

FEBRUARY 1992

AMR 23/08/92

£COLOMBIA

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**INTERNAL (for AI members only)**

TO: ALL NORTH ANDEAN RAN COORDINATORS (for action)  
ALL SECTIONS (for information)

FROM: AMERICAS RESEARCH DEPARTMENT

RE: @ARAUCA: HUMAN RIGHTS VIOLATIONS BY THE COLOMBIAN ARMED  
FORCES

**RECOMMENDED ACTIONS**

1. Letter writing

North Andean RAN participants are requested to write courteously-worded letters to the national and regional authorities listed below:

- expressing concern at the human rights violations including extrajudicial executions, arbitrary detention, torture, threats and harassment, described in the action which have taken place in Arauca department; (mention names, dates and places of incidents)

- requesting full and thorough investigations into these human rights violations in order to identify those responsible and bring them to justice. Requesting that the results of these investigations should be made public;

- requesting information about the progress of the investigations, ask to be kept up-to-date and request copies of any relevant documents;

- expressing concern at the apparent consistent failure to bring to justice those responsible for human rights violations involving the security forces.

## 2. Publicity Work

Try to get some publicity on these cases, either in your local or regional press in order to bring the public's awareness the continuing violation of human rights by Colombian security forces.

**Please send any replies you receive to the Research Team. Thank you.**

**Duration of action: 3 months**

### **AUTHORITIES**

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# **COLOMBIA**

## **Arauca: human rights violations by the Colombian armed forces**

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*amnesty international*

## COLOMBIA

### ARAUCA: HUMAN RIGHTS VIOLATIONS BY THE COLOMBIAN ARMED FORCES

FEBRUARY 1992

SUMMARY

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Amnesty International is concerned about recent reports of human rights violations, including threats, torture and extrajudicial executions, carried out by the Colombian army's counter-insurgency forces in the department of Arauca.

For many years guerrilla groups have been active in Arauca and Amnesty International has received persistent reports that they have committed violent abuses, including kidnapping and the torture and execution of captives. As a result of their presence, the region has been heavily militarized, particularly by units engaged in counter-insurgency operations and, as in other regions of Colombia affected by civil conflict, the civilian population has become a victim of the confrontations between army and guerrilla forces with local people often perceived by the armed forces as potential guerrilla collaborators and, as a result, subjected to abuses by regular army and civilians working for them. Amnesty International does not challenge a legally constituted government's right to counter threats to its security but all such actions must conform to the government's commitments under international law to respect human rights. Equally, the organization condemns the taking of hostages, the torture and execution of captives by armed political groups in breach of the principles of humanitarian law.

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Amnesty International is also concerned that whilst investigations into human rights abuses in Colombia are initiated in most cases, only exceptionally do such investigations lead to the identification, prosecution and conviction of those responsible.

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This summarizes a 6-page document, COLOMBIA: ARAUCA: HUMAN RIGHTS VIOLATIONS BY THE COLOMBIAN ARMED FORCES, AI Index: AMR 23/08/92. For further details or to take action on this issue, consult the full document.

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FEBRUARY 1992

## COLOMBIA: ARAUCA: HUMAN RIGHTS VIOLATIONS BY THE COLOMBIAN ARMED FORCES

Amnesty International is concerned about reports of human rights violations, including threats, torture and extrajudicial execution, carried out by Colombian army counter-insurgency forces in the department of Arauca in the first half of 1991.

Arauca is located in the remote eastern region of Colombia, on the border with Venezuela. For many years guerrilla groups, principally the Fuerzas Armadas Revolucionarias de Colombia, (FARC), Revolutionary Armed Forces of Colombia and the Ejército de Liberación Nacional, (ELN), National Liberation Army, have been active in the area. Amnesty International has received persistent reports that both the FARC and the ELN have committed violent abuses, including kidnapping and the torture and execution of captives. Amnesty International condemns the taking of hostages, the torture and execution of captives by armed political groups in breach of the principles of humanitarian law. Victims of guerrilla movements have included not only military and police agents but also people suspected of being armed forces' informers, petty criminals, members of rival groups and community leaders and civilian and religious authorities who refuse to accept the authority of the guerrillas in areas they intend to control. In October 1989 the 73-year-old Roman Catholic bishop of Arauca Diocese, Jesús Emilio Jaramillo, was seized by gunmen who identified themselves as members of the ELN. The following day Bishop Jaramillo's body was found with gunshot wounds to the head. The ELN claimed that the bishop's efforts to mediate between the ELN and the government constituted an "obstinate interference" in the ELN's internal affairs.

