

Colombia: Strategies for evading accountability

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**"DISAPPEARANCES" AND POLITICAL KILLINGS:
HUMAN RIGHTS CRISIS OF THE 1990s**

A MANUAL FOR ACTION

Chapter C-3

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@Strategies for evading accountability**

Pre-Publication Version

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This is a pre-publication version of Chapter C-3 of the Amnesty International report *"Disappearances" and Political Killings: Human Rights Crisis of the 1990s - A Manual for Action*. Reference is also made in this chapter to Chapter C-2, "'Disappearance' and murder as techniques of counter-insurgency" and Chapter G-6, "Action through the United Nations and regional institutions", which are also being issued in pre-publication versions.

Chapter C-3

Colombia:

Strategies for evading accountability

Clandestine military units operating as "death squads" made their first recorded appearance in Colombia in 1978. Coinciding with the emergence of the "death squads" the numbers of political prisoners began to decline while the numbers of recorded "disappearances" and extrajudicial executions increased significantly throughout the 1980s. Extrajudicial executions reached a peak of 3,500 in 1988 and have been perpetrated at a rate of over 1,500 per year since then. Over 1,500 people are believed to have "disappeared" after detention between 1978 and 1992.

Moving beyond the task of fighting to defeat armed opposition groups by legitimate means, the armed forces engaged secretly in the physical elimination of members of a wide spectrum of the legal political opposition and other non-combatant civilians in areas of guerrilla activity. In so doing, they evolved a series of techniques to avoid accountability for their illegal and criminal acts.

Like Sri Lanka (see Chapter C-2), Colombia has remained a formal democracy throughout the 1980s and 1990s. Individuals in the judiciary and the executive and legislative branches of the government have at times acted with independence and initiative in trying to counter the abuses perpetrated by the security forces, but their efforts overall have fallen considerably short of stopping the killings and "disappearances". At the same time, the government has abetted the armed forces by presenting the Colombian situation to the world in ways intended to deflect international criticism. Until sufficient political will is created in the government to confront and control the actions of the security forces, "disappearances" and political killings are certain to continue.

The rise of assassinations and "disappearances" and the proliferation of "death squads" and paramilitary organizations

In 1978 shadowy "death squads" made their first recorded appearance in Colombia, threatening lawyers of political prisoners and members of the Supreme Court who gave dissenting opinions against the anti-terrorist Security Statute enacted in 1978. From 1980, as the number of political detainees began to decline, Amnesty International received increasing reports of torture and killing of peasant farmers in conflict zones by Colombian army counter-insurgency forces and paramilitary groups working with them, and there was a significant rise in "disappearances".

In 1982 most political prisoners were freed under a general amnesty. Coinciding with the freeing of political prisoners, there was a marked upsurge in the number of incidents in which members of political opposition groups, trade unions, and former political prisoners were seized and killed in operations

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attributed by the security services to supposedly independent "death squads".

After the government embarked on a peace process, culminating in a ceasefire in 1984 with all but one of the major guerrilla movements, the correlation between the declining numbers of political prisoners and increasing numbers of extrajudicial executions and "disappearances" became even more apparent. Resistance to a political solution to the civil conflict was strong within the military, and military officers expressed frustration at the suspension in 1982 of their power to try political prisoners in military courts. While the number of political suspects detained by the army and turned over to the civilian courts remained low, the number of "disappearances" and political killings attributed to phantom "death squads" grew dramatically. Certain left-wing political movements were selected for a campaign of elimination, and many of their members were targeted and killed even before the peace process ended in late 1985.ⁱ

For such covert and illegal activities to be successful, a means had to be devised by which the army could not be held accountable for its actions. This means was the creation of the supposedly independent "death squads" whose appearance and proliferation coincided with the dramatic increase in "disappearances" and extrajudicial executions in the early 1980's. By 1982 abuses attributed to the "death squad" known as *Muerte a Secuestradores* (MAS), Death to Kidnappers, had spread throughout the country. Although military spokespersons claimed that MAS was an independent group created by the criminal underworld to combat left-wing guerrillas, an investigation by the Colombian Procurator General in 1983 found that 59 serving members of the armed forces had been actively involved in incidents attributed to MAS. In a report to Congress in 1986 the Procurator General referred to MAS as "an authentic paramilitary movement" and said that military officers used it to "do unofficially what cannot be done officially".

