protection measures to ASFADDES members. The decision will be reviewed once again in May 1998.

ii) Paramilitary Groups Continuing to Target Human Rights Defenders.

Comité Permanente por la Defensa de los Derechos Humanos de Antioquia - "Héctor Abad Gómez", CPDH

On 27 February 1998 Jesús María Valle Jaramillo, the president of *Comité Permanente por la Defensa de los Derechos Humanos de Antioquia - "Héctor Abad Gómez"*, CPDH, Antioquia Permanent Committee for the Defence of Human Rights - "Héctor Abad Gómez", a widely respected non-governmental human rights organization, was shot dead in his office in Medellín, department of Antioquia, by unidentified gunmen. He had reportedly received repeated death threats in recent weeks because of his human rights work. In particular, Jesús María Valle Jaramillo had denounced a number of massacres committed by paramilitary groups in the department of Antioquia in the preceding months, including a paramilitary attack on his home town of Ituango in which at least 17 people were killed. He had also publicly denounced the fact that paramilitary groups responsible for widespread human rights violations had operated in unison with the Colombian armed forces.

Jesús María Valle Jaramillo, a university professor and a Conservative Party local councillor, is reported to have been told by the gunmen before being killed: "*Usted es muy importante para nosotros, pero no deja de ser un problema*" (You are very important to us, but that doesn't stop you being a problem). Three previous presidents of the CPDH, including Dr. Héctor Abad Gómez, were killed in 1987 and 1988. Those responsible have never been brought to justice.

In the past those who have denounced human rights violations committed by the security forces or their paramilitary allies have themselves often been the target of serious human rights violations. Similarly those who have publicly denounced the close links between the security forces and paramilitary forces have been accused of being guerrilla sympathizers and been victim to death threats and serious human rights violations.

Corporación Regional para la Defensa de los Derechos Humanos, CREDHOS

The Magdalena Medio Region in central Colombia is one of the areas most affected by the armed conflict between the military, their paramilitary allies and guerrilla groups. The civil population has repeatedly been subject to human rights violations by both sides in the conflict, such as "disappearances", extrajudicial executions, threats and intimidation. The work of human rights defenders is particularly important in bringing to light abuses that would otherwise remain hidden from the national and international community. It is in this context that workers with the human rights organization, CREDHOS, Regional Corporation for the Defence of Human Rights, have found themselves suffering repeated intimidation and attack from paramilitary groups working in close alliance with the security forces. In the last 10 years six CREDHOS activists have been assassinated and several others have gone into exile. (See *Colombia: No Security for Human Rights Defenders (AMR 23/32/97)*)

The dangerous security situation faced by local human rights workers has led Peace Brigades International, PBI, to increase the level of accompaniment it provides to CREDHOS members. These PBI observers have witnessed the campaign of intimidation against CREDHOS workers. On 3 September 1997, three armed men, later reportedly identified by members of PBI as belonging to the *Grupo de autodefensas de Puerto Wilches*, Puerto Wilches Self-defence Group, a paramilitary group known to be active in the area, parked in a Land-cruiser outside the offices of CREDHOS. When the president, lawyer and secretary of CREDHOS, accompanied by a member of PBI, left the building to take a taxi, one of the occupants of the Land-cruiser was heard saying: “*Mírenles bien*”, (Get a good look at them). The Land cruiser then followed the taxi at close quarters for several blocks.

The renewed campaign of intimidation against CREDHOS workers appears to have started in response to the organization gathering testimony from witnesses of paramilitary activity in the municipality of Puerto Wilches, Santander department in July 1997. During that month CREDHOS denounced the abduction and “disappearance” of Misael Pinzón Granados by members of a paramilitary group (UA 218/97, AMR 23/49/97, 17 July 1997).

