

COLOMBIA

BARRANCABERMEJA: A CITY UNDER SIEGE

A PARAMILITARY INCURSION WAITING TO HAPPEN

On the evening of 16 May 1998 a large heavily-armed paramilitary force drove unhindered through a number of poorer districts of the city of Barrancabermeja, department of Santander. On route the gunmen rounded up residents, killing several on the spot and forcing many others on to trucks. By the next day the bodies of seven victims of the paramilitary attack had been discovered. The whereabouts of the remaining 25 people who were forcibly abducted is still unknown.

Despite the fact that the Colombian armed forces maintain a heavy presence in close proximity to the districts where the attack took place and that these units had only recently received intelligence reports indicating that paramilitary forces were planning a massacre in the city; despite the sound of gunfire and the reported cries for help of the victims and the appeals made to the security forces to pursue the paramilitary attackers, no action was taken by the security forces either to confront the paramilitary force during the attack or to track them down as they made their exit from the city. Furthermore, there is evidence that a security force check-point which had been established on the orders of a local military commander to control the route into the area for a period of 24 hours from the afternoon of 16 May 1998, inexplicably withdrew to barracks shortly before the arrival of the paramilitary group.

Tragically this attack was not an exception, it fits an all too familiar pattern of serious human rights violations committed by paramilitary forces operating with the support or acquiescence of the security forces.

The long-running internal conflict between the Colombian state and armed left-wing opposition groups has reached alarming proportions in several parts of the country. The blatant disregard for human rights and international humanitarian law is an ever worsening feature of the war. All parties to the conflict have been responsible for serious human rights violations.

Paramilitary forces have implemented a counter-insurgency strategy of widespread and systematic human rights violations which aims to undermine guerrilla groups by denying them all possible support from the civilian population. These “dirty war” tactics are used to terrorize individuals and communities deemed to be sympathetic or potentially sympathetic to guerrilla groups. The victims are often peasant farmers living in areas of conflict or civilians living in urban areas considered guerrilla strongholds. Also targeted are those that dare to speak out against the terror tactics, including human rights defenders who denounce human rights violations and campaign to bring those responsible to justice. The counter-insurgency war has also been used to silence popular activists, including trade unionists and peasant farmer leaders, who campaign for socio-economic alternatives and are seen as a threat by powerful political and economic sectors seeking to protect or further their interests. Labelling such people and communities as “subversive” exposes them to serious human rights

violations. The Colombian armed forces are responsible for serious abuses including, "disappearances", extrajudicial executions and the aerial bombardment of civilian communities.

The principal armed opposition groups, including the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), Revolutionary Armed Forces of Colombia, the *Ejército de Liberación Nacional* (ELN), National Army of Liberation, and the smaller *Ejército Popular de Liberación* (EPL), Popular Army of Liberation, have been responsible for numerous abuses of international humanitarian law, including deliberate and arbitrary killings of those they consider to be security force or paramilitary sympathizers and collaborators.

THE CLOAK OF PARAMILITARISM

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" tactics¹. The security forces can no longer depend on traditional judicial mechanisms of impunity. International and national attention is increasingly focussed 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 sanction². To circumvent these pressures, those

¹ Army-backed paramilitary squads have sown terror in rural areas of Colombia for more than a decade, torturing, killing and "disappearing" with virtual impunity. The appearance of these supposedly independent paramilitary organizations in the early 1980s coincided with a dramatic increase in "disappearances" and political killings. Many of the paramilitary groups have their origins in the civilian "self-defence" squads which the army created to act as auxiliaries during counter-insurgency operations. Army brigade commanders and intelligence units attached to brigades and battalions in the conflict zones, recruited, armed, trained and supported paramilitary "self-defence" squads, while large landowners, industrialists, regional politicians and later, drug-traffickers, gave them economic support. Law 48 of 1968 provided a legal basis for the formation of paramilitary "self-defence" squads by giving the armed forces the right to arm civilians and to create peasant farmer defence groups. The Colombian government suspended the constitutional legal base for the formation of paramilitary organizations and issued directives to the armed forces to combat and disband such groups in 1989, yet they continue to work with the support of the security forces in many areas of the country.

² Central to the Colombian Army's impunity is the military justice system. Criminal investigations into human rights violations are frequently initiated by both civilian judicial authorities and the military justice system. When civilian judicial officials identify and charge members of the security forces, military authorities have routinely claimed overall jurisdiction for the investigations. When civilian judicial authorities have challenged the military court's claim, the *Consejo Superior de la Judicatura*, Supreme Court of Adjudication makes a final ruling on jurisdiction. In cases of violations of human rights the Court has generally ruled in favour of military jurisdiction which has routinely dropped charges or acquitted those responsible. On 5 August 1997, the *Corte Constitucional*, Constitutional Court, defined the limitations of military jurisdiction over crimes committed by military personnel. The Constitutional Court considered that human rights violations such as "disappearance", torture, murder and rape could not be considered "acts of service" and should, therefore fall within the jurisdiction of the civilian justice system. Senior armed forces commanders announced their intention to challenge the Constitutional Court's ruling. Though some cases have been transferred to the civilian justice system, military courts have failed to transfer some on-going investigations to the civilian justice system.

responsible for designing and implementing the "dirty war" can continue their strategy without fear of prosecution by devolving these tasks to paramilitary forces.

For this strategy of evading accountability to work it is essential that the existence of the military/paramilitary axis is denied. Every effort is made to show the supposed autonomy of paramilitary forces and to claim the security forces make no distinction in their efforts to combat them and guerrilla organizations. In recent months military officials have trumpeted the detention of a number of paramilitaries, but no significant or decisive steps have been taken to dismantle the paramilitary leadership.

Even on occasions when criminal and disciplinary investigations reveal undeniable evidence of security force involvement in paramilitary operations, the authorities dismiss such cases as isolated incidents, which they claim do not reflect a pattern of systematic coordination.

However, such claims are not tenable in the face of consistent and widespread reports of coordination between paramilitary groups and the security forces. The 16 May attack on Barrancabermeja would have been impossible without such coordination. Although criminal and disciplinary investigations have implicated a number of security force officials in the attack, all are reportedly still on active service. Despite clear indications as to the location of the base of the paramilitary group responsible, the security forces have failed to take action to dismantle the group. The message to the civilian population of Barrancabermeja is very clear: the paramilitary group can terrorize the inhabitants of the city with total impunity.

Amnesty International is concerned that the events of 16 May should be fully investigated to ensure that all paramilitary/security force links are uncovered; that paramilitary groups operating in the region are dismantled; that all those responsible for human rights violations are brought to justice; and that the whereabouts of the "disappeared" is established. Only by doing this can the authorities demonstrate their commitment to tackle paramilitary groups and protect the civilian population of Barrancabermeja from suffering further serious human rights violations.

BARRANCABERMEJA: A MILITARY TARGET

The oil-refining river port of Barrancabermeja is the heart of the Magdalena Medio region. The city, with over 250,000 inhabitants, is wholly dependant on the oil industry: it is the headquarters for the state-run oil company Ecopetrol (*Empresa Colombiana de Petróleos*, Colombian Oil Company) and its refinery supplies 60% of Colombia's gas and other fuel needs. The *Unión Sindical de Obreros* (USO), the oil workers union is the country's most powerful union and has, over the years, achieved considerable political and economic advances for its affiliates. However, the union has paid a high price for its militancy: scores of leaders have been murdered, "disappeared" or imprisoned on charges of terrorist-related

offences. The strong trade union traditions of Barrancabermeja's workforce have developed alongside left-wing political parties and a body of militant civic organizations.