In 1987 the Colombian Interior Minister, César Gaviria, who became President in 1990, revealed to Congress the existence of some 140 paramilitary organizations operating in the country. The origin of many of these can be traced to the civilian "self-defence" squads created by the Colombian armed forces to act as auxiliaries to the regular armed forces in counter-insurgency operations. Army brigade commanders and intelligence units attached to brigades and battalions in conflict areas recruited, armed, trained and supported paramilitary "self-defence" squads, while large landowners, industrialists and, later, drug-traffickers lent them economic support.

A legal basis for the formation of paramilitary "self-defence" squads was provided by Law 48 of 1968 which among other things empowered the armed forces to provide military weapons to civilians and to create peasant defence groups. The activities of such groups, however, were not confined to protecting their members' homes and families from guerrilla attacks but included active participation in counter-insurgency "search and destroy" operations in areas where the population was considered sympathetic towards armed opposition groups.ⁱⁱ

In recent years, the "self-defence" groups have increasingly merged with private armies of gunmen formed by drug-traffickers. There has often been a community of interests between drug-traffickers and local army commanders: both sought to eliminate members of rural communities who might sympathize with or support armed insurgents. The money provided by drug-traffickers to the army's rural paramilitary apparatus permitted the development of a vast paramilitary network capable of coordinated operations throughout the country. In 1988 responsibility for over 80 massacres and hundreds of individual killings of rural workers and left-wing political activists was attributed by independent and official investigators to the paramilitary organizations. In many of these cases evidence also emerged of the direct or indirect participation in the killings of senior military officers.

In 1989 the Colombian Government issued decrees designed to combat "bands of hired killers, groups of

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self-defence or private justice" and suspended the army's authority to provide military-issue weapons to civilians. However, the decrees were not backed by effective action to disband the politically and militarily powerful paramilitary organizations or to show that the army was itself committed to dismantling the paramilitary structures that had aided its counter-insurgency campaigning. Consequently, paramilitary forces continued to commit widespread human rights violations with impunity. Peace agreements with four guerrilla organizations and the imprisonment of several leading drug-traffickers who had financially supported paramilitary organizations, led to a partial respite in their activities in 1990 and 1991. However, by 1992 the number of serious human rights violations committed by paramilitary forces again increased as several groups were reactivated and new groups were formed with the support of the Colombian armed forces. In some areas of the country, particularly the central Magdalena Medio region, paramilitary forces once again openly engaged in joint operations with counter-insurgency units of the Colombian army.

Patterns of extrajudicial executions

Members and suspected sympathizers of guerrilla groups have not been the only victims of extrajudicial executions. Non-combatant civilians have been massacred during counter-insurgency operations and members of legal opposition groups, union leaders, teachers and peasant and Indian community leaders have been targeted for assassination by both regular armed forces and paramilitary "death squads", apparently because of their leadership role and their political beliefs, real or imputed. In recent years journalists and others attempting to investigate human rights violations, including members of the judiciary and other public officials, have increasingly been singled out for murder.

In urban areas many victims are killed by assailants on high-powered motorcycles or by individual assassins in public places, including restaurants, airports and on board aircraft. Others are gunned down by assailants who break into their homes or are seized in the street and forced into cars, their bodies generally being found hours or days later. Many of the victims abducted are tortured, and their bodies are mutilated or burnt by fire or with acid before being dumped by roadsides or in rivers. Assassins, generally heavily armed men in civilian clothes, almost invariably escape, sometimes in full view of uniformed police or army personnel who do nothing to intervene.

The killing of political and community activists has frequently been the culmination of a campaign of harassment, often in the form of written or telephone threats. In 1987 death threats became so prevalent that "death lists", including the names of many prominent public figures, were published in the national press. Some of those who receive death threats request official protection which, in the case of prominent public figures, is usually provided - at least temporarily. Others leave the country. Judicial and police authorities seem unable or unwilling to try to discover who is responsible for the threats or to give adequate protection to those threatened.