As a result of the guerrilla presence, the region has been heavily militarized, particularly by units specifically engaged in counter-insurgency operations. As in other regions of Colombia affected by civil conflict, the civilian population has become a victim of the confrontations between army and guerrilla forces with local people often being perceived by the armed forces as potential guerrilla collaborators and as a result subjected to abuses by regular army and police personnel and civilians working for them, abuses including arbitrary arrest, torture and extrajudicial execution. Amnesty International does not challenge a legally constituted government's right to counter threats to its security but all such actions must conform to the government's commitments under international law to protect human rights.

President César Gaviria Trujillo has repeatedly pledged his government's commitment to protect human rights. In his inaugural address in August 1990, he said that "the public opinion's trust and credibility in the armed forces depend on the armed forces' acting according to the constitution. The armed forces must respect human rights because the country's defence also means upholding the law". (*...La confianza y credibilidad de la opinión pública en sus Fuerzas Armadas depende de que*



*éstas actúen dentro del marco previsto por la Constitución. Ellas deben ser respetuosas por excelencia de los derechos humanos, porque la defensa nacional es también la defensa de la ley.*") However, despite the government's commitment to uphold respect for human rights, members of the Colombian armed forces have continued to commit serious abuses, including torture, extrajudicial execution and "disappearance".

In most instances of reported human rights violations in Colombia, civil and legal authorities have initiated proceedings required by law. However, only exceptionally do such investigations lead to the identification, prosecution and conviction of those responsible. Despite the persistent efforts of the Procurator General's Public Ministry and some civilian judges to identify for prosecution those responsible for abuses, extrajudicial executions, torture and "disappearances" continue to be committed with virtual impunity. In the majority of cases where investigations have resulted in the identification of armed forces' personnel implicated in politically motivated abuses, jurisdiction has passed to the military courts. These courts have failed to conduct impartial proceedings or to hold police and military personnel criminally liable for violent crimes carried out in the context of counter-insurgency and the suppression of supposed sympathizers of political opposition groups.

## **Extrajudicial Executions**

### **Héctor Serrano Rocha**

On the morning of 8 March 1991, Héctor Serrano Rocha was travelling by motorbike from the community of La Paz y los Chorros in eastern Arauca to the town of La Esmeralda when eye-witnesses report that he was detained at a place called El Mango by an army patrol believed to be from an army camp in the nearby settlement of El Triunfo. Children in a local school told Hector Serrano's relatives that they watched as soldiers took him into the army camp and tied him to a post. People living close to the base reported hearing four or five shots being fired in the base between 10 and 11am. The morning following his detention, Héctor Serrano's father, accompanied by friends and a municipal official, went to look for him. At approximately 7.00 am on 9 March they found his motorbike abandoned on the road and the body of Héctor Serrano close by in a ditch, reportedly showing signs of severe torture. His injuries included knife wounds to the stomach and chest, injuries to the arms and head, burns to the arms and head apparently caused by acid and four bullet wounds to various parts of his body.

Héctor Serrano's father declared that neither he nor his family had received threats to their lives before his son's killing, nor had his son been previously detained by the army. On 11 March the killing was denounced to a municipal magistrate.

### **Tomás Tunarosa Cerinza and Salvador Rodríguez**

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On 14 May 1991 the armed forces were allegedly responsible for the extrajudicial execution of Tomás Tunarosa Cerinza and Salvador Rodríguez. The testimony of eye-witnesses to the event is backed up by the signatures of some 400 inhabitants of the town of Arauquita, north western Arauca, in a report which was sent to the Procurator General of Colombia.

On 14 May four young men, all students from Arauquita, reportedly left Arauquita for Yopal, the capital of Casanare department, where they intended to sort out details pertaining to their military service.

Eye witnesses report that at about 11.00 pm the public transport truck in which they were travelling was intercepted, at a point close to the town of Paz de Ariporo, by a military patrol. The patrol asked the passengers for their identification papers. When a soldier identified the four young men as holding identity cards issued in Arauquita, the commanding officer, whose head was covered with a hood, ordered that they be taken onto a nearby bridge, whilst the driver and his companion were transferred to a car. The young men's money and valuables were taken from them and witnesses report that the officer in command of the patrol was heard to say "these guerrillas from Arauquita will die here", *"estos guerrilleros de Arauquita aqui se mueren"* before the soldiers opened fire on them. One of the youths, Tomás Tunarosa Cerinza, aged 21, reportedly was killed instantly and Salvador Rodríguez, aged 18, was killed as he apparently tried to throw himself over the bridge to escape. The other two, Jimmy Angel Ruíz, aged 17 and Milton Díaz, aged 27, threw themselves into the river and managed to escape in the darkness, swimming or being carried downstream by the current. They were found by local people, apparently in poor physical condition and after two days they were able to return to Arauquita where they denounced the events to local authorities. The army patrol had reportedly ordered the driver and his companion, witnesses to the killings, to deny they had seen anything. The motive for the killing appears to rest solely on the fact that the victims had identification papers from Arauquita, an area where both FARC and ELN guerrillas are reported to have bases.