The city is considered a stronghold of both the FARC and the ELN and, to a lesser extent, the EPL. With a massive influx of migrant workers and forcibly displaced peasant communities over the last decade, the city has grown substantially with extensive shanty towns spreading over the surrounding lands. It is particularly in these poor districts that guerrilla organizations have established a strong presence. Neighbourhoods tend to be identified with one or other of the insurgent movements. The southeastern and northeastern districts of the city are also strongholds of urban militia units linked to the guerrilla groups. These include the *Frente Urbano de Resistencia Yarigués - Fury*, Yarigués Urban Resistance Front and the *Capitán Parmenio* both linked to the ELN; a FARC unit attached to their *Bloque del Magdalena Medio*, Magdalena Medio Front; and an urban unit of the *Frente Ramón Gilberto Barbosa*, Ramón Gilberto Barbosa Front of the EPL.

The strategic importance of Barrancabermeja, both in economic and military terms, has made it a prime target of the paramilitary/military axis. For over a decade paramilitary forces have been preparing to wrest control of the city from the insurgents.

CLOSING THE CIRCLE

In preparation for the final assault on the city of Barrancabermeja paramilitary forces have progressively extended their presence and control in the rural areas surrounding Barrancabermeja. In 1995 a human rights group based in the area, *Comité Regional para la Defensa de los Derechos Humanos* (CREDHOS), Regional Committee for the Defence of Human Rights, noted:

“[U]n avance territorial por el norte, comprendido desde los límites con el municipio de San Alberto, departamento del Cesar, formando un triángulo con los municipios santadereanos de Puerto Wilches, por el occidente y Sabana de Torres, por el oriente: este avance territorial se extiende hacia los alrededores rurales de Barrancabermeja, en particular al corregimiento El Centro y la presencia “anónima” de miembros vinculados al paramilitarismo en los barrios nororientales; la red paramilitar se acaba de tejer con el proyecto implementado desde hace varios años con la ocupación de territorios de los municipios limítrofes con Barrancabermeja por el sur - El Carmen, Cimitarra -, por el suroccidente - Puerto Parra - y por el suroriente - San Vicente de Chucurí, Simacota”.

“[A] [paramilitary] territorial advance to the north is evident which covers the limits of the municipality of San Alberto in the department of Cesar, forming a triangle with municipalities of the department of Santander of Puerto Wilches to the west and Sabana de Torres to the east: this territorial advance reaches the rural surrounds of Barrancabermeja particularly the community of El Centro and is seen in the

“anonymous” presence of individuals linked to paramilitary groups in the northeastern districts of the city; the paramilitary net is completed with the strategy which has already been implemented over several years and involves the occupation of areas in the municipalities which border Barrancabermeja to the south - El Carmen, Cimitarra - and to the southwest - Puerto Parra - and the southeast - San Vicente de Chucurí, Simacota”.

This military campaign has been characterized by widespread human rights violations against the civilian population - perceived to be the guerrilla support base - and has resulted in the army-backed paramilitary almost totally encircling the city.

Throughout 1994 and 1995 paramilitary organizations launched offensives to the north of the city in Norte de Santander and Cesar Departments and to the south in the municipality of Simacota, which neighbours the municipality of San Vicente del Chucurí, a long-standing paramilitary stronghold.

Immediately north of Barrancabermeja in the municipality of Sabana de Torres, between 1993 and 1997 the *Comité de Derechos Humanos de Sabana de Torres*, Sabana de Torres Human Rights Committee, denounced numerous killings and “disappearances” committed by paramilitary groups. As these groups strengthened their position in the area, members of the Human Rights Committee faced increasing death threats. Eventually Mario Humberto Calixto, president of the Committee, was forced to flee the municipality following a failed attempt on his life by paramilitary group members on 23 December 1997.

To the immediate west and southwest of the city paramilitaries extended their presence into communities in the south-east of Antioquia department. In 1997 paramilitaries were responsible for killings, threats and torture of residents of the municipality of Puerto Berrío, Antioquia Department. Numerous other cases of human rights abuses by members of paramilitary groups were reported in the area, including the extrajudicial execution of at least eight people in the municipality of Yondó between 21 and 30 December 1996. The paramilitaries were reportedly in possession of a *lista negra*³ - a death list of names of those considered to be guerrilla sympathizers or collaborators - which included a number of peasant farmer leaders who had participated in demonstrations in Barrancabermeja in 1996.

Despite a heavy military presence in these municipalities, the security forces reportedly took no action to confront the paramilitary groups. In fact, during the course of these paramilitary offensives there were repeated reports of coordination between the security forces and the paramilitary groups⁴.

³ In the past many of those named on such lists have been the victim of serious human rights violations carried out by the security forces and their paramilitary allies

⁴ For example see Political Violence in Norte de Santander and Cesar Department Escalates, AI Index: AMR 23/37/95, August 1995; Political Killings and Torture in the Municipality of Simacota, Santander, AI

Index: AMR 23/03/96, February 1996; Hacienda Bellacruz: Land, Violence and Paramilitary Power, AI Index: AMR 23/06/97, February 1997.

In Barrancabermeja itself close links between security forces and paramilitary organizations are long standing. In 1993 in written statements submitted to the *Fiscalía General de la Nación*, Office of the Attorney General, two Colombian Navy officers related in detail how dozens of people had been killed from 1991 in Barrancabermeja by a Colombian Navy intelligence unit. Amongst the victims of the intelligence network were CREDHOS workers - Blanca Cecilia Valero de Durán, Julio Berrío and Ligia Patricia Cortez - journalists, political activists, teachers, trade union leaders. According to the two naval officers, the killings were planned and carried out under the command of Colonel Rodrigo Quiñonez Cárdenas, intelligence director of the Colombian Navy.

The intelligence network was not only made up of security force agents but paramilitaries contracted to carry out killings. One civilian member of the intelligence network described in testimony to the investigating authorities how his task was to: “*Conseguir información sobre blancos, miembros de grupos subversivos y delincuentes y después matarlos*”, “Collect information on targets, members of subversive groups and delinquents and then kill them”. (*Fiscalía General de la Nación, Unidad de Derechos Humanos, Santafé de Bogotá, 1 November 1996*).

Despite evidence implicating Colonel Quiñonez and other members of the armed forces, the military court in which they were tried cleared senior officers of any involvement in the killings committed by the intelligence network. This ruling was reached even though investigations conducted by the *Fiscalía General de la Nación* concluded that “*denuncias (corroboradas con otras probanzas) señalan inequívocadamente al coronel Rodrigo Quiñonez como el “gerente” de esta empresa y de todos estos delitos*”, “denunciations (corroborated with other pieces of evidence) unequivocally point to Colonel Rodrigo Quiñonez as the “boss” of this enterprise [intelligence network] and all these crimes”⁵.

The Colombian authorities have consistently failed to confront paramilitary groups in the Magdalena Medio region or to bring to justice those members of the security forces responsible for training, supporting or working in unison with them. The result is that paramilitary organizations have tightened the circle around Barrancabermeja and have begun their offensive against the city itself.