In the countryside, an increasing number of non-combatant civilians in remote areas have been killed during military counter-insurgency campaigns. Some have died during aerial bombardments in which civilian communities appear to have been deliberately targeted. Others have been detained and killed by army infantry patrols who then, frequently, claim the victims were guerrillas, were killed in combat, or were killed by a guerrilla organization.ⁱⁱⁱ Peasants who refuse to collaborate with paramilitary forces or to pay "taxes" levied by the paramilitary to finance their operations, have also frequently been killed.

Sporadic incidents of multiple killings in the mid-1980s developed from 1988 into a new pattern of attacks on groups of unarmed civilians which left hundreds of people dead throughout the country.

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Although the likely motives varied, many killings appeared to be part of a campaign to terrify entire communities or sectors of society or to punish them for their perceived party allegiances. Some attacks appeared to be in reprisal for guerrilla attacks against army personnel.

The mode of attack was similar throughout the country. Heavily armed men, at times dressed in military-type uniforms and with faces painted or masked, arrived in convoys of vehicles in remote rural hamlets or small towns. Villagers were sometimes forced to assemble in the town plaza or on a football field, whereupon victims were selected, often from lists, and then taken away and shot. In other instances assailants opened fire on assembled villagers as they participated in community festivals or sports events. Before leaving, the assailants often painted graffiti on village walls claiming the killings in the name of a "death squad", or shouted abuse and anti-communist slogans at villagers. On other occasions graffiti appeared after an attack, warning survivors to remain silent or face a return visit. Many multiple attacks were preceded by threats to clean up the area of "communists and guerrilla sympathizers", appearing in the form of graffiti or pamphlets pushed under people's doors at night.

In the cities people branded as "social undesirables", including homosexuals, prostitutes, minor drug peddlers and addicts, vagrants, "street children", and the mentally retarded have also been killed. Murder operations directed against these people are routinely termed "social clean-up operations" (*operaciones de limpieza social*). They are most frequently attributed to police officers (who in press reports are often characterized as "off-duty") or to collaborators working on information provided by them. Statistics for "clean-up" operations are harder to obtain than for politically connected killings, as the identity of the victims is often unknown. These deaths often go unreported or are not registered, although between April and November 1992, local human rights groups recorded 298 murders attributed to "social clean-up" operations by "death squads".

The large cities including Cali, Bogotá, Medellín and Barranquilla are most affected by these killings. Assailants often gun down their victims from motorcycles or the cabs of trucks. In other cases, victims are rounded up from the streets and forced into trucks; their bodies, frequently tortured or mutilated, are found later dumped by the roadside or in rubbish tips.

Several of the guerrilla organizations active in Colombia have also committed violent abuses and have committed frequent violations of the principles of the international humanitarian law of armed conflict. Victims of deliberate and arbitrary killings by guerrilla movements have included people suspected of being informers for the armed forces, petty criminals, members of rival groups, peasant and local government officials suspected of collaborating with paramilitary organizations and community leaders who refused to accept the authority of the guerrillas in areas they claimed to control. Guerrilla organizations such as the *Fuerzas Armadas Revolucionarias de Colombia*, Revolutionary Armed Forces of Colombia, and the *Ejército de Liberación Nacional*, National Liberation Army, have also executed hostages when ransom demands have not been met.

In poor areas of the large cities, particularly Medellín, Cúcuta and Bogotá, *Milicias Populares*, Popular Militias believed to be backed by the guerrilla organizations have been responsible for numerous execution-style killings. Among those targeted by the Militias are local drug-dealers, police and army informants and people accused of crimes against the shanty town residents.

"Disappearance" as a means of ensuring impunity

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The use of the technique of "disappearance" to evade accountability has been well described by the Colombian Procurator General, Dr Carlos Arrieta Padilla:

"Perpetrators plan the criminal act [of "disappearance"] with premeditation, leaving no trace, sign or evidence that would permit the circumstances surrounding the act to be established. They calculatedly rely on the mantle of impunity and on the fear of relatives and witnesses preventing them denouncing the "disappearance" themselves, preferring to do it through third parties; all of which means the investigation of this kind of human rights violation is particularly difficult."

