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Amnesty International
International Secretariat
1 Easton Street
London WC1X 8DJ
United Kingdom

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**COLOMBIA: POLICE AMBUSH OF A FAMILY
IN NORTH SANTANDER DEPARTMENT**

Faride HERRERA JAIME (f) - seriously injured, died later
Oscar Iván ANDRADE SALCEDO (m), aged 30 - killed
Astrid Leonor ALVAREZ JAIME (f), aged 30 - seriously injured family members
Esperanza ALVAREZ JAIME (f), aged 21 - injured
Gloria Beatriz ALVAREZ JAIME (f), aged 19 - injured
Juan Felipe ALVAREZ (m), aged 9 - injured

Leonardo AREVALO (m), aged 25 - injured friend of the family

Amnesty International remains concerned at the apparently unprovoked attack on a civilian vehicle by a group of armed police agents on 13 April 1992 which resulted in two deaths and several injuries. The attack took place in the department of North Santander in circumstances suggesting that the victims may have been extrajudicially executed. Amnesty International is also concerned at the apparent lack of progress in the official investigations.

Faride Herrera Jaime, who later died as a result of her injuries, gave the following account of the attack from her hospital bed. Faride and the above named members of her family and a friend were travelling by car from Cúcuta to Ocaña to spend the Easter weekend with relatives when, near a place called Alto del Pozo, their dark green Toyota land-cruiser was hit suddenly and without warning by a grenade and came under sustained gun fire. Although Oscar Iván Andrade, who was driving, stopped the vehicle, the firing continued. When the firing stopped Esperanza and Leonardo opened the doors and they all shouted for help. A group of men in civilian clothes with balaclava-type hoods appeared at their vehicle and forced Esperanza back into the car. At this point Oscar Andrade collapsed and the armed men took him into their vehicle, a blue pick-up truck. The armed men, without identifying themselves, ordered Leonardo to take over the driving. They continued on the road towards Ocaña. (Please see sketch map below). After a short drive they came across a police vehicle. The armed men greeted the police, shook hands and talked. Soon they proceeded to the village of El Tarra where they stopped for about 15 minutes, while villagers assisted the wounded and provided water for the car engine, which had been damaged in the attack. Later, they passed the Ocaña military battalion, where the soldiers and police saluted one another.

On arrival in Ocaña they were admitted to hospital. The doctor who received the injured in the hospital told investigators: "It was all quiet in the hospital when they knocked on the door - I looked out the window and saw two uniformed police, but the strange thing was they had on balaclava

helmets. I was afraid and I didn't want to open up but they banged on the door again and told us to open up, it's the police and we need two stretchers. At that point I opened the door and received the injured. As there were so many I attended first to Faride and the other young woman who had the most serious injuries [...] When I went back to the door to ask what had happened I could not find any of the police." (*Estabamos tranquilos cuando tocaron la puerta, miré por esta ventanita y ví a dos uniformados de policía pero lo raro era que tenían pasamontañas, me dió mucho miedo y no iba a abrir pero me tocaron la puerta otra vez y dijeron 'Abre, es la policía! Necesitamos dos camillas', fue entonces cuando abrí y recibí a los heridos. Como eran tantos me dirigí con Faride y la otra muchacha que eran las más graves. Cuando volví a salir a la puerta a preguntar que había pasado, no encontré a ninguno de los uniformados"*).

The area surrounding the place of the attack had reportedly been under the control of the armed opposition group Popular Liberation Army, *Ejército Popular de Liberación*, (EPL). In February 1992 the EPL had reportedly captured a police agent using a black Toyota jeep style vehicle and were holding him handcuffed near El Tarra. On 13 April the police began searching the area to rescue their captive colleague. In a testimony given to the local magistrate's office (*Fiscalía*), a peasant farmer who lives in the immediate vicinity of the attack states that only five minutes before the attack his home in Alto del Pozo was searched by a group of armed men who identified themselves as police agents, and who then questioned his family about guerrilla activity and the whereabouts of the Toyota.

