

£COLOMBIA

@Killings in Cauca department by the army

Amnesty International remains concerned at the killing of 14 farm workers, including a minor and a pregnant woman, and three bus crew by a group of heavily armed men believed to be army counter-insurgency troops under the command of the Colombian army's José Hilario López battalion on 7 April 1991 in the department of Cauca and at the. Although army and police authorities immediately blamed the attack on the armed opposition group Ejército de Liberación Nacional (ELN), National Liberation Army, evidence has emerged linking an army unit based in Piedra Sentada with the killings.

In January 1992 a conscript soldier gave a statement to the regional Procurator of Cauca, Procurador Regional del Cauca, in which he stated that he had formed part of the army counter-insurgency unit responsible for the killings. Despite this new information, however, there appears to be further progress in the investigations.

On 7 April 1991 the some 14 farm workers were travelling by public transport bus from Piedrasentada to Popayán, the capital of Cauca department. The bus was stopped near the community (vereda) of Los Uvos in the municipality of Bolívar by a group of armed men. The dead bodies of the bus driver, his two assistants and the 14 passengers were found face down on the roadside with gun shot wounds. The bus had been burned. The names of the victims are:

Santiago LASSO (driver)
Adán RUANO DAZA (driver's assistant)
Alfonso Arley CHILITO RUAN (driver's assistant)

Genny PRIETO (pregnant)
Adriana LOPEZ (female)
Pastora GARCIA (female)
Wilson GIL VELASQUEZ (a minor)
Saúl ESPINOSA PRIETO
Alejandro SALAZAR PAEZ
Leoncio MELLIZO MUÑOZ
José Belisario DORADO
Hernán MAMIAN MORENO
Hernando ROSERO YANTEN
Olvar GOMEZ
Libardo NIEVES DORADO
Henry SUAREZ
Rubén Joaquín NARVAEZ

Later that day Lieutenant Colonel Pablo Alfonso Briceño Lobera, commander of the José Hilario López Battalion, which is based in Cauca's capital, Popayán, together with the chief of Cauca police, Lieutenant Colonel Uriel Salazar Jaramillo, made statements to the press claiming to have evidence that the massacre had been carried out by the ELN, despite the region being heavily militarized and according to reports, the army had been patrolling the area around Los Uvos the night before the killings took place. The following day the ELN publicly denied responsibility for the killings.

People from the region testified to local human rights groups that they had witnessed members of the José Hilario López Battalion around Los Uvos at the time of the massacre, and that on 6 April counter-insurgency troops had been patrolling the area.

During the removal of the bodies (levantamiento de los cadáveres) one soldier reportedly insulted and threatened the relatives and stated that the victims had been killed for collaborating with the guerrillas ("...eso les pasa por colaborarle a la guerrilla.").

On 10 April the regional Procurator of Cauca, Procurador Regional, Jorge Medina Avella, stated he believed the massacre to be the work of paramilitary groups and eye witnesses claimed that members of the army based at Piedra Sentada (which is under the command of the Batallón José Hilario López) were responsible. The national Coordinating body for victims of human rights, Coordinadora Nacional de Derechos Humanos, Damnificados y Refugiados de Colombia, (CONADHES), also attributed the killings to the Colombian army for the killings. In response to this, Lieutenant Colonel Briceño stated on Popayán Radio on 3 May 1991 that CONADHES was made up of members of the Simón Bolívar Guerrilla Coordinating body, Coordinadora Guerrillera Simón Bolívar.

INVESTIGATIONS

The Procurator General's Public Ministry carries out investigations into human rights violations and can impose on those responsible for abuses disciplinary sanctions which ranging from fines or suspension from duty to requesting the dismissal from the armed forces of officials. Once sanctions have been imposed on a member of the armed forces or other state agent for human rights violations, the Public Ministry passes the case to the judicial authorities for criminal prosecution.

In most instances of human rights violations in Colombia, legal authorities initiate the proceedings required by law. However, the investigations have only exceptionally resulted in prosecutions and convictions. In the majority of cases where investigations have resulted in

the identification of armed forces personnel implicated in extrajudicial executions and "disappearances", jurisdiction has been claimed by the military courts.