Attempting to draw a composite picture of "disappearances" in Colombia is difficult because of the complexity of the phenomenon. However, some common threads can be detected.

- Victims of "disappearance" in rural areas are principally peasant farmers associated with left-wing political movements and civic leaders in rural community organizations in areas where military or paramilitary forces are engaged in counter-insurgency operations. They are likely to have been targeted because of a perceived link with guerrilla organizations, or simply for refusing to cooperate with the army or paramilitary forces.
- Other "disappearances" are a result of the Colombian army's practice of co-opting local peasants as expendable guides or porters who are forced to accompany the patrol for several days or weeks. They may suffer ill-treatment or death at the hands of the troops, or be killed in confrontations with guerrilla forces. Others, captured on suspicion of collaborating with the insurgents, have been forced to wear army uniforms or hoods and to accompany army patrols to villages to identify possible guerrilla sympathizers; these captives are often killed once their usefulness is ended. As military authorities routinely deny any knowledge of captured persons, even of people seized as guides, and as their whereabouts generally remain unknown, the captives "disappear".
- Occasionally groups of "disappeared" prisoners are located by judicial or Public Ministry officials in unacknowledged detention in military bases. However, the vast majority of the "disappeared" are probably executed by regular or paramilitary forces within hours or days of being taken captive. Bodies are dumped in rivers or chasms or transferred to another municipality or province before dumping, where, if found, they are buried as "NN" (*no nombre*, no name). The victims' bodies are frequently mutilated to hinder identification.
- Although the majority of "disappearances" occur in remote rural areas undergoing counter-insurgency operations, a significant number of people have also "disappeared" in Colombia's towns and cities. According to evidence received from survivors, from police and army defectors and from investigations conducted by the Procurator General's Public Ministry, the forces mainly responsible for "disappearances" in urban areas are the National Police Intelligence Unit (F-2) and the Colombian army's intelligence division (E-2).
- There is no evidence to suggest that "disappeared" prisoners are routinely held for long periods, as has happened in some other countries. However, according to survivors who have reappeared, most often after escaping, some of the "disappeared" have been held for days or weeks, usually in isolation, in small farms or in vehicles specially adapted as interrogation centres. There they are subjected to intensive interrogation under torture.
- The decision whether to interrogate at length captives whose detention has been denied or to kill them outright probably depends on whether the victim is thought to have information needed by the intelligence services. Victims of extrajudicial execution whose bodies are found and identified frequently

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appear to have been killed within hours of their capture. Although they too have often been severely tortured, this does not appear to be meant to extract information; some survivors of attempted murders of this kind have said they were tortured without interrogation. The almost ritualistic brutality with which victims are killed appears rather to be designed as a mechanism of terror.

The reluctance of witnesses and relatives of the "disappeared" to report cases because of intimidation and fear of reprisals is well-founded. Relatives of "disappeared" prisoners attempting to seek redress have themselves been subjected to arbitrary arrest, "disappearance" or killing, and attempts to obstruct the investigation of "disappearances" often extends to the intimidation even of judicial and Public Ministry officials.

Techniques of impunity

The attribution of killings to "death squads" and paramilitary forces, and the concealment of evidence through "disappearance", are techniques which have enabled the Colombian security forces to act with impunity, avoiding accountability for their crimes. Other techniques have included denials, misinformation, and the obstruction of attempts to investigate "disappearances" and extrajudicial executions and to bring the perpetrators to justice.

Denials and misinformation are the armed forces' initial line of defence. Victims of extrajudicial executions perpetrated by the armed forces or paramilitary forces are described as guerrillas killed in combat, or the killings are attributed to guerrilla organizations or drug-traffickers. Military commanders claim that accusations against armed forces personnel form part of a campaign of black propaganda orchestrated by guerrilla groups to undermine public confidence in the army and the police. Human rights workers are accused of being tools of subversion used by the armed opposition to attack the forces of law.

When armed forces personnel are implicated during judicial investigations of human rights violations, the military authorities have ignored arrest warrants and other demands of the civilian courts and have claimed military jurisdiction.^{iv} The result is to abort the investigation.