## Arbitrary Detention and Torture

### Jaime Ramírez Corzo, José del Carmen Najas, Omar Merchan

On 5 March 1991, at approximately 8.30 pm, Jaime Ramírez Corzo, José del Carmen Najas Plata and Omar Merchan, all farmers from the area around Arauquita came to the town of la Esmeralda, Arauca, to look for somewhere to eat and to discuss a sale of cattle between the men. According to the testimony Jaime Ramírez gave to the municipal magistrate in Arauquita, as they entered the town on two motorbikes they heard gunfire, about six or eight shots, followed by a man's voice shouting insults at them and ordering them to get off their bikes and stand against a wall. A patrol of soldiers, believed to belong to the army's specialist counter-guerrilla force, approached them and then proceeded to hit them, accusing them of being guerrillas. When a punch knocked José del Carmen's hat off, his friend Omar Merchan was warned not to pick it up or he would be killed, *"recójalo hijueputa para matarlo"*. The men were searched and then taken through a dark alley to a river beach near the town and close to the army base. The army officer in charge summoned eight men who

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appeared to have been waiting close by, shouting "*...vénganse que le llegó la carnada*", "come here, the bait has arrived" at which point the men appeared, apparently expressly to assist with the subsequent torture of the three men. They were first forced to strip and then separated and interrogated, tortured and threatened with death. The soldiers suggested to one of the men, Jaime Ramírez Corzo, that he and his companions had been involved in an incident where some local girls, who had visited the soldiers at their base in la Esmeralda, had been killed. Although Jaime Ramírez protested his innocence he was beaten and told to confess that he was a guerrilla, "*que cantara que...ellos sabían que yo era guerrillero*". The army officer then said that as Jaime Ramírez refused to talk, it would be better to kill him. He was subjected to torture, forced to drink heavily salted water whilst prevented from breathing or opening his mouth. Four of the men took him to a water-filled ditch where he says he was held underwater and his testicles crushed until they ruptured. He was then forced to lay on the ground whilst one member of the patrol jumped on his stomach. Before being released later that night, he was taken to the army base and made to sign a document to say he had been well-treated by the army.

The officer in charge asked Jaime Ramírez whether José del Carmen López was the husband of Amparo López, the ex-mayorress of Arauquita (see below). Jaime Ramírez confirmed this, although they were separated. The soldier reportedly called her an ex-guerrilla and threatened that she would one day be made to pay for her activities.

José del Carmen Navas Plata was also severely beaten and subjected to the same "asphyxiation" torture as Jaime Ramírez. The detention and torture of the men lasted for approximately five hours, from 9.00pm to 2.00 am the next morning. Before being released he was also taken to sign a document to say he had been well-treated by the army and told not to report his detention, before being allowed to go home. He later went to the local hospital to have his injuries attended to.

## Threats and Harassment and Arbitrary Detention

### Amparo López Quitian

Amparo López Quitian, ex-wife of José del Carmen Navas Plata and former mayorress of the town of Arauquita for the left-wing Patriotic Union party (UP) Unión Patriótica, has allegedly been the victim of a campaign of threats and harassment on the part of members of the armed forces.

In a declaration made before a local magistrate, Amparo López Quitian states that while she was mayorress of Arauquita she was frequently accused by members of the counter-guerrilla forces based near Arauquita of being a guerrilla and on one occasion of taking part in the killing of an army officer, during which incident she was threatened and physically abused. On another occasion, whilst visiting individuals detained at the counter-guerrilla forces base in the town of La Esmeralda, she was accused of being a Commander of the guerrilla group, Revolutionary Armed Forces of Colombia, Fuerzas Armadas Revolucionarias de Colombia (FARC).

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After her term of office ended, Amparo López reports having seen three men unknown to her in the proximity of her house. She was warned by a friend in the police force that they were hired gunmen who had been assigned to kill her and that she should leave the area for a few months, which she did. She denounced these events to the Regional Procurator's office in Arauca, which has a human rights monitoring role. Amnesty International has no information about measures taken by the Regional Procurator to investigate the reported threats or to provide protection for Amparo López.

