

# COLOMBIA

## “Enough is enough!”

### repression of human rights defenders

*“We have always talked about our capacity as Colombians to put up with so much cruelty and tragedy, and the way we have tried to overcome such losses. But as the circle closes in and those who die become my closest, most loved friends and colleagues, I don’t believe we have the same strength anymore.”*  
*Colombian human rights defender, February 1999.*

#### **Introduction**

In January and February this year Colombian paramilitary forces unleashed a spate of attacks against Colombian human rights defenders. In just four days four people were abducted and at least three were killed. Cynically, these attacks came at a time when the world’s attention was focussed on the humanitarian disaster caused by a serious earthquake in central Colombia.

In contrast to the past, paramilitary forces publicly acknowledged responsibility for the abductions, but not the killings, and claimed that the human rights defenders were being held as “prisoners of war”. At the same time, they openly declared their intention to “purge” human rights organizations of what they claimed were “guerrilla infiltrators”.

These latest attacks form part of a coordinated strategy by the Colombian security forces and their paramilitary allies to disengage and disempower the work of human rights defenders<sup>1</sup>. Killings, threats and intimidation have combined over a number of years with defamatory claims that national human rights organizations are subversive and acting on behalf of the armed opposition. Such claims are designed to generate disdain and mistrust for the work of human rights defenders.

Despite the weight of evidence of links between paramilitary groups and the security forces, documented by Amnesty International and many other organizations, including the United Nations, the Colombian government repeatedly continues to deny such links exist. Persistent official denial confers greater impunity on the perpetrators who without fear of being held to account for their crimes, continue, as the latest killings and abductions demonstrate, to violate human rights with ever increasing ferocity.

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<sup>1</sup>See Colombia: Human Rights Defenders Under Increasing Attack, March 1998 (AI Index: AMR 23/17/98), Colombia: No Security for Human Rights Defenders, May 1997 (AI Index: AMR 23/32/97). See also Report of the Special Rapporteur on Extrajudicial, summary or arbitrary executions: Country situations, UN doc E/CN.4/1998/68/Add.1.

On 1 February 1999, Carlos Castaño head of the national paramilitary organization *Autodefensas Unidas de Colombia* (AUC), United Self-Defence Forces of Colombia, openly threatened all Colombian human rights defenders, saying "we have respected the majority [of defenders]..., even though we know who they are and where they are. But enough is enough!"... "The [recent] abductions ... mark the beginning of a regrettable, but inevitable stage in the conflict... We do not want to create panic in the non-governmental organizations, but we do call for a purge of guerrillas from said organizations, a call extended to the *Unidad de Derechos Humanos de la Fiscalía*, Human Rights Unit of the Attorney General's Office."<sup>2</sup>

Despite repeated rhetoric to the contrary, government steps to protect human rights defenders have been ineffective, failing to provide adequate protection on time and failing to show the level of political will required to prevent attacks against them. On many occasions human rights defenders have reported threats and harassment against them, however the authorities have seldom, if ever, conducted proper or thorough investigations into such reports.

The international community has expressed wide condemnation of the current emergency facing Colombian human rights defenders. However, considerably more pressure will be required if genuine steps are to be taken to effectively protect human rights defenders. In the spirit of upholding the *Universal Declaration of Human Rights* and the *United Nations Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights*, recently adopted by the United Nations General Assembly on 9 December 1998, the international community needs to play an active role in ensuring the Colombian authorities honour their international human rights principles and obligations, and implement recommendations made over the last few years by inter-governmental human rights bodies such as the United Nations.

The anonymity of so many victims of human rights violations in Colombia makes the work of human rights defenders all the more important. Many human rights defenders work with vulnerable or powerless groups such as civilian populations caught between warring factions, or groups whom the wider society considers to have few if any rights, such as poor or illiterate people, common criminals, internally displaced and the disabled. In so doing they provide a voice for the voiceless, speak on behalf of those who have been silenced or who are ignored by society, and uphold the principle of the universality

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<sup>2</sup>"Aún así hemos respetado la gran mayoría, conociendo quienes son y dónde están. Basta ya!...La retención [reciente] ...marca el inicio de una lamentable, pero inevitable etapa del conflicto... No deseamos crear pánico al interior de las ONG, pero hacemos un llamado a que se depure de guerrilleros la composición de dicha organizaciones, llamado extensivo a la Unidad de Derechos Humanos de la Fiscalía."

of human rights. When Colombian human rights defenders uphold the rights of one individual or group, they uphold the fundamental and inalienable rights of everyone.