Over the years the military courts have persistently failed to conduct impartial proceedings or to hold police and military personnel criminally liable for human rights violations, although the military courts are not known to be incompetent when enforcing military discipline over offenses and infractions unrelated to counter-insurgency operations. In the vast majority of cases taken over by military courts, charges are dropped or those implicated are acquitted.

It is not only the courts' verdicts which illustrate the way armed forces personnel responsible for gross human rights violations are shielded from justice by their superiors. Military authorities routinely fail to enforce arrest warrants against those implicated, even when - exceptionally - the warrant is issued by a military court. In the case of a much-publicized massacre by the army of a family in Fusagasugá in August 1991, the military court judge took the unusual step of issuing arrest warrants against a sub-lieutenant, a sergeant and five privates. Several months later it transpired that at least one of the soldiers supposedly in custody awaiting trial for the killings in Fusagasugá was not in detention at all. In March 1992 the Colombian press reported that he had been arrested and charged with the killing days before of a further three people, including a pregnant woman, in Bogotá - a crime without apparent political motivation.

Under the Colombian Code of Military Justice civil representation is only permitted in cases under

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investigation by military courts at the discretion of the judge. In practice this means that victims of human rights violations and their lawyers are rarely party to trial proceedings and have no access to trial documents. At the same time, the 1991 Constitution introduces the concept of "due obedience" by which "military men on active duty" will not be held criminally liable for offenses (including human rights violations) if they can demonstrate that they were following orders. This reduces even further the possibility of bringing perpetrators of extrajudicial executions and "disappearances" to justice.

In cases in which conflicts of jurisdiction have been resolved in favour of the civil justice system, the Colombian armed forces have resorted to practices designed to further delay, obstruct or impede investigations. They range from simple failure to cooperate with investigations to the intimidation, harassment and killing of investigators and witnesses. Among the most common practices are the following:

- Arrest warrants are not enforced.
- Officers under investigation are given promotions, sent on training courses abroad, or transferred to areas of the country outside the jurisdiction of the investigating court. Repeated transfers and the failure to advise the court of the suspect's whereabouts result in serious delays which can lead to investigations being suspended or closed.
- The armed forces commanders refuse to name individual members of the armed forces under investigation or to allow them to testify.
- Evidence is adulterated or destroyed and reports of incidents are falsified.
- Witnesses are harassed or even killed to prevent them from testifying. Relatives and friends of victims are threatened or killed if they persist with their denunciations.
- Judges and other judicial officials are threatened, attacked or killed.
- Armed forces commanders systematically attempt to discredit human rights organizations by labelling their legitimate activities in defence of human rights as "subversive".

In cases where, despite the obstacles, investigations are pursued by the civilian courts, those brought to trial are generally low-ranking members of the armed forces. Investigations routinely fail to establish chain-of-command responsibility for planning and ordering attacks; superior officers are, therefore, seldom charged even when serving members of the armed forces have given evidence against their superiors. And in those exceptional cases where members of the armed forces have been found guilty of human rights violations, convictions have generally been overturned on appeal or perpetrators have "escaped" from custody.

Members of paramilitary groups, too, have generally evaded justice with the help of the Colombian army. The security forces have routinely failed to enforce arrest warrants against members of army-backed paramilitary organizations and have given shelter and protection in military installations to paramilitary group members under investigation. Leaders of paramilitary organizations convicted and sentenced to prison terms *in absentia* have continued to operate freely and openly in heavily militarized areas.^v

The government's response

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Until recently the government's reaction was, like the armed forces', to deny any official responsibility for "disappearances" and extrajudicial executions wherever possible. When confronted with conclusive evidence of responsibility of members of the armed forces for human rights violations the government has responded by admitting individual liability - describing killings and "disappearances" as excesses committed by a few "rogue elements" in carrying out duties - while denying institutional responsibility.

In recent years an increasing amount of evidence has emerged from both independent and official investigations conducted by, among others, the civilian judiciary, the Public Ministry and the Executive's own security agency DAS. As a result, the government has increasingly come to accept and acknowledge that state agents are responsible for numerous human rights violations. It has also publicly acknowledged and condemned the links between the armed forces and the paramilitary and "self-defence" groups. However, despite mounting evidence of the armed forces' involvement in systematic and widespread human rights violations, extrajudicial executions and "disappearances" continue to be committed with virtual impunity.