Faride Herrera Jaime, a teacher who had just qualified as a lawyer, died on 4 June 1992 - 51 days after the attack. She had lost the sight in her left eye as a result of a shrapnel wound and had gunshot wounds to her left foot. Since her death her relatives have been trying to establish what actually happened, and have travelled to the area of the ambush to obtain testimonies. Astrid Leonor Alvarez, the director of a school in Ocaña (*directora de escuela*), and wife of Oscar Iván Andrade, has still not fully recovered from the attack - she has difficulty speaking and has reduced vision as a result of head injuries caused by shrapnel from the grenade thrown at the car. Oscar Iván Andrade, a business administrator (*Administrador de Empresas*) and nephew of a national senator, died as a result of internal haemorrhage caused by a bullet that entered his right shoulder and exited at the left side of his waist and by grenade shrapnel wounds (*esquirlas de granada*). Their one-year-old son remains with Astrid Alvarez. Gloria Beatriz Alvarez, a university student, sustained grenade shrapnel wounds to her legs and ankles. Nine-year-old Juan Felipe Alvarez, Esperanza Alvarez Jaime, a university student and Leonardo, a businessman friend of the family, received minor injuries.

Police authorities immediately claimed that an armed confrontation with the EPL had taken place and that the Toyota was hit by guerrilla fire when it crossed the combat zone. However this version of events is in contradiction to other accounts of the incident. The guerrilla force active in that area, the "*Libardo Mora Toro*" Front of the EPL, denied having been involved in any confrontation with state forces in that area and at that time. Furthermore, witnesses in Ocaña have testified that the police vehicles seen immediately after the ambush had not been damaged, but the Toyota Faride Herrera and her family and friend were travelling in showed signs of damage, such as broken windows. Faride Herrera herself testified that they saw no confrontations with the guerrilla. Faride told her family she believed the police were responsible for the attack: "I am sure it was the police. We were driving along quite normally, talking and listening to music when suddenly we saw flashes of light - it was the grenades. Once they had exploded, they finished us off with bullets. I am sure that there were no guerrillas around there because it was all peaceful until they appeared. There was no confrontation". "*Fue la Policía estoy segura. Nosotros veníamos tranquilos hablando y escuchando música cuando de pronto vimos como balas de candela. Eran*

las granadas. Una vez explotaron, nos remataron a tiros...Yo estoy segura que ahí no había guerrilla porque todo era tranquilo hasta que aparecieron ellos - no hubo enfrentamiento".

OFFICIAL INVESTIGATIONS

An administrative investigation was initiated by the Procurator Delegate for the Police Office, (*Procuraduría Delegada para la Policía*). Judicial proceedings were opened by the Public Prosecutor's Office (*Fiscalía*) in Cúcuta, North Santander department. However, there has been no further information about the progress of these. 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.

GENERAL BACKGROUND

Human rights violations, including thousands of extrajudicial executions and hundreds of "disappearances", have occurred in Colombia in recent years, and have particularly intensified since 1986. Against a background of a long-running civil conflict and extensive drugs-related violence, government forces - sometimes operating in alliance with drugs traffickers - and paramilitary groups under their command have committed widespread and systematic human rights violations. Only exceptionally have perpetrators been brought to justice. All sectors of Colombian society have been affected and individual members of all political parties have been victims of apparently politically motivated killings. However, members of certain political parties, grassroots movements, trade unionists and civic and community leaders have manifestly been the object of a campaign of intimidation and physical elimination to which the Colombian armed forces have been party. Human rights defenders have faced increasing difficulties in carrying out their work as a result of threats, harassment and intimidation; several have been killed or "disappeared". Witnesses of human rights violations and relatives of victims have also frequently suffered acts of intimidation or violence in an apparent attempt to protect members of the armed forces responsible for serious human rights violations.