⁵ According to latest information received by Amnesty International on this case, civilian judicial authorities were undertaking moves to appeal against the ruling of the military justice system which in the past has systematically protected the impunity of members of the security forces implicated in cases of human rights violations despite the existence in many cases of strong *prima facie* evidence.

Traditionally such paramilitary offensives combine sporadic military incursions into the targeted area, a "hearts and minds" campaign with powerful economic sectors, and a campaign of terror and intimidation to create a climate of fear and siege mentality among the population generally. The first visible result of the paramilitary campaign is that from being a reception point for the internally displaced, Barrancabermeja is fast becoming a source of displacement.

At the end of April 1998 and the beginning of May 1998 the *Departamento Administrativo de Seguridad* (DAS), Civilian Intelligence Service, sent two intelligence reports to military and police commanders in Barrancabermeja warning that local paramilitary forces were planning to carry out a massacre in the city in the near future. Despite this forewarning, no adequate steps were taken to prevent the attack or confront the paramilitary group during the incursion. Subsequently, one local security force commander reportedly went so far as to deny that a paramilitary attack had taken place at all.

16 MAY 1998 - BARRANCABERMEJA UNDER ATTACK

On Saturday 16 May 1998 the pattern of individual targeted killings - which has long been employed by armed groups in the city - gave way to full scale military incursions by army-backed paramilitaries targeting guerrilla-controlled districts with the intention of spreading terror through the city. The districts attacked were areas of ELN influence. The security forces rarely venture into guerrilla controlled neighbourhoods but, on the day of the attack a local military commander ordered army and police units to patrol northeastern districts and to set up a 24 hour check-point at *La Y*, the access route to the southeastern districts of El Campestre, El Campín, María Eugenia, Nueve de Abril and Villa Arelis on the main route between Bucaramanga and the centre of Barrancabermeja (see map). Inexplicably, the military units and the checkpoint were ordered back to barracks shortly before 9 pm when the paramilitary force entered the city and passed through the junction at *La Y* in three pick-up trucks to begin the assault on the southeastern districts.

The heavily-armed gunmen in civilian clothing, some wearing hoods, some wearing bullet-proof jackets - one reportedly bearing the insignia of the DAS - first targeted *La Tora* bar on the road leading into the Comuna Siete sector of Barrancabermeja, where the southeastern districts are located. The armed men entered the bar and began attacking several of the customers, forcing them out into the street at gunpoint - one person was reportedly beaten unconscious and left for dead. Two local residents, **Juan de Jesús Valdivieso** and **Pedro Julio Rondón** were forced onto the trucks the paramilitary were travelling in. According to witnesses, one of the paramilitary group spoke on a walkie-talkie confirming the identification of **Juan de Jesús**: "*aquí encontramos a este hijo de puta*", "here we have this son-of-a-bitch".

During the attack the members of the paramilitary force reportedly shouted at the local residents that they had come to "*poner orden*", "impose order" and made numerous threats:

“No saben con quienes se metieron”, “You don’t know who you’re messing with”, “Nos las van a pagar todas”, “You are going to pay”.

The paramilitary group then passed unhindered into the nearby Campestre district, where they abducted **Libardo Londoño**. They then travelled through the district of Minas del Paraíso to reach the southeastern districts. At approximately 9.15pm, when they stopped their vehicles at one end of the football pitch linking the María Eugenia, El Campín, and Divino Niño districts, Pedro Julio Rondón attempted to escape. He was recaptured. When he refused to climb back into the truck he said: “*si me van a matar a otra parte, máteme aquí para que me recojan de una vez*”, “if you’re going to kill me somewhere else, kill me here so that they can find my remains once and for all”. The paramilitary then slit his throat.

Nearby 500 local residents were taking part in a street party in Divino Niño district. The gunmen surrounded them, shouting: “*a tierra guerrilleros hijos de puta*”, “on the ground you guerrilla sons-of-bitches”. Many were then beaten with rifles butts and kicked, several were forced onto the paramilitary vehicles. When the paramilitary group seized **Diego Fernando Ochoa**, his twin sister **Alejandra María Ochoa**, reportedly grabbed hold of him and refused to let him be taken away. The paramilitary group then abducted her as well.

List of people abducted in María Eugenia, El Campín and Divino Niño districts:

The paramilitary group moved to the 9 de Abril district, where more people were forced out of two public markets onto the streets. The paramilitary reportedly placed a gun muzzle into the mouth of Peña, José and shouted “*saquen a todos esos guerrilleros hijos de puta*”, “get all those guerrilla sons-of-bitches out of here”. The paramilitary group hunted down those who tried to flee: Serna, José Milton Cañas,

Diego Fernando Ochoa

Alonso, a local resident, who saw the gunmen firing into a house where people had taken refuge. He told the paramilitaries that the people had in fact fled into the surrounding hills. The paramilitaries then reportedly started firing in the direction of the hills. The shooting took place approximately 120 metres from a military post which guards an electrical installation and is patrolled by soldiers of the *Batallón 45 "Héroes de Majagual"*, 45th Battalion "Heroes of Majagual" and the *Batallón Los Guanés*, Los Guanés Battalion of the Colombian Army (see map). Despite this, the security forces took no action to intervene and later claimed to have been unaware of the attack.

Three paramilitaries then entered a nearby alley where around 15 people were playing a popular street game. All were forced to the ground and beaten. **Germán León Quintero**, who tried to flee, was shot in the leg and dragged back to the spot where the others lay face down. After asking if there were any other injured, one of the gunmen reportedly shot Germán León three times in the head killing him instantly. **Melquisedec Salamanca Quintero**, Germán León’s brother was abducted.

The security forces still took no action even when the paramilitary group reportedly set up a road-block and fired shots on the route leading to the Pozo Siete district⁶, a short distance from a military post and only 500 metres from the base of the *Batallón de Artillería de Defensa Aérea “Nueva Granada”*, “Nueva Granada” Air Defence Artillery Battalion.

Wilson Pacheco and **Ricky Nelson García** were abducted after being forced off their motorcycle and beaten. The paramilitary group then entered the Villa Arelys district where they forcibly abducted **Gary de Jesús Pinedo**.

Mothers and other relatives who tried to intervene to protect those who were being abducted, were also threatened with abduction or death by the paramilitary group. The gunmen drove their victims out of the city towards the Patio Bonito area, passing for the second time in front of the Pozo Siete military base. Despite the reported cries for help of those being abducted,

Daniel Campos Pérez, Carlos Alaix Prada, Melquisedec Salamanca Quintero, Carlos Escobar, Ricky Nelson García, Wilson Pacheco,

Those abducted whose bodies were later found in the Patio Bonito district: Nayr Guzmán*, Luis Jesús Argüello*

Killed during the incursion: Germán León Quintero*

the armed forces still made no attempt to intervene.

Immediately after the attack, relatives of those who had been abducted reported the attack to the police authorities in Barrancabermeja, the DAS and to the Colombian Army. Despite their denunciations and clear indications of the escape route taken by the paramilitary group, the security forces once again made no discernable attempt to pursue the gunmen or track them down.

Later the same night, members of a paramilitary group entered the northeastern sector of the town, blatantly demonstrating the impunity with which they could move around the city and threaten the population. At this time a truck, in which between 10 and 12 heavily-armed men were travelling, reportedly parked outside the house of **Osiris Bayter Ferias**, then president of the human rights organization, CREDHOS. While the truck was outside her house, her phone rang repeatedly, but when she answered no one replied.