Between 14 and 16 July 1997, CREDHOS members who were stopped at checkpoints controlled by paramilitary groups were reportedly told the following:

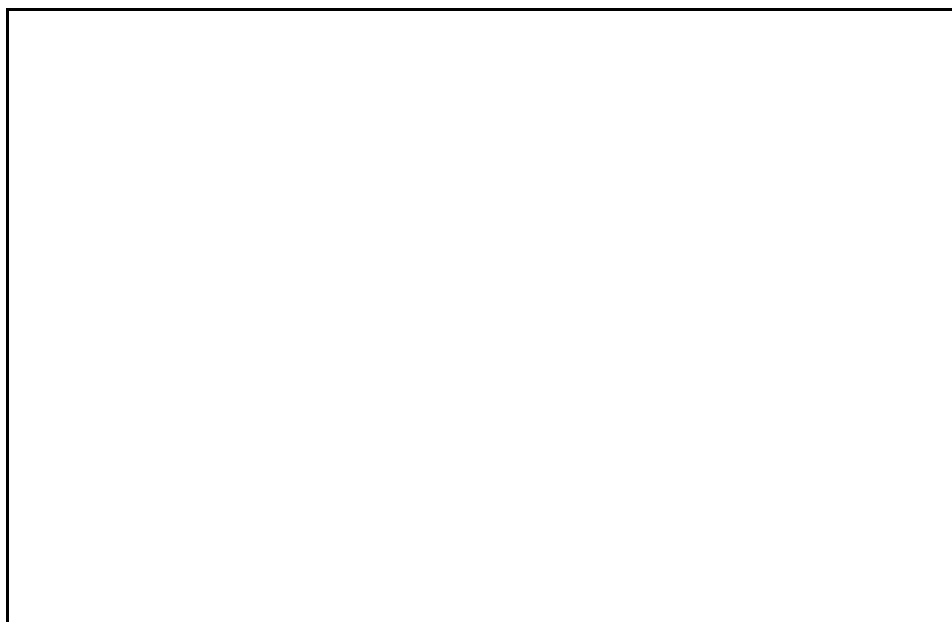
“...para adelante depende de Ustedes. No quiero nada de derechos humanos, no quiero la Defensoría, no quiero la Cruz Roja. Para mí valen mierda. (...) No quiero nada de denuncias, en sus hombros está la responsabilidad (...) Si de los Derechos Humanos se meten con nosotros les volamos la oficina”.

(From now on it depends on you lot. I don't want to see anything to do with human rights, I don't want the People's Ombudsmen involved, I don't want the Red Cross either. For me they are worth shit. (...) I don't want any denunciations, the responsibility is on your shoulders (...) If human rights workers interfere with us we will blow up their office.)

On 3 August 1997, members of the same paramilitary group carrying out stop and search operations on the highway between Barrancabermeja and Bucaramanga in the area of La Fortuna, on the edge of municipality of Puerto Wilches, told those they stopped they were “*buscando a los trabajadores de derechos humanos de Barrancabermeja*”, (looking for human rights workers from Barrancabermeja).

Comité de Derechos Humanos de Sabana de Torres

On 23 December 1997 in the town Sabana de Torres, also in Santander department, Mario Humberto Calixto, a member of the *Comité de Derechos Humanos de Sabana de Torres*, Human Rights Committee of Sabana de Torres narrowly escaped being abducted from his home and possibly killed by presumed paramilitary gunmen (UA 08/98, AMR 23/02/98, 8 January 1998).



Mario Humberto Calixto of the *Comité de Derechos Humanos de Sabana de Torres*, stands in front of a board calling for those who have been "disappeared" in the region to be return to their families.

Mario Humberto Calixto has received repeated death threats from paramilitary groups active in the region ("*No Security for Human Rights Defenders*" AMR 23/32/97). The threats against him and other members of the *Comité de Derechos Humanos de Sabana de Torres* intensified after the organization issued a report in November 1997 on human rights violations in the area.

According to reports, Mario Humberto Calixto only managed to escape the attempted abduction after two PBI volunteers, who were staying in his house, succeeded in coming between him and the two gunmen, enabling him to escape out of the rear of the house. He has since left the region and gone into hiding. However, other members of *Comité de Derechos Humanos de Sabana de Torres* remain in the town and are at great risk. Furthermore, it is feared that PBI volunteers in general may face reprisals for the organization's role in foiling the attempted abduction.

Corporación Laboral Educativa Básica de Especialización Regional, CLEBER

On 7 October 1997, the offices of CLEBER, Corporation for Regionally Specialized Basic Training for Workers, in Simití, department of Bolívar, received a phone call in which the caller issued a death threat against the French priest, Clemente Berel, the organization's legal adviser. The caller, who identified himself as 'Maceto', an acronym frequently used by paramilitary groups, said: "*ya sabemos y tenemos confirmado que ese cura es colaborador y auxiliar de la guerrilla, dígame que tiene que abandonar ese pueblito en ocho días o si no los legalizamos*", (We already know and have had it confirmed that that priest is a collaborator and auxiliary of the guerrilla, tell him he's got to leave the village in eight days or we are going to sentence him).