The mechanisms of impunity in Colombia are varied and complex, but a distinction can be made between two main categories: "political" and "structural" impunity.

Structural impunity can be defined as a breakdown in the rule of law resulting from severe deficiencies in the administration of justice due to insufficient resources, lack of training and specialist personnel and pervasive corruption. The Colombian judicial system, plagued by all these problems for many years, has proved incapable of dealing efficiently with growing crime rates and political violence.

Structural impunity within the civilian justice system was perhaps a factor in the armed forces' decision in the 1980s to turn from legitimate means of combating insurgents to the development of a strategy of "disappearances" and extrajudicial executions. The Colombian Government has, in turn, used deficiencies in the administration of justice to explain and justify the failure to hold members of the armed forces responsible for human rights violations.

The government has recently introduced judicial reforms which it claims will eventually resolve the problem of "structural" impunity. Impunity in Colombia, however, goes beyond deficiencies of the judicial system, real though they are. Attempts to redress the failings of the judicial system, including major international assistance programs, are unlikely to have any major impact in halting human rights violations until the government addresses the issue of *political* impunity by securing the compliance of the armed forces in respect for the principle of judicial accountability. The armed forces response to attempts to hold its personnel accountable before the law for human rights violations has been to systematically obstruct the course of justice.

Some progress has, however, been achieved in disciplinary investigations.

The Colombian Public Ministry, an autonomous body headed by the Procurator General, has a constitutional responsibility to investigate state agents accused of misconduct and to bring disciplinary proceedings and sanctions where appropriate. It cannot bring criminal charges, but it can provide information to the courts and can supervise criminal investigations.

Despite a chronic lack of resources the Public Ministry has made serious efforts to investigate at least some of the many complaints it receives of human rights violations committed by armed forces and police personnel. However, its efforts have frequently been seriously hampered by opposition from the security forces. Armed forces commanders have repeatedly criticised the Public Ministry for pursuing

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investigations of human rights violations, investigations which they claim reduce the armed forces' capacity to respond to subversion. Despite the efforts of some Public Ministry officials, very few investigations result in disciplinary sanctions being applied.

One of the difficulties cited by successive Procurator Generals to explain the seemingly derisory sanctions imposed on perpetrators of "disappearances" is the fact that no such offence is included in the Colombian penal code, although it is specifically prohibited under the 1991 Constitution. In 1988 the then Procurator General presented to Congress a draft bill designed to incorporate "disappearances" as an offence in the Colombian Penal Code punishable with two to 10 years' imprisonment. In a letter to the Minister of Justice, the Ministry of Defence immediately objected to the proposed legislation on the grounds that it would "undermine the power of the authorities...who have as their principal priority the re-establishment of public order and as a consequence, facilitate the action of terrorists, who would use the legislation to accuse the armed forces". The bill was never debated by Congress. A second bill presented to Congress in 1990 suffered a similar fate. A new draft bill was under consideration at the time of writing of this chapter.

The government has claimed that in response to the failure of the judicial system to hold army and police personnel accountable for human rights violations, it has removed violators from the security forces by executive decree,^{vi} but it appears that the majority of those dismissed were guilty of offenses other than human rights violations. Of those who were dismissed for human rights violations, several were already retired from active service, while in other cases high-ranking military officers implicated in extrajudicial executions and "disappearances" have merely been transferred or have even been promoted to high-ranking posts.

Amnesty International and other international organizations have made numerous recommendations to the Colombian authorities over the years about measures needed to end gross and systematic violations of human rights. Some recommendations have been accepted, but to little avail.

Most of the recommendations which have been accepted by the authorities have been of a technical nature: the creation of a central register of detainees; measures to protect witnesses, lawyers and human rights workers; human rights training for security force personnel; improvements to forensic and investigative procedures. Other recommendations which might have had a more significant impact have been accepted in principle but never put into effect.

However, even if the Colombian Government had accepted and implemented all Amnesty International's recommendations for procedural changes, it is debatable whether these measures alone would have ended the severe human rights violations prevailing in the country. Unless the government summons up the political will to stop human rights violations, the security forces will continue to flout the rule of law. Recommendations which would require of the government a fundamental change in attitude towards the armed forces and its counter-insurgency strategy have been ignored.