⁶According to some unconfirmed reports a further seven people were abducted at this road block

The following day, on 17 May the bodies of **Nayr Guzmán Eliécer Javier Quintero Orozco**, **Diomidio Hernández**, **José Javier Jaramillo**, **Luis Jesús Arguello** were found in the Patio Bonito district of the city.

A PROFILE OF THE VICTIMS - The 25 "Disappeared":

José Milton Cañas Cano -aged 30 was a contract worker who enjoyed music and dancing, he would help to organize *tejo*⁷ championships and was described as being sociable.

Luis Fernando Suárez Suárez - aged 18, enjoyed music and dancing. He worked as a tradesman.

Carlos Enrique Escobar Jiménez - aged 17, lived with his parents and enjoyed music and dancing, he was described as a sensitive youngster.

Ricky Nelson García - aged 22, was a mechanic. He was described as a father committed to his partner and children.

Oswaldo Enrique Vásquez Q. - aged 26, was a builder. He liked football and was described as being sociable.

Gary de Jesús Pinedo Rangel - aged 32, was a tradesman. He was a father of two children.

Ender González Bahena - aged 21, was a carpenter. He liked reading and was planning to attend a computer course. According to a witness it was the fact that he had long hair which resulted in his being abducted by the paramilitary group.

Robert Wells Gordillo Solano - aged 23, was an assistant surveyor. He liked playing football, and quoits. He collected key-rings, Colombia's Football Team shirts and posters. He liked drawing, writing and cooking. He was a Christian.

Wilfredo Pérez Serna - aged 30, trained as a baker and headed a company providing food to 2,500 children from poor families in the Comuna 7 area of the city of Barrancabermeja. He also worked as a catechist.

Juan Carlos Rodríguez - aged 23, had joined the Colombian Army and when he left worked as a farm administrator.

Diego Fernando Ochoa López - aged 20, was a manual labourer and was described as a happy, responsible and hard working person.

⁷ A popular Colombian game.

Alejandra María Ochoa López - aged 20, was a single mother and was Diego Fernando's sister. She worked as a tradeswoman and was described as being a happy person.

Jaime Yesid Peña Rodríguez - aged 16, was an active member of the Evangelical Church, he painted and taught Bible classes in schools and clubs. He was a member of a theatre group.

Libardo Londoño - aged 75, local trader with no political affiliations

José Reinel Campos - aged 27, a security guard with 2 children and no political affiliations

Fernando Ardila Landines - aged 22.

Daniel Campo Pérez - aged 22, lived with his mother in 9 de Abril district. No union or political affiliation.

Oscar Leonel Barrera - aged 20.

Melquisedec Salamanca Quintero - aged 29, was reportedly a secretary for a transport company. He had three children.

Giovanny Herrera - aged 20, bricklayer

Carlos Arturo Prada - aged 35, local trader with one son who enjoyed *tejo* and pool.

Wilson Pacheco - aged 20, a mechanic with one daughter.

José Octavio Osorio - aged 18, a bricklayer's assistant who enjoyed games and music.

Orlando Martínez - aged 27.

Juan de Jesús Valdivieso -aged 20, peasant farmer.

Victims abducted on 16 May and subsequently found dead⁸:	<i>Hoy se ha ido un amigo Que nunca olvidaré Un amigo muy lindo Se llamaba Javier</i>	<i>Este día es muy triste Lloramos sin saber Si así como te fuiste Nos vallamos también</i>
Diomidio Hernández Pérez - aged 20, was working as a builder. He enjoyed playing football and taught catechism. He was described as a good son and a hard-worker.	<i>Con sus locas ideas Que hizo en el ayer Con su hermosa tambora Que tocó en la O.F.P.</i>	<i>Tu recuerdo es inmenso Tus semillas también Aquellos que aprendieron Del talento de Javier</i>
José Javier Jaramillo Díaz - aged 17, enjoyed music and played the drums. He taught other youngsters in the southeastern districts of Barrancabermeja.	<i>Hay que pena tan grande Que sentí al saber Que un hombre había muerto Y ese era Javier</i>	<i>Yo te ofrexco esta letra Con todo el corazón Con mucho sentimiento Y también con dolor.</i>
Luis Jesús Argüello - aged 23, a decorator who liked music and games.	<i>CORO Amigo mío te quiero contar Que tú te fuiste hay que pesar</i>	<i>CORO Amigo mío te quiero contar Que tú te fuiste hay que pesar</i>
Nayr Guzmán - worked as a builder.	<i>Y aquel llanto de una madre</i>	<i>Y aquel llanto de una madre</i>
Germán León Quintero - aged 24, was Melquisedec's brother. He worked for a local company.	<i>Y no ha dejado de llorar (bis)</i>	<i>Y no ha dejado de llorar (bis)</i>

Pedro Julio Rondón - aged 24, worked in a garage. He liked football and had no political affiliations

Eliécer Quintero - aged 22, was married with children and worked as a builder

⁸The Unidad Nacional de Derechos Humanos de La Fiscalía, Human Rights Unit of the Attorney General's Office has reported the deaths of a further four individuals as a result of the paramilitary incursion of 16 May 1998: Jaime Antonio Monroy Arias, Eulises Sánchez Flor, Higia de los Milagros Noguera Ayala and Carmen Vergara Guzman

THE AFTERMATH: SHOCK, ANGER AND FEAR

In the days after the attack the USO publicly denounced the military authorities for having allowed the killings and abductions to take place, despite having been given clear advance warning of the paramilitary incursion. The USO stated that union representatives had met with ECOPETROL management on 7 May and reported that they had received information of an imminent paramilitary attack. On 8 May ECOPETROL had reported these concerns to the commander of the *V Brigada*, V Brigade of the Colombian Army and military commanders in Barrancabermeja. On 14 August 1998 The Washington Post reported that two urgent intelligence service communiques had been sent in late April and early May to the *Batallón de Artillería de Defensa Aérea "Nueva Granada"* based in Barrancabermeja warning of an imminent paramilitary attack.

On 18 May the USO together with religious leaders and other civic sectors of the city launched a five day strike to protest at the killings and "disappearances". The strike was only lifted when the government agreed to set up a Commission of Enquiry in order to establish the fate of the "disappeared" and to investigate the attack. Paramilitary forces reacted to the strike by circulating leaflets in which they declared the organizers to be "*objetivos militares*", "military objectives". Paramilitary threats were also daubed on walls in several parts of the city.

It was not until the 4 June 1998 that any information on the fate of the "disappeared" was made public. According to José Noé Ríos, the then *Comisionado por la Paz*, Presidential Commissioner for Peace, on 26 May the acting Defensor del Pueblo, People's Defender⁹, Dr Nelson Caicedo received a letter from national paramilitary leader Carlos Castaño¹⁰ informing him that attack had been carried out by a paramilitary group calling itself the *Autodefensas de Santander y Sur del Cesar*, (AUSAC), Santander and South of Cesar Self-Defence Forces. On 28 May then President Ernesto Samper Pizano, gave a speech in Barrancabermeja in which he stated that the government had discovered who was responsible for the attack and was endeavouring to establish whether or not those who had been abducted were still alive. In the evening of 3 June President Samper received a written statement from the AUSAC which was made public the following day by the commission of enquiry.