CLEBER is a regional NGO promoting projects in education, communication and community empowerment in the south of the department of Bólvivar. In recent years, violence arising from the civil conflict has meant that CLEBER has focused much of its work on the protection and promotion of human rights. It works in coordination with the church, municipal authorities, as well as national state authorities.

Ever since CLEBER was founded in 1986, the armed forces stationed in the area have repeatedly accused the organization and its members of having links with the guerrilla. In 1992, an army sergeant rounded up inhabitants of the village of San Luis in the municipality of Simití and told them that Father Clemente Berel was a guerrilla collaborator.

In July 1997 guerrilla forces overran the police post in the town of Simití. The Police commander in the neighbouring department of Santander publicly accused the population of collaborating with subversive forces. There has been a high level of paramilitary activity in the region targeting the civilian population, with the result that many rural communities have been forced to flee their villages and farms.

Throughout August and September 1997 groups of soldiers from the Battalion "Los Guanes", stationed near Simití, visited the offices of CLEBER demanding information about the activities of the organization, and particularly about Father Clemente Berel. In August 1997 rumours began to spread that paramilitary groups active in the region planned to bomb the offices of CLEBER.

Father Berel left the area but Amnesty International continues to be concerned for the safety of the remaining members of CLEBER and is calling on the authorities to investigate the threats made against the organization as well as the reported links that exist between paramilitary groups in the area the regional military authorities.

Despite the weight of consistent evidence of links between paramilitary groups and the security forces, the government continues to deny that such links exist. Instead the authorities have repeated their often made promises to confront the growing power of paramilitary groups, choosing to ignore the fact that each time such promises have been made in the past the security

forces have been disinclined to challenge the structure of paramilitary power. It is clear that without an independent and wide ranging investigation into the relationship between the security forces and paramilitary groups, there is no more likelihood of these promises having any more impact than they have in the past and those behind paramilitary activities will continue to benefit from impunity.

In their dialogue with the Colombian Government, national human rights organizations have made the dismantling of paramilitary groups and the bringing to justice of those members responsible for human rights violations a fundamental requirement of any solution to the security crisis facing human rights defenders.

iii) Regional Justice concerns: Criminalizing Human Rights workers.

Amnesty International has repeatedly expressed its concerns regarding the administration of Regional Justice, most recently in the March 1997 document; *‘A Summary of Amnesty International’s Concerns related to the Colombian Governments implementation of the ICCPR’* (AMR 23/17/97). In the section entitled “Regional Justice System and the right to fair trial” (page 16), *Justicia sin Rostro / Justicia Regional, Faceless Justice / Regional Justice* was criticised for severely undermining the right to fair trial and falling short of international fair trial standards.

The system of *Justicia Regional* was originally designed to facilitate the prosecution of crimes relating to political violence and drugs trafficking, but, as Amnesty International and many other organizations have noted with concern, has frequently been used to criminalize social protest and activism of all kinds. In the past year, there has been a sharp increase in the number of human rights activists being arrested and tried under the system of *Justicia Regional*.

The central features of *Justicia Regional* are that judges, prosecutors and witnesses may remain anonymous and access to evidence by defence lawyers and the defendant’s right to challenge evidence are severely restricted. Human rights activists have repeatedly denounced the use of anonymous witnesses whose testimony cannot be contested. According to reports of one case, an anonymous witness for the prosecution acted as three different individuals, thus falsely corroborating his own evidence.

Amnesty International has highlighted the main reasons why the system of *Justicia Regional* undermines the right to fair trial in these terms:

- The defendant often does not know the exact nature of the charges brought against him/her until close to court appearance dates;
- The use of secret witnesses by the prosecution whose accusations cannot be cross examined adequately by the defence violates the right to examine witnesses;

- The use of secret evidence which cannot be adequately examined by the defence, severely limits the preparation of the defence's case.
- Though interrogation of the prisoner by members of the security forces is only permitted in the presence of the defence lawyer, in practice many prisoners are interrogated by Judicial Police in the absence of their defence lawyer thereby increasing the risk of confessions extracted under torture or coercion.