Amparo López states that on another occasion, when she set out in her truck to go to work on some land outside the town belonging to her father, she was stopped by a soldier on guard outside the army base, who told her that she would have to obtain permission to continue her journey from the army Major, commander of the base. She states that she went to his office and explained what had happened and where she was going and he assured her that there was no problem. She asked him to talk to the counter-guerrilla forces, whom she said had been refusing to allow anyone to pass without obtaining permission from him. She then continued on to her father's land. Whilst there, two friends apparently arrived on a motorbike, very concerned for her and saying that there was a problem with the army and that she should return with them. She was met at the entrance to the town by several people including the town's ombudsman, personería, and police inspector who had come to look for her. They reported that some individuals had intercepted a message, broadcast over military radio, from an army Major, calling the counter-guerrilla forces in the town of Totumal to say that Amparo López was going to pass them in a grey truck, that they should "allow her to go on to La Esmeralda, and on her way back, grab (her) and give her a thrashing and make her abort" *"déjenla que pasar hasta La Esmeralda y cuando regrese agárron esa vieja hijueputa y le dan una paliza y que le hagan abortar"*. Amparo López received confirmation of this message from the people who had originally heard the message and recorded it in writing.

Amparo López has denounced these events to local authorities, including the human rights ombudsman, personería and the president of the town council.

### Jaime Hugo Barrios Duarte

In a further declaration made before a local magistrate, 29 year-old teacher Jaime Hugo Barrios Duarte also denounced intimidation at the hands of the armed forces in Arauca, in particular the army lieutenant in charge of the counter-guerrilla forces based in Panamá de Arauca, a district of Arauquita.

At the time of these events Jaime Barrios was working for the Municipal Registrar's office in Arauquita, Registraduría Municipal concerned with the organization of local elections. In a written statement to a local magistrate he reports that he was detained on 6 December 1990 at 6.15 pm, in front of the local billiards hall in Panamá de Arauca, by an army sergeant of the counter-guerrilla forces, who took his identity card from him and accused him of having taken part in the killing of an army corporal in La Esmeralda. He was verbally abused and forced to accompany an army patrol. When he identified himself to the officer in charge of the patrol as a local teacher and employee of the Registrar's Office, he was apparently told that all such officials, including the Registrar, judges and

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mayors, were working with the guerrillas and that their collaboration had been uncovered. Jaime Barrios was also told that they had been informed that he had been intimidating women who visited the soldiers and that he was lucky that there were witnesses to his detention or he would have been shot. He was released unharmed after one and a half hours after telling the officer that he would request an investigation into his detention and the accusations against him.

Jaime Barrios denounced his detention and the threats against him to the Registrar, the personería of Arauca, the government office and the courts.

### Ana Cleotilde García

Amnesty International has received a number of reports that counter-guerrilla forces of the army have also been committing acts of intimidation and abuse against peasant farmers in the rural areas of Arauca, including the destruction of property and animals and threats and harassment which have resulted in some members of the local population abandoning their land. One local woman, Ana Cleotilde García, has been the victim of repeated harassment.

In a declaration made to the municipal ombudsman, personería, on 6 May Ana Cleotilde García states that on 5 December 1990, her husband returned home earlier than usual to their farm, finca, near Puerto Jordan, having sold some young cows. At approximately six o'clock in the evening a military patrol arrived at Puerto Jordan. Later, at approximately midnight, a group of five men came to her home, two of whom were wearing masks, and proceeded to physically abuse her family, asking for her husband Alirio by name and demanding that they hand over the money. They reportedly took one of her young sons from his bed and demanded he tell them where his father was to be found. The child was frightened and led the man to his father's room. He was beaten and threatened, with a gun to his head whilst the soldiers demanded to know where the money was. As this was going on, other soldiers turned the house upside down, searching for the sum of money. They eventually found it, reportedly shared it out between them and left.

Further to this incident, Ana Cleotilde García states that members of the armed forces arrived at her finca on 3 May 1991, when she was alone with her young children, subjected her to ill-treatment and demanded that she hand over the documents of ownership and leave her property. She and her children were threatened with detention or physical violence/death if she did not comply within 24 hours, as a result of which she left the land and took refuge with a friend. She states that after she had left her home the army had gone in and destroyed it, including her books and paintings and had killed her cattle. She also states that similar events had occurred elsewhere in the area.

On 19 April 1991, the mayor of the town of Tame, Arauca, Cayo Mario Sepúlveda issued a press release in response to one which had earlier been issued by the military command of the counter-guerrilla forces "Operative Group N°2", Grupo Operativo N°2, reportedly stating that all operations they had carried out were at the request of Mayor Sepúlveda. Mayor Sepúlveda strongly contested this claim, denying that he had made either verbal or written request to the Operational Command that any repressive measures be carried out against anyone living in the surrounding area.

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