

EXTERNAL (for general distribution)

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UA 222/93 Extrajudicial Execution/Fear for safety

9 July 1993

COLOMBIA: **Hermes Osvaldo JIMENEZ BARCO**
 Linder Osvaldo JIMENEZ BARCO
 Gilberto MARTINEZ

Amnesty International is concerned at the killing of two brothers, Hermes Osvaldo Jiménez Barco and Linder Osvaldo Jiménez Barco on 17 May 1993 in circumstances suggesting they were victims of extrajudicial execution.

According to information received by Amnesty International, Hermes and Linder Jiménez Barco were travelling by motorcycle from Almaguer to La Sierra in Cauca department on 17 May 1993.

At about 22.00 on 17 May the two men approached el Salero where there is a police post occupied by personnel from the La Sierra Police Station. Normally the post is only occupied between 17.00 and 20.00 hours but after these hours a blue, unmarked Toyota Land Cruiser truck with five occupants has been seen at the post. The occupants of the post carry out searches of those who use the road.

Hermes and Linder Jiménez apparently witnessed the personnel at the police post carrying out a search and robbery of the six occupants of a vehicle driven by Gilberto Martínez. When Hermes and Linder Jiménez were about 100 meters from the post, shots were fired at them and Hermes was killed instantly. Linder was unharmed.

Then, Gilberto Martínez and those accompanying him together with Linder Jiménez and the body of Hermes Jiménez were forced into Gilberto Martínez's vehicle and driven about two kilometres, to a turning in the road which leads to Vega. The vehicle stopped; Gilberto Martínez and his passengers were stripped naked, forced to run and told, "it's a robbery" ("*eso es un atraco*"). Linder and Hermes Jiménez were taken away in the vehicle belonging to Gilberto Martínez. The vehicle was abandoned one kilometre further on. Shots were heard and, about 500 meters beyond the vehicle, the bodies of Hermes and Linder Jiménez Barco were found. Linder had also died of gunshot wounds.

Gilberto Martínez and his fellow passengers have stated that of the five people carrying out the search, two were known to them as members of the SIJIN (Seccional de Policía Judicial e Investigación - Intelligence Unit of the National Police) in Popayán.

The bodies of the two victims were removed under the supervision of the authorities from La Sierra and preliminary inquiries were made by staff of the Cuerpo Técnico de Investigación (Technical Investigation Unit) of the Fiscalía General de la Nación (Public Prosecutor's Office) in Popayán. The investigation is now in the hands of the Popayán Public Prosecutor.

There is serious concern for the safety of Gilberto Martínez and his fellow passengers as witnesses of human rights violations are frequently subjected to harassment, intimidation or physical complaints to prevent them pursuing complaints against those responsible.

BACKGROUND INFORMATION.

Despite repeated pledges by the government of President César Gaviria Trujillo to protect human rights, Amnesty International continues to receive reports of widespread violations committed by members of the Colombian armed and security forces and paramilitary groups working with them. The majority of human rights violations - arbitrary arrest, torture, "disappearance" and extrajudicial execution - are committed with impunity. Only exceptionally have investigations of human rights violations led to the trial and conviction of those responsible. An official report from the Procurator General's Office (Procuraduría General de La Nación) covering human rights abuses in 1992 stated that the National Police was the institution about which the most complaints about human rights abuses were received by the Procurator General's office. Of the 2,618 human rights complaints presented to the Procurator General's office in 1992 1,517, ie 58% of the cases, were against the police. While there is evidence that all sections of the Colombian police are involved in abuses, the judicial police intelligence units of the DIJIN and its regional units, the SIJIN have been implicated in many of the most notorious cases.

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RECOMMENDED ACTIONS: Please send telegrams/telexes/faxes/express and airmail letters either in Spanish, English or your own language:

- expressing concern at the killing of Hermes Osvaldo and Linder Osvaldo Jiménez Barco in circumstances suggesting they may have been extrajudicially executed by members of the SIJIN;
- urging that there be an immediate and thorough investigation into the killings, the results of which should be made public and those responsible brought to justice;
- urging that the government take all possible measures to protect the lives of witnesses to the killings.

APPEALS TO:

1) President of Colombia:

Señor Presidente César Gaviria Trujillo
Presidente de la República
Palacio de Nariño
Santa Fe de Bogotá, Colombia

Telegrams: President Gaviria, Bogotá, Colombia

Telexes: 44281 PALP CO

Faxes: + 57 1 286 7324/7434/287 7937

Salutation:Excelentísimo Sr. Presidente/Dear President Gaviria

2) Attorney General:

Dr. Gustavo de Greiff
Fiscal General de la Nación
Fiscalia General de la Nación
Apartado Aéreo 29855
Santafé de Bogotá, Colombia

Telegrams:Fiscal General, Fiscalia General, Bogotá, Colombia

Faxes:+ 57 1 287 0939

Salutation: Estimado Dr. de Greiff/Dear Dr. de Greiff

3) Commander of the Intelligence Unit of the National Police

Coronel Luís Enrique Montenegro Rico
Comandante
Dirección de Policía Judicial e Investigación (DIJIN)
Carrera 15 No 10-41
Santafé de Bogotá, Colombia.

Salutation: Estimado Sr. Comandante/ Dear Commander

4) Governor of Cauca Department

Señor Oscar Leonidas Wilches Carreño,
Gobernador del Departamento del Cauca
Gobernación del Cauca
Carrera 7, Calle 4, esquina
Popayán
Cauca, Colombia

Telexes: 05970

Faxes: + 57 1 243597

Salutation: Estimado Sr. Gobernador/Dear Governor

COPIES OF YOUR APPEALS TO:

Human Rights Organization:

- The Permanent Committee for the Defence of Human Rights (CPDDH)

Comite Permanente por la Defensa de los Derechos Humanos

Apartado Aéreo 227

Popayán

Cauca, Colombia.

and to diplomatic representatives of Colombia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with your section office or the International Secretariat if sending appeals after 20 August 1993.