Cases are initiated by *Fiscalías Regionales*, Regional Attorneys, who, although officially independent, are often based in regional military barracks and work closely with military intelligence in collecting evidence in investigations. In many cases, the *Fiscal Regional* is often provided with a Military Intelligence report which serves as the basis for opening an investigation as well as being the sole evidence against those accused.

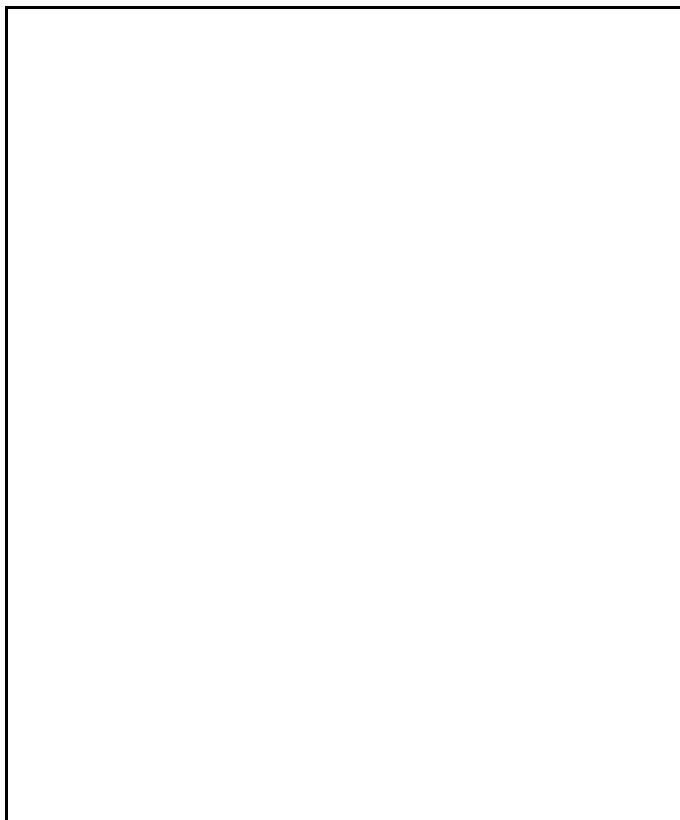
Colectivo de Derechos Humanos "Semillas de Libertad", CODEHSEL

During 1997 in the department Antioquia, several members of CODEHSEL, Human Rights Collective "Seeds of Freedom", an association of 15 organizations, were detained along with a number of other social activists on charges of "rebellion" after a military intelligence report prepared by the VI Battalion of the XX Brigade⁴ of the armed forces, was submitted to the *Fiscal Regional*.

The military report, which was leaked to the media, quotes the commander of the XVII Brigade based in the region of Urabá saying that guerrilla groups control various support organizations, "*como son las oficinas de Derechos Humanos, las cuales tienen a su vez respaldo de organizaciones no gubernamentales nacionales e internacionales [El Colombiano 3/10/97]*" (such as the Human Rights offices, which are in turn supported by national and international non governmental organizations). The report also claims members of CODEHSEL defend political prisoners by obstructing legal investigations "*utilizando artimañas y demás estrategias fraudulentas*", "using tricks and other fraudulent strategies" and that "*la naturaleza real de CODEHSEL es ser organismo fachada de la subversion*", "the real nature of CODEHSEL is as a front organization for subversion". The report offers to provide the *Fiscal Regional* with evidence from anonymous witnesses.

⁴The XX Brigade is the Military Intelligence unit of the armed forces, which was responsible for the report accusing members of NGOs across the country of being guerrilla sympathizers (see page 2).

In August 1997, reportedly on the basis of the testimony of these anonymous witnesses, the *Fiscal Regional* reordered the detention of Ana Herminta Rengifo Durango, vice-president of *Asociación Nacional de Ayuda Solidaria*, ANDAS, National Association of Solidarity Help and the other members of CODEHSEL. Ana Herminta Rengifo Durango had previously been detained for over two weeks in January 1997 on the orders of the *Fiscal Regional* attached to the XVII Brigade, after similar accusations of "rebellion" were made against her.



At the time of her rearrest, warrants were also issued for the arrest of three other ANDAS leaders: Martha

Ana Herminta Rengifo Durango (left) with another member of ANDAS.