⁹ The *Defensoría del Pueblo* was created in the 1991 Constitution and forms part of the Public Ministry. The *Defensor* is elected by members of Congress from a list of candidates proposed by the President. According to the Constitution one of the Procurator General's functions is to "protect human rights and ensure their effectiveness with the assistance of the People's Defender", "*Proteger los derechos humanos y asegurar su efectividad, con el auxilio del Defensor del Pueblo.*" The Role of the Defensor is to oversee the promotion, exercise and dissemination of human rights, ("*velará por la promoción, el ejercicio y la divulgación de los derechos humanos, para lo cual ejercerá las siguientes funciones.*"). It has no investigative role.

¹⁰ Carlos Castaño is the leader of the *Autodefensas Unidas de Colombia*, (AUC), United Self-Defence Groups of Colombia, a national alliance of paramilitary groups.

“Queda claro que los 25 retenidos el 16 de mayo en Barranca[bermeja] eran subversivos del ELN y EPL. Los retenidos fueron escuchados y sometidos a juicio y sus cadáveres fueron incinerados”.

“It is clear that the 25 people who were detained on 16 May in Barranca[bermeja] were subversives belonging to the ELN and EPL. The detainees made declarations and were submitted to trial and their corpses were incinerated”.

In the text the paramilitary group denied the abduction of Robert Wells Gordillo and Oswaldo Enrique Vásquez Quiñones.

After the statement was made public, relatives of those who had “disappeared” demanded the return of the bodies of the victims. On 8 June, after their demand had not been met the relatives held a symbolic funeral for the “disappeared” with empty caskets containing photos of the victims.

On 24 August 1998 the weekly magazine Semana published an interview with Camilo Aurelio Morantes, commander of the AUSAC, in which he admitted that AUSAC had been responsible for the 16 May paramilitary attack. According to the paramilitary leader, the victims were killed between eight and 15 days after they were abducted on the basis of supposed evidence gathered against them. He claimed that all the “disappeared” had “*vinculos con las milicias populares de Barrancabermeja*”, “links with the urban militias of Barrancabermeja” which AUSAC had established through carrying out intelligence work.

According to the article, the paramilitary commander stated that some of the bodies had been incinerated whilst others had been thrown into the Magdalena River. He made clear that the AUSAC would continue their offensive against Barrancabermeja: “*Seguiremos nuestro accionar porque hoy más que nunca la opinión pública, el gobierno y los estamentos de seguridad del Estado saben que en esta ciudad está latente la presencia de la guerrilla. Estamos haciendo inteligencia y tenemos ubicados varios lugares donde es clara la presencia de bandoleros*”, “We will continue our actions because today more than ever public opinion, the government and the security bodies of the State know that the presence of the guerrilla is latent in this city. We are carrying out intelligence work and we have identified several places in which the presence of these criminals is clear”.

According to press reports¹¹, on 20 May 1998 100 members of the *Cuerpo Técnico de Investigaciones de la Policía Judicial* (CTI), Technical Investigations Unit of the Judicial Police, located the ranch outside Barrancabermeja where the paramilitaries had reportedly taken the abducted. The article reported that the CTI received orders from Bogotá to withdraw and not raid the ranch as the CTI officials’ lives would have been in danger.

¹¹ El Espectador; 30 October 1998.

INVESTIGATIONS INTO THE MASSACRE

On 4 June 1998 the Colombian Government issued Decree 1015 which set up a *Comisión de la Verdad*, Truth Commission to ensure advances in criminal and disciplinary investigations into the 16 May 1998 paramilitary attack.

Disciplinary Investigations

On 31 July 1998 the Commission presented its final report at a meeting attended by representatives from non-governmental human rights organizations and governmental and state representatives. The Commission reported that the *Procuraduría General de la Nación*, Procurator General¹² had initiated formal disciplinary investigations which implicated nine members of the security forces. The disciplinary investigations centred on these issues:

- whether the accused were responsible of dereliction of duty (*omisión*) by not taking appropriate measures to prevent the attack in light of the intelligence report received warning of an imminent paramilitary incursion;
- whether or not they had seen the paramilitary operation taking place in heavily militarized areas of the city;
- whether or not they had heard gunshots on the night of 16 May;
- whether when the security force agents had become aware of the paramilitary operation, action had been taken to confront the paramilitary group;
- whether adequate steps had been taken to try and save the people who had been abducted.

In December 1998 it was reported that the Office of the Procurator General was pressing disciplinary charges against four members of the Colombian Army, three members of the Colombian Police, and two members of the DAS for dereliction of duties. According to an article in The Washington Post, the official investigators concluded that nine soldiers belonging to the *Batallón de Artillería de Defensa Aérea "Nueva Granada"* waved four paramilitary vehicles through an army checkpoint in advance of and after the attack. However, none of those under disciplinary investigation have been officially linked to the criminal investigations into the attack. There is also no information regarding investigations into why the 24 hour military check point that had been set up at *La Y* was suddenly removed shortly before the paramilitary incursion.

¹² The *Procuraduría General de la Nación* investigates allegations of misconduct, including human rights violations by public officials. Its power is limited to establishing responsibility and imposing disciplinary sanctions, it cannot bring criminal charges but can pass cases on to judicial authorities for investigation. It has played an important role in exposing patterns of human rights violations committed by the security forces and has imposed disciplinary sanctions on some members of the security forces responsible for serious human rights violations.

Criminal Investigations

The Commission also reported that the *Fiscalía General de la Nación*, Office of the Attorney General¹³, had opened criminal proceedings against a member of the security forces for his alleged direct participation with the AUSAC in the paramilitary attack and that a warrant for the arrest of a member of the AUSAC had been issued.

On 14 August 1998 *El Espectador* reported that the Office of the Attorney General had issued an arrest warrant against a corporal attached to the *Batallón de Artillería de Defensa Aérea "Nueva Granada"* for his alleged direct involvement in the paramilitary attack. Although, the corporal was originally the only person under investigation to be placed in detention, Amnesty International has learnt that on 30 March 1999 he was freed on bail. The suspect had to pay a derisory \$150 bail bond, in spite of eyewitness testimony that he participated directly in the paramilitary attack.

Witnesses and investigators targeted

In the months following the paramilitary incursion there has also been increasing concern for the safety of those who witnessed the attack. On 2 June 1998 the Attorney General, Alfonso Gómez Méndez, reported that some of these witnesses had received death threats and were reluctant to collaborate with the judicial authorities thus hampering progress in the investigation.

On 1 and 2 August, after the Truth Commission reported that several members of the security forces were implicated in criminal and disciplinary investigations, ten people were killed in various districts of Barrancabermeja by paramilitaries. Those killed were: **Carlos Zambrano Puertos, Roberto Chica Mejía, Hugo Cadena Martínez, Oscar Ibarra, Richard Vargas Aguilar, Eduardo Angarita Suárez, Pedro Celestino Villamizar, Luis Eugenio Correa, José Alberto Quintero, Luis Antonio Ovalle**. Two of the victims had reportedly witnessed the 16 May paramilitary incursion and had testified to investigating authorities.

It has also been reported that during the course of criminal investigations a number of judicial officials have themselves faced repeated death threats, seemingly intended to deter progress being made in the investigations.