### **Defenders taken hostage**

On 28 January 1999, Jairo Bedoya, Olga Rodas, Jorge Salazar and Claudia Tamayo, four Colombian human rights defenders, were abducted from the office of their organization in Medellín, capital of Antioquia department. The armed gang made all those present in the offices (around 25) lie on the floor and, using a list of names, selected the four members of the *Instituto Popular de Capacitación* (IPC), Popular Training Institute, a long established and internationally respected non-governmental human rights organization specializing in research, popular education and peace promotion.

Three days later, Carlos Castaño announced that the AUC was holding them as "prisoners of war". Carlos Castaño also announced that he had evidence that the IPC members were "guerrillas". The armed forces and their paramilitary allies have frequently labelled human rights defenders as guerilla auxiliaries or supporters in an attempt to undermine their work and present them as legitimate targets in the counter-insurgency war.

"Filing legal complaints, pedagogy and analysis by the AUC is not work that can be considered a justification by the AUC in the armed conflict to convert members of human rights organizations into military targets".

On 8 February 1999 Olga Rodas and Claudia Tamayo were released. They were blindfolded and handcuffed before being transported in the boot of a car to safety. Before their release Castaño told them personally that he intended to continue his campaign against human rights organizations. Amnesty International remains gravely concerned for the safety of Jairo Bedoya and Jorge Salazar, who remain hostages. Following their release, relatives of those abducted said in a press statement: "Even though we are happy today, we still demand the immediate release of Jorge and Jairo who have been taken hostage for no reason on the pretext of a war in which they are not involved and which they have declared themselves to be actively neutral."<sup>3</sup>

Amnesty International believes that the IPC members cannot under any circumstances be considered "prisoners of war", since they are civilians, not combatants captured during conflict. Their release therefore cannot be part of negotiations to end the conflict or of any possible exchange for military and police personnel captured by armed opposition.

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<sup>3</sup>"Si bien hoy nos regocijamos, seguimos aquí a la espera, con la exigencia de la libertad inmediata de Jorge y Jairo, que al igual que ellas no tienen por qué ser secuestrados bajo el pretexto de una guerra que no comparten y ante la cual se han declarado neutrales activos".

The retention of civilians as hostages is strictly prohibited under international Humanitarian

Law, Article 3b of the *Geneva Convention relative to the Protection of Civilian Persons in Time of War*, adopted on 12 August 1949, Geneva.

In accordance with their obligations under domestic and international legislation, the Colombian authorities have the duty to take all the necessary steps to secure the immediate and unconditional release of the human rights defenders and the prompt arrest, trial and sanction of those found responsible for their illegal capture.

#### **Further abductions**

Amnesty International fears that further abductions may be imminent. In particular, the organization is concerned for the safety of members of the Human Rights Unit of the Attorney General's Office, many of whom have been killed on account of their efforts to investigate and bring to justice members of the security forces, their paramilitary allies or guerrilla organizations implicated in human rights and humanitarian law violations.

These fears were heightened on 15 February, when eight members of the *Cuerpo Técnico de Investigación (CTI)*, Technical Investigations Unit of the Attorney General's Office were abducted and threatened by the *Autodefensas Campesinas de Córdoba y Urabá*, Peasant Self-Defence Forces of Córdoba and Urabá. Reportedly, the CTI technicians

were abducted when travelling to the eastern area of the Antioquia department to investigate the existence of burial sites alleged to hold the remains of victims of paramilitary violence. Even though the CTI technicians were released the following day, the incident highlights the grave risk facing those involved in criminal and judicial proceedings against the perpetrators of human rights violations. Amnesty International condemns such abductions as well as the prolonged abduction of four other CTI technicians by the *Ejército de Liberación Nacional (ELN)*, National Liberation Army.