Ines Zapata and Gustavo Arenas Quintero and Gerardo Nieto Yanten. Preliminary investigations were also initiated against: Bayron Ricardo Góngora Arango, a lawyer with *Corporación Jurídica Libertad*, Legal Freedom Corporation; Jesus Ramiro Zapata, the coordinator of *Comité de Derechos Humanos del municipio de Segovia y nordeste Antioqueño*, Segovia and Northeast Antioquia Human Rights Committee; William García Cartagena, a lawyer who often represents political prisoners; Blanca Lucia Valencia Molina, president of *SEMBRAR*, an NGO specializing in defending the legal rights of victims of human rights violations.

On 24 September 1997, at the time that ANDAS members were in detention and under investigation, and the security forces publicly labelled the organization a front for the armed opposition, Teódulo Ignacio Sibaja Martínez, president of the Cartagena section of ANDAS, was shot and killed by two men dressed in civilian clothes. He is reported to have received repeated death threats.

Amnesty International recognises the right of the Colombian authorities to conduct investigations into those it believes to be working on behalf of armed opposition groups. However, past cases have proven that once security officials publicly claim that links exist between human rights organizations and the armed opposition, members of those organizations are immediately placed at risk of being targeted by paramilitary groups. Moreover, the unsubstantiated accusations made by military sources not only put at risk all human rights defenders, but severely prejudice the cases of those being investigated and contravene the laws of due process.

On 19 December 1997 Ana Herminta Rengifo Durango was released after the *Fiscal Regional* who had been newly assigned to the case, decided that there were serious flaws in the evidence against her. Although she was released, she and the other accused continue to be subject to judicial investigations. On 2 January 1998 the *Fiscal Regional* in charge of the case against Jesus Ramiro Zapata and Blanca Lucia Valencia Molina closed the investigation after deciding the evidence against them was unsound as prosecution witnesses had been given instruction by members of the security forces.

Corporación para la Reconstrucción Social y Económica de la Población Desplazada del Nororiente. (Corporación REDES)

On 24 October 1997, in Bucaramanga, the capital of the department of Santander, the offices of a non-governmental organization working with those displaced by the armed conflict, *Corporación para la Reconstrucción Social y Económica de la Población Desplazada del Nororiente*, (Corporación REDES), Corporation for the Social and Economic Reconstruction of the Displaced Population of the Northeast, were raided by military forces and judicial authorities from Bogotá.

During the operation much documentation belonging to REDES was confiscated, including financial reports and personal files of displaced people registered with the organization. Four REDES board members: Javier Orlando Marin Rodríguez, Yolanda Amaya Herrera, Socorro Rincon Chinchilla and Armando Valbuena Pallares, were detained on the orders of the *Fiscal Regional* and are being held in preventive custody facing charges of “rebellion”. Several other people have also been accused of “rebellion” in the same investigation, although they have not as yet been detained. The raid and arrests were made on the basis of investigations carried out by the XX Brigade, Military Intelligence.

After the arrests, military intelligence sources frankly acknowledged that evidence taken from the offices of REDES was in their possession, rather than in the hands of the investigators of the *Fiscal Regional*, Regional Attorney’s Office, leading to serious concerns about the manner in which evidence is gathered and controlled by the office of the *Fiscal Regional*, with clear implications as to the impartiality of investigations conducted in close collaboration with Military Intelligence.

Furthermore, the presumption of innocence in these cases has been irrevocably undermined and alleged evidence, which should have remained *sub-judice*, has either been published or, worse still, been alluded to without having to be substantiated in a court of law. In these cases, when the defence has managed to gain access to such “evidence”, it has often been found to only consist of unsubstantiated assertions of guilt by Military Intelligence⁵.

The media coverage surrounding the raid was once again characterized by high ranking military officials making unsubstantiated accusations against human rights defenders, with the clear aim of portraying the human rights movement as an international conspiracy committed to the cause of the armed opposition. A military official who took part in raids was quoted as saying:

“Ellos (the accused) hacían parte de una estructura integrada por personas sin antecedentes subversivos, con capacidad económica definida generalmente profesionales. Formaban una estructura de apoyo al Eln casi invisible y difícil de descubrir”[El Tiempo, 8 November 1997], (They were part of an integrated structure of people with no criminal record for subversive activities, with defined economic capacity, generally professionals. They formed a structure of support to the ELN which was almost invisible and difficult to uncover).