The armed forces deny their involvement

¹³ The *Fiscalía General de la Nación* - is charged with investigating and prosecuting all crimes committed in Colombia, including human rights violations. It has played an important role in investigating human rights violations in particular through its *Unidad Especializada de Investigaciones sobre las Violaciones de los Derechos Humanos*, Specialized Unit for the Investigation of Human Rights Violations, set up in September 1995.

Senior military commanders were quick to deny the involvement of the armed forces in the paramilitary attack. General Fernando Millán Pérez, the then Commander of the *V Brigada*, V Brigade, which has military jurisdiction over Barrancabermeja, reportedly stated that the attack might have been the result of in-fighting amongst urban guerrilla factions in Barrancabermeja, though he conceded that the results of investigations were yet to be known (El Colombiano, 18 May 1998).¹⁴

The then Commander of the Colombian Armed Forces, General Manuel José Bonnett, denied any military involvement in the paramilitary attack: “*No tengo que dar explicaciones, ni lavar la imagen del Ejército, por hechos en los cuales nada tiene que ver*”, “I do not have to give explanations nor clean up the image of the Army for events in which it has no part”. (El Tiempo, 8 June 1998).

FURTHER PARAMILITARY ACTIONS AND THREATS

Whilst military commanders rejected accusations of security force involvement in the paramilitary attack, those that denounced such involvement received death threats. In the months after the attack, the AUSAC issued death threats against the civilian population of Barrancabermeja. Specifically targeted were CREDHOS, the USO, popular activists including the organizers of the strike and the coordinator of the *Coordinadora Popular*, Popular Coordination¹⁵. The intention was clearly to terrorize the general population into silence and to destroy popular organizations by making them targets in the counter-insurgency campaign against Barrancabermeja.

In June 1998 a communiqué issued by the AUSAC declared the then president of CREDHOS, Osiris Bayther to be a military target together with the president of USO:

“Concientes del grave daño que usted, Osiris Bayther, ocasiona con su labor en beneficio de la guerrilla y en desmedro de los Derechos Humanos, le anunciamos que hemos decidido declararla objetivo militar, así como al señor Hernando Hernández Pardo, Presidente de la USO”.

¹⁴ In April 1999 General Millán and another senior military commander were discharged from the army by the Colombian Government for their alleged links with paramilitary organizations. General Millán is under criminal investigation for his alleged role in the formation of paramilitary groups in the municipality of Lebrija a region which coincides with AUSAC’s area of operations. According to El Espectador, 9 October 1998, investigations undertaken by the *Fiscalía* point to the fact that Camilo Morante’s centre of operations is in San Juan de Lebrija, municipality of Lebrija. In August 1998 it was reported that a colonel attached to the *Batallón Ricaurte*, Ricaurte Battalion, based in Bucaramanga had also been implicated in the same investigation (El Tiempo, 12 August 1998).

¹⁵ The *Coordinadora Popular* is a coordinating body of civic organizations, trade unions and non-governmental organizations in Barrancabermeja.

“Conscious of the grave harm that you, Osiris Bayther, are causing with your work which benefits the guerrilla and in detriment to Human Rights we are telling you that we have decided to declare you a military target as well as Mr Hernando Hernández Pardo, President of the USO”.

Over the following months similar threats eventually forced Osiris Bayther to leave the country for her safety.

On 12 July 1998 AUSAC paramilitary forces entered the Primero de Mayo district and rounded up a group of 15 youths. They told those present they had a *lista negra* of 40 people they were going to kill. The gunmen then reportedly shot and killed **Henry de Jesús González Valencia**, a builder and father of two. During the incursion the paramilitary group distributed AUSAC leaflets which stated: “*Advertimos de manera terminante a la comunidad de Barrancabermeja que a partir de este momento se convierte en objetivo militar Cualquier persona que de manera directa o indirecta, colabore con la delincuencia narco-guerrilla*”, “We warn definitively that Anyone who collaborates directly or indirectly with the narco-guerrillas will become military targets”

In August there were renewed fears of paramilitary attack after an official police intelligence report was leaked which stated that a paramilitary incursion would take place on 22 August 1998. According to the document, dated 9 August 1998, the attack would be carried out by AUSAC forces. 80 heavily-armed men would enter the northeastern sector of Barrancabermeja. The paramilitaries were said to have a “*lista negra*”. According to the document, AUSAC also planned to enter the La Esperanza and Primero de Mayo districts to carry out a number of selective killings.

In the weeks following the paramilitary incursion of May, further AUSAC death threats were circulated referring to guerrilla activity in the region and accusing the USO, CREDHOS and the *Coordinadora Popular* of being: “*Organizaciones “Para-guerrilleras”*”, “*Para-guerrilla organizations*”. The death threats tell the people of Barrancabermeja that with their help “*exterminaremos a esa plaga de delincuentes guerrilleros*”, “we will exterminate that plague of delinquent guerrillas”.

In October 1998, the *Unión Central de Comités y Asociaciones de Desempleados de Barrancabermeja* (UCCADB), Barrancabermeja Central Union of Committees and Associations of the Unemployed, informed the *Defensoría del Pueblo* that the AUSAC had accused the unemployed committees and associations of having links with guerrilla forces. In letters sent to several employers in Barrancabermeja, AUSAC prohibited them from employing workers belonging to the unemployed associations or committees.

Although the threatened massacre of 22 August did not take place, a paramilitary incursion did occur on 19 and 20 September. At about 8:30pm a group of approximately 50 heavily-armed men entered the city’s northeastern districts of Danubio, Boston, 20 de Agosto

and San Pedro. They forced many inhabitants in the area onto their knees, accused them of being guerrilla collaborators and threatened to kill them. The gunmen reportedly entered these districts after travelling unhindered through the Rafael Rangel district, where the *Comuneros* military base and the "Heroes of Majagual" Battalion base are situated. The paramilitary group blocked the entry and exit points to the districts of Danubio, Boston and 20 de Agosto and set up a road-block. Though the incursion lasted until approximately 10:00pm, the security forces made no apparent effort to intervene. At 11:30pm the paramilitary group entered the Chicó, Santa Ana and Miraflores districts where they also threatened local inhabitants. The following day the paramilitary group reportedly entered El Seminario and Nueva Esperanza districts where they intimidated local inhabitants, again no apparent attempt was made by the security forces to intervene.

On 30 January 1999 there was a further paramilitary incursion. A group of heavily-armed gunmen travelling in two trucks entered the Primero de Mayo and Las Américas districts and identified themselves as members of the AUSAC. They reportedly threatened local inhabitants before leaving. The Barrancabermeja police commander stated that the police would "*realizar operativos de seguridad en las zonas nor y sur orientales para truncar acciones de cualquier grupo al margen de la ley, eso sí contando con la colaboración de la ciudadanía*", "undertake security operations in northeastern and southeastern districts to prevent the actions of any illegal groups, of course depending on the support of the community".

On 28 February 1999, a 20-strong paramilitary force entered the northeastern sector of Barrancabermeja at approximately 5:00pm. During the incursion they killed **José Darío Sánchez, Orlando Forero Tarazona** and injured one other person on the road leading into the districts of Candelaria, Chapinero, El Chicó, El Triunfo and Provienda. At approximately 5.20pm in the Versalles district the paramilitaries killed **Israel Ariza**. In the Ramaral district the paramilitary group reportedly abducted **Edgar Alfonso Sierra Sindrai**, a school pupil who was a member of the youth movement of the *Organización Feminina Popular* (OFP), Popular Women's Organization, a regional non-governmental human rights organization. Close to the San Silvestre district of the city the paramilitary group killed **Leonardo Guzmán** and a short distance away **José Darío Hernández**. Near to the *El Rancho* bar the paramilitary group reportedly set up a road-block where the gunmen stopped approximately 30 vehicles. At the road-block the gunmen abducted then killed **William Rojas** and **Oscar Manuel Barroso**. A short distance from where the road-block had been set up the paramilitary group killed **Jesús Manuel Gil**.