### **Defenders extrajudicially executed**

Everardo de Jesús Puertas and Julio Ernesto González worked for the *Comité de Solidaridad con los Presos Políticos (CSPP)*, Committee of Solidarity with Political Prisoners. On 30 January, they were travelling from Medellín to Bogotá when their bus was stopped in Doradal, Antioquia Department, by two heavily armed men and a woman who picked out the two men from among the passengers and shot them dead by the roadside.

The Colombian Government denounced the killings and offered a reward for information on the identity of the killers. However, as this report went to press no progress had been made in identifying or arresting the perpetrators. The CSPP is an internationally respected non-governmental human rights organization which works for the legal defence of political prisoners and the promotion and protection of civil and political rights. Shortly after the killing of Everardo de Jesús Puertas and Julio Ernesto González, the CSPP closed its offices for fear of safety of CSPP workers. CSPP workers have previously suffered serious human rights violations by paramilitary groups. CSPP lawyer, Javier Barriga Vergel, was shot dead in Cucutá, Santander department, in 1995. His killers have never been brought to justice.

According to press reports, another human rights activist was killed in Medellín on Sunday 31 January. Fabian Beltrán Arenas, who worked with the *Oficina de Paz y Convivencia*, Office for Peace and Co-existence, in the municipality of Bello, Medellín, was shot and killed at a meeting attended by the local mayor. A trade unionist is also reported to have been killed in the same incident.

In the last two years more than twenty Colombian human rights defenders have been targeted and killed by members of the security forces or their paramilitary allies. In many cases they are targeted on account of their work in poor neighbourhoods and communities of people forcibly displaced by political violence, or because of their work to expose the atrocities and bring the perpetrators to justice in accordance with the rule of law.

In 1998 two renowned human rights lawyers were killed. In February, Jesús María Valle Jaramillo was shot dead in his office in Medellín after denouncing links between military

and paramilitary organizations. In April, Eduardo Umaña Mendoza was killed in Bogotá, reportedly in retaliation for defending trade union leaders accused under anti-terrorist legislation.

In 1997 Mario Calderón and Elsa Alvarado of the *Centro de Investigación y Educación Popular* (CINEP), Centre for Research and Popular Education, were shot dead in their home.

Carlos Castaño was implicated by the Attorney General's Office in the 1997 CINEP killings and the 1998 killing of Jesús María Valle Jaramillo, but remains at large despite outstanding warrants for his arrest.

### **Under constant threat**

The current wave of paramilitary violence was also marked by renewed death threats against key members of human rights organizations operating in different parts of the country. The feeling of anxiety generated by such threats and intimidation, combined with the knowledge that such threats frequently culminate in assassinations, drives many human rights defenders to seek safety elsewhere in Colombia, or abroad.

Amongst those currently facing imminent danger are members of the *Comisión Intercongregacional de Justicia y Paz* (CIJP), Intercongregational Commission of Justice and Peace working in the municipality of Trujillo, Valle del Cauca Department and those working with the *Asociación de Familiares de Víctimas de Trujillo* (AFAVIT), Association of Relatives of the Victims of Trujillo, human rights organizations which have been prominent in the continuing search for justice in the Trujillo cases<sup>4</sup>.

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<sup>4</sup>In 1989 and 1990 the security forces, working with paramilitary groups, were responsible for the extrajudicial execution and "disappearance" of over 100 peasant farmers in the region around Trujillo. AFAVIT, supported closely by the *Comisión Intercongregacional de Justicia y Paz*, have campaigned tirelessly for the perpetrators to be brought to justice, for the whereabouts of the "disappeared" to be established and for the victims' relatives to receive compensation. Amnesty International and other national and international human rights organizations have also been campaigning on these cases. The Colombian President publicly acknowledged the state's responsibility for the crimes at Trujillo in 1995, after they had been investigated by an independent commission, under the auspices of the Inter-American Commission for Human Rights (IACHR). However, in spite of this acknowledgement, those responsible have never been brought to justice, the whereabouts of the "disappeared" established or the relatives of the victims fully compensated. Witnesses to the killings have been subject to a systematic campaign of persecution. Some have been killed and several others have had to flee the country.