The national and international news media have also contributed to the misperception of the situation by failing to report gross violations of human rights or by uncritically reproducing misinformation provided by the security forces. The self-censorship exercised by national media proprietors and editors responds to a policy designed to cover up acts which reflect badly on the government or its armed forces.

It seems increasingly unlikely that national events or the pressure of Colombian opinion alone will lead the authorities to take the necessary steps to ensure that the security forces act within the law. This is likely to be brought about only through the added influence of other governments, international organizations and world opinion. Other governments, however, have tended to be unwilling to speak out

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and thereby risk undermining what is perceived to be a weak, but democratic, government which is under attack by violent sectors of society.

This perception of the state as a victim of violence has been actively fostered by successive Colombian Governments, which have invested significant resources in misrepresenting the extent and nature of human rights violations in Colombia and in minimizing the degree of official responsibility. A good illustration of the authorities' "smoke screens" is the way in which drug-related violence was portrayed by the Colombian Government as the major form of political violence between 1989 and 1991. In reality, the number of deaths officially attributed to drug-trafficking groups during this period was a very small proportion of the number of politically motivated killings. The presentation of drug-traffickers as the main agents of political violence not only distracted attention from official violence but generated significant international economic and technical assistance for the security forces.

International confusion about the sources of impunity in Colombia has also led to attempts to tackle the problem through judicial assistance programs. These may help to improve the quality of justice, but they are unlikely to go far unless they are backed by the political will of the government.

The greatest challenge for human rights organizations concerned about Colombia is to make the international community aware of the true nature of political violence in the country so that the necessary pressure will be mobilised to put an end to gross violations of human rights.

Notes

i Although the Colombian authorities described the "death squads" as independent groups of right-wing extremists over which they had no control, their true characteristics soon became apparent. In 1980 five army officers formerly attached to the *Batallón de Inteligencia y Contra-Inteligencia "Charry Solano"*, the Colombian army's chief military intelligence group, wrote to Amnesty International giving details of a clandestine assassination unit operating from within the battalion. The five alleged that they had been ordered by the intelligence battalion to torture political detainees and they named battalion personnel who had been detailed to serve as a "terrorist group" called the Triple A which had recently murdered several members of the political opposition and bombed three Bogotá periodicals.

ii On entering a civilian community in an area of guerrilla activity, army patrols take a census of inhabitants in which community leaders and political activists are identified. Paramilitary forces which arrive in the wake of the army have in their possession the list of activists; many have subsequently been forced to leave their homes and land, while others have been killed.

iii Before entering civilian communities, counter-insurgency units of the armed forces regularly disguise themselves as guerrillas with the intention of identifying and eliminating guerilla sympathizers among the local population.

iv Before 1991 in those cases in which civilian court judges challenged the military courts' right to jurisdiction, the conflict was resolved by either the Disciplinary Tribunal or the Supreme Court of Justice. Both the Colombian Constitution and the Code of Military Justice establish a special military jurisdiction for offenses committed by members of the Colombian armed forces "in connection with military duty". In the 1991 Constitution military jurisdiction was extended to the national police. The contrasting interpretation placed on the concept of "in connection with military duty" has led to contradictory resolutions in jurisdictional conflicts.

With the introduction of the new Constitution in 1991 the resolution of jurisdictional conflicts was assumed by a new body, the Supreme Council of the Judiciary.

v In 1990 two army officers and six civilian members of a paramilitary organization were convicted of killing 12 members of a civilian judicial commission of inquiry in 1989 in La Rochela, Santander department. The two officers were sentenced to eight and 12 years' imprisonment respectively for "aiding and abetting terrorist activities" after the court found them guilty of providing information and weapons to the paramilitary group which carried out the killings. One officer escaped from the army battalion headquarters where he was being held shortly before the trial ended; later, both officers' convictions were overturned on appeal.

vi In April 1992 a representative of the Colombian Government told members of the Human Rights Committee set up under the International Covenant on Civil and Political Rights that more than 200 police agents had been dismissed in recent months for human rights violations.