These courts have failed to conduct impartial proceedings or to hold police and military personnel criminally liable for violent crimes.

RECENT INFORMATION

Little information had been made available about developments in the investigations into the killings at Los Uvos until January 1992 when the Colombian national press revealed that a conscript soldier made a sworn statement before the courts (justicia penal) testifying that he had formed part of the counterinsurgency Company A of the José Hilario López battalion patrol and had kept watch while the drivers and passengers on the bus at Los Uvos were shot on the orders of the Lieutenant who claimed the victims were guerrillas, although they were unarmed. According to the soldier the counter-insurgency patrol identified themselves to the passengers as members of the ELN's Manuel Vásquez Castaño front. The bus driver, his two assistants and the 14 passengers were forced off the bus and to lie face down. All were then shot and the bus was then burned.

Lieutenant Colonel Briceño later claimed that public human rights functionaries and non-governmental organizations had bribed a witness to make accusatory statements against the Piedra Sentada military base and that such activities were designed discredit the military. The human rights organization denied the allegations and requested the Procurator carry out an investigation into the affair, while the Battalion Commander brought a legal action against two (then) members of the executive commission of CONADHES, Father Pedro E. Joya and Esteban Cancelado. The Presidential Adviser for Human Rights, Consejero Presidencial para los Derechos Humanos, requested an official explanation from the Battalion Commander about these accusations.

In his statement to a Colombian human rights organization, a copy of which is in Amnesty International's possession, the soldier provides details about the attack on the bus:

"The Lieutenant gave the order to us to go up into the bus with him and when we were in the bus the Lieutenant made the people get off, when one farm worker asked who we were and my Lieutenant told him we were guerrillas. We were uniformed. The people wanted to get off the bus. They were not asked for their identity documents, there were not asked anything, they were not tortured or anything. One of the farm workers pleaded 'Oh brothers, don't kill us!' and then the Lieutenant said 'Fire!' The Lieutenant told us this had been done because they were guerrillas. They did not have guns, they did not have anything, in fact, those people did not look suspicious or anything."

"... mi teniente dió la orden ... que subieramos con él e hizo parar la chiva¹.. ya cuando llegamos arriba, mi teniente hizo bajar la gente, cuando un campesino preguntó de quién éramos nosotros? mi teniente le contestó que éramos guerrilleros. Nosotros íbamos uniformados. La gente quiso bajar, y no se pidió papeles, no se les preguntó nada, no se torturaron ni nada. Uno de los campesinos dijo 'Ah, mis compañeros no nos van a matar!' entonces el teniente dijo 'Disparen!' El teniente nos dijo que se había hecho eso porque eran guerrilleros. Ellos no llevaban armas, no llevaban nada, mejor dicho esa gente no tenía cara de nada, no más."

A commission from the regional procurator's office (comisión de la Procuraduría Regional del Cauca) is reportedly investigating the soldier's testimony, but Amnesty International has no information about its progress.

BACKGROUND INFORMATION

The victims were farm workers from the region. Some of them were members of the Youth Workers of Colombia, Juventud Trabajadora de Colombia, (JTC). The JTC, which was created by the Jesuits in 1966, is an apolitical evangelical organization involved in social development, justice and peace. Saúl Espinosa Prieto (a relative of the driver and the pregnant woman) is believed to have been involved in the organization of a civic strike in the region. (Such strikes aim to press for local amenities, such as water, electricity and health.) According to reports, the Saúl Espinosa Prieto's home was the object of an army search two years prior to the killings and had been harassed and threatened by a paramilitary group in Los Uvos believed to operate with the acquiescence or under the command of the military.

The department of Cauca has been heavily militarized for a number of years owing to the active presence of armed opposition groups, including the ELN. As a result the civilian population, who are largely rural workers working on coffee and fruit plantations, are often perceived by the armed forces as potential guerrilla collaborators and have been the victim of human rights violations including, arbitrary detention, torture, "disappearance" and extrajudicial execution.

¹ Colombian bus