In recent years increasing numbers of non-combatant civilians in remote rural 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 tortured and many have been killed by army and police patrols, who frequently claim the victims were "guerrillas killed in combat" or attribute responsibility for the killings to guerrilla groups operating in the area.

Peace talks initiated between the government and the Coordinating Body of Armed Opposition Groups, the *Coordinadora Nacional Guerrillera (CNG)* - representing the *Fuerzas Armadas Revolucionarias de Colombia (FARC)*, Revolutionary Armed Forces of Colombia; the *Ejército de Liberación Nacional (ELN)*, National Liberation Army; and a faction of the *Ejército Popular de Liberación (EPL)*, Popular Liberation Army - were indefinitely suspended in October 1992 after the insurgents launched a major offensive in the second half of the year resulting in heavy casualties on both sides. The government responded to the guerrilla offensive by imposing a nationwide 90-day state of "internal commotion" in November and issuing a series of anti-terrorist

emergency decrees granting increased powers to the Colombian armed forces. The state of emergency was extended by executive decree for a further 90-day period in February 1993.

Amnesty International is well aware of the grave and complex situation of political violence in Colombia in the context of which armed opposition groups have been responsible for serious abuses, including the abduction and holding hostage of hundreds of people. Amnesty International holds that it is the responsibility of the Colombian government under national and international law to prevent and punish crimes of violence. However, all such government actions must conform to international standards for the protection of human rights. Human rights violations such as extrajudicial executions, torture and "disappearance" committed by governments or at their instigation, cannot be justified under any circumstances and have, in the case of Colombia, been asserted to be a factor in perpetuating and even escalating political violence.

The Colombian Procurator General, who has a constitutional mandate to investigate allegations of misconduct by public officials, has frequently expressed concern about human rights violations, including extrajudicial executions, torture and "disappearance", committed by the Colombian armed forces. Introducing the findings of his 1991 report the Procurator General said: "In areas where there is guerrilla violence and scarce state presence, the state agents most frequently accused are the military. The most common types of violations in which the military are implicated are massacres, torture and enforced disappearances." (*Las Fuerzas Militares, en las que podrían denominarse zonas de violencia guerrillera y de escasa presencia estatal, aparecen como el organismo del Estado más sindicado disciplinariamente. En tales zonas y respecto de tal organismo, la violación tipo está constituida por masacres, torturas y desapariciones*). In a November 1992 letter addressed to the presidents of the National Congress, the Procurator General expressed his concern about calls by members of Congress for the suspension of some fundamental human rights during the government's offensive against organized crime and guerrilla groups. In his letter Dr Arrieta said:

"It is terrifying that, faced with the crisis our country is going through, there are those who think all will be resolved when the authorities who exercise control (over state agents) and especially the Procurator General's office, turn their backs on their legal and constitutional obligations and tolerate repressive measures" [...] "If what they want is for the Procurator's office to be more tolerant and to tolerate a torture or a disappearance per month, that I will not allow" [...] "If the country believes that the way to beat the guerrillas is torturing or disappearing people, then they should say so before Congress; they should have the civic courage to propose it. But in the meantime, the Procurator's office will not accept these practices". (*No deja de ser aterrador que, ante la crisis que vive el país, haya quienes piensen que la solución se logra cuando las autoridades de control, y especialmente la Procuraduría General de la Nación, voltean la espalda a sus obligaciones legales y constitucionales y toleran mecanismos represivos* [...] *Si lo que quieren es que la Procuraduría sea más tolerante, y que se tolere una medio de tortura o un desaparecido al mes, eso no lo permitiré* [...] *Si el país cree que la forma de ganarle a la guerrilla es torturando o desapareciendo personas, pues que lo diga ante el Congreso, que se tenga el valor civil de proponerlo. Pero, mientras tanto, la Procuraduría no aceptará ese tipo de actuaciones*).