In spite of Presidential Directive No 11, such claims by the military, which are in clear breach of the laws of due process, have not been publicly countered or contested by the Colombian Government. In fact, the government’s silence lends credibility to the claims of the military; turning unsubstantiated accusations into apparent statements of fact, and demonstrates that the authorities are not serious about implementing their human rights agenda. Once again it has been left to the NGO community to conduct its own public defence, in spite of repeated government promises to counter such attacks on the legitimacy of human rights organizations their work.

That the security forces consider themselves to be the authentic arbiters of justice is made clear in an interview given to the press by the commander of the armed forces, General Bonnett. On being questioned about the cases of those detained in Bucaramanga, he seemed to dismiss concerns about the requirements due process by claiming that *“el tipo es delincuente y la prueba está en que está detenido”*[El Colombiano, 30 November 1997], (The person is a criminal and the proof is that he is in detention). Such statements clearly show that the military consider that those arrested on the basis of information contained in Military Intelligence reports are necessarily guilty, to a lesser or greater degree, even before a trial has begun.

Even when the cases against the accused do not lead to convictions, the military strategy of criminalizing human rights defenders has two consequences: firstly, those accused, no matter the outcome of the judicial proceedings, will continue to be considered guilty by the military and

⁵ Refer to the Military Intelligence report cited on page 2 as an example of this.

thus are likely to become the victims of human rights violations; secondly, the raids, detentions and investigations have served to gain blanket media coverage for unsubstantiated accusations which are clearly intended to discredit the work of both the national and international human rights organizations by portraying the human rights movement as the political wing of the armed opposition. The ultimate and so far extremely successful aim of this strategy has been to make all human rights defenders supposedly legitimate targets in the counterinsurgency war being waged by the military and their paramilitary allies.

Conclusions and Recommendations:

The Colombian Government has taken a number of steps to provide some human rights organizations with protection. Nevertheless, it is still failing to ensure that those responsible for planning as well as carrying out human right violations against human rights defenders are brought to justice. This is the single most effective measure for ensuring that human rights defenders are not targeted in the future.

A coordinated strategy exists within the security forces to represent national and international human rights organizations as subversive and acting on behalf of the armed opposition. The government, in spite of publicly reiterating its support for the legitimate work of human rights defenders, has taken no effective action to stop this propaganda war being waged by the security forces against human rights activists. The government's unwillingness or inability to confront those behind the strategy encourages further attacks on human rights defenders.

A consequence of this strategy has been the criminalization of many human rights defenders for carrying out their legitimate activities. The excessively powerful role of Military Intelligence in the administration of Regional Justice, and the structure of the regional justice system itself, mean that the judicial process that the accused are subject to, does not meet international fair trial standards.

Amnesty International calls on the Colombian Government to fulfill its commitments to human right defenders by:

- taking all measures, deemed appropriate by human rights defenders themselves, to guarantee their safety;
- ensuring full and impartial investigations are carried out into human rights violations against human rights defenders, that the results are made public and that all those responsible for planning as well as carrying out the violations are brought to justice;
- taking effective action to make sure that all public servants, including the security forces, act in accordance with the stated government policy to recognise the legitimacy of the work of

human rights defenders and to abstain from labelling human rights defenders as subversives; to do this by publicly countering any such statements and appropriately sanctioning those responsible;

- reforming the system of Regional Justice in order to meet fair trial standards set by the International Covenant on Political and Civil Rights (ICCPR) of which Colombia is a signatory

Amnesty International calls on the international community:

- to express its continued concern for the safety of human rights defenders and to urge the Colombian Government to take all measures, deemed appropriate by human rights defenders themselves, to guarantee their safety;

- to urge the Colombian Government to ensure full and impartial investigations into human rights violations against human rights defenders, that the results are made public and that both the material as well as intellectual authors of the crimes are brought to justice;

- to closely monitor judicial investigations against human rights defenders and to urge the Colombia Government to reform the Regional Justice system in accordance with international standards;

- to closely monitor the effectiveness with which the Colombian Government implements its stated human rights policy, including the manner in which it challenges public servants who continue to make unsubstantiated accusations against human rights defenders.