The paramilitary group, on leaving the city, reportedly passed through a military check-point operated by the 45th Battalion "Heroes of Majagual" and situated in the community of Pénjamo. The soldiers allowed the paramilitary vehicles to pass through unhindered and later reportedly told police that the paramilitary group members had identified themselves as being judicial police. A spokesman for the V Brigade was quoted in one press report denying that the paramilitary group had passed through any military checkpoint (Reuters, 1 March 1999).

According to reports, in the early hours of 1 March, **Parmenio Terraza Zuleta** and **Miguel Angel Cifuentes** were forcibly abducted near the offices of CREDHOS. The body of Parmenio Terraza Zuleta was discovered near the La Paz district of the city the following day. The whereabouts of Miguel Angel Cifuentes and Edgar Alfonso Sierra Sindrai remain unknown.

On the night of 5 March 1999 CREDHOS worker, **Pablo Javier Arenales**, narrowly escaped an attempt on his life. The incident occurred when he stopped in a restaurant on his way home. As he stood at the counter, he heard a motorcycle pull up outside. On looking round and he saw the pillion rider draw a gun. Jumping over the counter he ran to the back of restaurant to hide. The gunmen entered the restaurant saying, "*Donde está esa hijueputa?*", "Where is that son of a bitch". Fortunately they did not find him and he was able to escape unharmed.

On 18 March 1999 a FARC deserter now working with AUSAC known as "El Panadero" was arrested by police for his involvement in the paramilitary incursion of 28 February 1999. He is being held in preventive detention pending the outcome of investigations. Judicial authorities conducting the investigations into the 16 May 1998 paramilitary incursion have reportedly requested the right to officially investigate El Panadero's possible involvement in the 16 May 1998 attack.

GUERRILLA AND SECURITY FORCES ACTIVITIES RAISING THE TEMPERATURE

Whilst repeated paramilitary threats and incursions increased the tension in Barrancabermeja, security force and guerrilla group actions contributed significantly to a worsening climate of insecurity. CREDHOS issued a public statement on 22 September condemning the increase in human rights violations and violations of international humanitarian law and called on paramilitary organizations and guerrilla forces not to draw the civilian population into the conflict and to stop killing and threatening civilians. The human rights organization also called on the armed forces to refrain from all actions which could benefit paramilitary activity and which constitute violations of international humanitarian law or violations of human rights.

Guerrilla Actions

Guerrilla forces and urban militias linked to guerrilla organizations in Barrancabermeja have been responsible for numerous deliberate and arbitrary executions of people they consider to be military or paramilitary collaborators or sympathizers, including young women associating with members of the security forces. They have been responsible for other serious violations of international humanitarian law including "social cleansing" killings targeting those they allege to be petty delinquents or others considered socially "undesirable". Guerrilla forces in the city have also repeatedly been responsible for kidnapping, hostage taking and a pattern of

extortion against the business community, who are routinely threatened with kidnap or death if they fail to comply with guerrilla demands.

On 8 November 1998 between 8:00pm and 8:30pm three students **Adriana Hostía Mantilla**, aged 17, her brother, **Robert Hostía Mantilla**, aged 19 and **José Benjamin Gómez Mojato**, aged 29, together with 52-year-old **Carmenza Arias Fonseca** were killed in the Primero de Mayo district of Barrancabermeja. A note was left by José Benjamin's body which read "*Por Sapos*"¹⁶, "For being informers". The perpetrators are believed to be urban militias.

Guerrilla attacks on the security forces or installations in heavily populated areas have frequently placed the civilian population at risk. On 31 May 1998 at 6:30am a bomb, believed to have been planted by members of a guerrilla organization and supposedly targeting a military convoy, exploded in the Primero de Mayo district killing **Serafín Jiménez Alemán**, **Wilmar Moreno Gómez** and **Andrés Díaz Cárdenas**. On 5 June 1998, guerrilla forces attacked a military detachment belonging to the *Nueva Granada* Battalion posted at the *Empresa de Acueducto de Barrancabermeja* (EDASABA), Barrancabermeja Waterworks Company. The military post is located directly opposite the Boston, 20 de Agosto and Danubio districts and a number of civilians were injured when the military returned fire. The risk to civilian lives was increased considerably given the presence of a propane gas tank situated in the firing line.

Security Force actions

Security forces have frequently threatened those they consider to be guerrillas or guerrilla sympathizers during patrols in Barrancabermeja. Numerous inhabitants have denounced being threatened by the security forces in statements made to CREDHOS and to the *Defensoría del Pueblo* both prior to and since the 16 May paramilitary incursion.

On 7 October 1998, several inhabitants of the Los Alamos and Villafauda districts denounced being threatened by members of the 45th Battalion. One woman described how on 6 October members of the 45th Battalion entered her house in the Villafauda district in the company of a civilian who pointed out her partner. He was then bound by the soldiers, forced to the floor and beaten, while she was interrogated about weapons.

Another woman resident in the same district denounced how members of the 45th Battalion forced their way into her home and ordered her 14-year-old son and her husband to kneel on the floor. When, due to ill-health her husband refused, the soldiers reportedly threatened to kill him. The soldiers then reportedly threatened to kill the whole family unless they admitted they were guerrillas and handed over weapons.

¹⁶ *Sapos* is a term usually used by guerrilla forces to refer to security forces informers or collaborators.

One resident of the Los Alamos district denounced how around 60 members of the 45th Battalion raided his house. According to his testimony, the soldiers were accompanied by two civilians who were pointing out the houses to be searched. The soldiers forced the resident's family to kneel on the floor and family members were beaten. The soldiers detained the resident's son-in-law and accused the family of being guerrilla collaborators then threatened to kill two of his children who they claimed were in contact with guerrilla forces.

PARAMILITARY ACTIVITY INTENSIFIES IN THE REGIONS SURROUNDING BARRANCABERMEJA

In mid 1998 national paramilitary leaders launched an offensive in the south of Bolívar department. The paramilitary offensive began in June in the municipalities of Simití and Santa Rosa del Sur to the north of Barrancabermeja in the southern region of Bolívar department. The gunmen, using a *lista negra*, killed at least 2 community members and threatened the rest, reportedly stating: "*Esta va a ser la masacre del año*", "This will be the massacre of the year" and "*Tenemos que entrar a Simití, Santa Rosa y todo esto de aquí arriba porque o se queda la guerrilla o nos quedamos nosotros*", "We have to enter Simití, Santa Rosa and all this area up here because the guerrilla stays or we stay here". The attacks were carried out in spite of a heavy military presence in the area.

This incursion heralded the beginning of a paramilitary onslaught in the south of Bolívar department which resulted in over 6000 peasant farmers and miners from the municipalities San Pablo, Simití, Santa Rosa and Cantagallo fleeing their homes and seeking refuge in Barrancabermeja. The city's traditional solidarity was stretched to the limits as the displaced took over libraries, schools and other public buildings. The demands of the displaced included that the government provide them with humanitarian assistance and take effective steps to guarantee their safe return to lands they had been forced to abandon.

Representatives of the displaced people together with non-governmental human rights organizations met with government and state representatives over a period of weeks of intensive negotiation to discuss these issues. On 4 October 1998 as part of the *Mesa Regional del Magdalena Medio de Trabajo por la Paz*, Magdalena Medio Regional Negotiation Table for Peace, the new government of Andrés Pastrana committed itself to a number of measures to ensure the safe return of the displaced to their lands. A fundamental part of the agreement included the creation of a *Bloque de Búsqueda*, Search Unit, to combat paramilitary groups in the departments of Antioquia, Boyacá, Bolívar, Cesar, Santander and Sucre. Vice-president, Gustavo Bell, was also charged with designing a strategy within three months to combat paramilitarism.

Soon after signing the agreement many of the displaced began to return to the south of Bolívar department. However, it was soon clear that no real action had been taken to combat paramilitary groups in the Magdalena Medio region. A special verification commission, established during negotiations, visited the south of Bolívar to assess the security situation and found not only a continued heavy paramilitary presence, but clear evidence of open

collusion with the regular security forces. An Amnesty International delegation which visited the area in October 1998 was also able to verify the failure of the Government to comply with its commitment to act against paramilitary forces. On 4 November three of local leaders of some of the peasant farmers who fled to Barrancabermeja were killed by paramilitary forces near the town of San Pablo. The remaining representatives of the displaced were forced into hiding.

In January 1999 the government of President Andrés Pastrana launched its policy on combatting paramilitary groups which included the formation of the *Comité Técnico de Planeación y Análisis de Inteligencia*, Technical Planning and Intelligence Analysis Committee, which would gather intelligence on paramilitary groups. It was also again announced that the armed forces would strengthen their operations against paramilitary forces.

In March 1999, CREDHOS stated that it was still unaware of the existence of the *Bloque de Búsqueda*. In the same month paramilitary forces were reportedly responsible for killing 14 people in San Pablo. Witnesses said the police totally failed to protect the civilian population, but rather shut themselves in the police station, later claiming they had thought it was a guerrilla attack.

Over recent years, officials with the Attorney General's Office have complained at the lack of support the security forces have shown with their efforts to detain members of paramilitary groups. The launch of the government's new policy has not improved the situation. In an interview with The Miami Herald (23 February 1999), the Attorney General, Dr Alfonso Gómez Méndez, pointed out that there were over 300 arrest warrants for paramilitaries in Colombia that had not been acted on. He hinted that the responsibility for this lay with the security forces. He was also quoted in El Espectador stating "*Lo que pasa es que nosotros nos encontramos con el cuello de botella de que libramos las órdenes de captura, pero no puedo aspirar a que tres o cuatro hombres del CTI penetren a los sitios en donde se encuentren las autodefensas para capturarlos*", "The problem is that we are in a difficult situation, we issue the arrest warrants, but we cannot expect three or four CTI agents to go to the places where the paramilitaries are and detain them".

Without the full cooperation of the armed forces in the criminal investigations into the 16 May attack and subsequent paramilitary incursions, there is little chance that those responsible will be brought to justice. The government's failure to date to dismantle paramilitary groups in the Magdalena Medio region leaves Barrancabermeja and its surroundings at risk of further attacks. The lack of decisive action against these groups also leaves the relatives of the victims with little hope of finding out the truth about what happened to those who were abducted and "disappeared".

CONCLUSIONS AND RECOMMENDATIONS

Despite the international and national outcry caused by the Barrancabermeja massacre of 16 May 1998, the Colombian Government has still not taken decisive measures to fully investigate the forced “disappearance” of 25 people and the extrajudicial execution of a further seven. The failure to fully investigate the attack and bring to justice all those responsible has encouraged continued human rights violations in Barrancabermeja and the surrounding regions by paramilitary forces acting with the support or acquiescence of the armed forces.

Amnesty International therefore recommends that the Colombian authorities:

- * carry out full and impartial investigations into the “disappearances” of 25 people and the extrajudicial executions of 7 others during the 16 May 1998 paramilitary incursion into Barrancabermeja in order to establish the whereabouts of the “disappeared” and to bring those responsible to justice. Urge that the findings of these investigations be made public;
- * make public any information so far gathered by judicial authorities relating to the case, and if the authorities are aware of the whereabouts of those “disappeared”, to inform the families of the victims;
- * undertake full and impartial investigations into further incursions into Barrancabermeja by paramilitary forces, including death threats and further killings documented above, and to undertake full and impartial investigations into all allegations of human rights violations committed by security forces. Urge that the findings of these investigations be made public and those responsible be brought to justice.
- * undertake full and impartial investigations into links between paramilitary groups operating in the Magdalena Medio region and the security forces and ensure that those members of the security forces found responsible for training, supporting and collaborating with paramilitary groups be brought to justice;
- * suspend immediately from active service any security force official implicated in human rights violations and paramilitary activity, pending the outcome of investigations to establish their guilt or innocence;
- * take immediate steps in line with the report of the UN High Commissioner on Human Rights to dismantle paramilitary groups. Such measures would be in line with repeated United Nations recommendations made to the Colombian Government in the 1998 and 1999 **Report of the United Nations High Commissioner for Human Rights** (E/CN.4/1998/16, 9 March 1998 & E/CN.4/1999/8, 16 March 1999);

* take effective measures, deemed appropriate by those under threat themselves, to guarantee the security of CREDHOS and ASFADDES¹⁷ workers and of members of the *Coordinadora Popular* who have campaigned for full and impartial investigations into the 16 May 1998 attack. Such measures would be in line with the repeated United Nations recommendations made to the Colombian Government most recently in 1998 & 1999 **Report of the United Nations High Commissioner for Human Rights**.

* take effective measures to guarantee the safety of witnesses to the 16 May attack and subsequent paramilitary incursions and to ensure full support from all state agents for judicial authorities undertaking investigations into the incursion.

* take effective steps to protect the civilian population of Barrancabermeja from further paramilitary attacks.

Amnesty International recommends to armed opposition groups to undertake publicly to commit themselves to respect international humanitarian standards and to prevent their members from committing abuses. Amnesty International specifically recommends that armed opposition groups:

* undertake to treat humanely prisoners, the wounded and those seeking to surrender, whether the prisoners are civilians or members of the armed forces, and never to kill them;

* undertake not to commit deliberate and arbitrary killings of non-combatants under any circumstances;

* ensure that no captives are held as hostages. Immediate measures should be taken to identify any people so held and ensure their immediate safe release;

* ensure that individuals suspected of committing or ordering abuses such as deliberate and arbitrary killings, the taking of hostages or the torture or ill-treatment of captives, should be removed from any position of authority and all duties which bring them into contact with prisoners or others at risk of abuse.

Amnesty International recommends that the international community should urge the Colombian Government to fulfil the recommendations listed above and closely monitor the efforts of the Colombian Government to fulfill these recommendations partly by

¹⁷*Asociación de Familiares de Detenidos Desaparecidos*, Association of Families of the Detained Disappeared

maintaining close contacts with regional and national non-governmental human rights organizations.

In any contacts with guerrilla group representatives, governments should insist that guerrilla groups adhere to international humanitarian law and specifically to the recommendations listed above.