On 18 January 1999, a known informer for paramilitary groups and the security forces was seen spying around the premises of AFAVIT and the CIJP, located in Trujillo. He reportedly said, "that pair of sons of bitches upstairs are guerrillas, the same is going to be done to them as was done to the others eight years ago<sup>5</sup>" - a clear reference to the "disappearances" and extrajudicial killings of civilians by paramilitary groups and the security forces in Trujillo in 1990, which the man who made the threat reportedly took part in. Two CIJP members live on the premises where the informer was spying.

On 27 January 1999 Francisco Javier Trujillo a member of AFAVIT received an anonymous note threatening his life and that of "your friends in Justice and Peace"<sup>6</sup>. The next day he had a number of phone calls in which the caller said, "we are going to kill you. We are going to do the same to you as we did to Tiberio"<sup>7</sup>. Tiberio de Jesús Fernández Mafla - Trujillo, the parish priest, was tortured and murdered by paramilitary forces in 1990<sup>8</sup>. Later that day he received another call which said, "Carry on with those sons of bitches from Justice and Peace and we are going to send you a little present"<sup>9</sup>. On 29 January he received a written death threat.

In May 1998 the security forces made an illegal raid on the offices of the CIJP, after military intelligence issued a report alleging the CIJP had information relating to an urban guerrilla network. No-one was brought to justice in relation to this incident.

### **The government response**

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<sup>5</sup>"ese par de hijos de putas de arriba son guerrilleros, que se les va a hacer lo mismo que a los otros, hace ocho años".

<sup>6</sup>"sus amigos de Justicia y Paz"

<sup>7</sup>"Lo vamos a matar. Le vamos a hacer lo mismo que a Tiberio"

<sup>8</sup> See Cases for Appeal: Myth and Reality; AMR 23/79/93, March 1994.

<sup>9</sup>"Siga andando con esos hijos de puta de Justicia y Paz, le vamos a mandar un regalito"

Thus far, the Colombian government's response has failed to match the magnitude of the crisis. Although the Ministry of the Interior condemned the violations against defenders, it offered little other protection other than that which already exists, but which, as evidence suggests, falls far short of curbing violations against human rights defenders<sup>10</sup>. Aside from the lack of clear commitments to provide immediate measures to protect defenders, the Ministry of the Interior made no reference to the fact that paramilitary groups were implicated in the spate of recent violations. Equally, steps which might prevent violations, such as dismantling paramilitary groups, were also absent from the Ministry of the Interior's announcement. In light of Carlos Castaño's subsequent public admission of the recent abductions, such avoidance and denial of the single issue most endangering the lives of human rights defenders, sheds a cloud of doubt over the authorities declared intentions to protect members of human rights organizations.

On 16 February President Andrés Pastrana met with members of human rights organizations to discuss measures for their protection. Although Amnesty International welcomes this recent pledge, the organization is concerned that previous commitments have still not been fulfilled. Following President Andrés Pastrana's announcement, a spokesperson for the CSPP stressed that their organization would not reopen its premises until such guarantees were carried out.

The recent attacks against Colombian human rights defenders are the direct consequence of failure to meet previous pledges to protect them. For example, following the killing of Dr. Eduardo Umaña Mendoza in May 1998, the Procurator General agreed to examine military intelligence files and to inform human rights workers in January 1999 of any information the files contained which could be detrimental to their security. At the time of writing the Procurator General had still not informed on his findings.

*Ironically, in December 1998, President Andrés Pastrana had just pledged his commitment to protect human rights defenders when he presented his government's human rights policy to the United Nations in New York. On 28 January Vice-President, Gustavo Bell, reaffirmed this commitment to Pierre Sané, Amnesty International's International*

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<sup>10</sup>“The protection of human rights constitutes one of the State's objectives and the defender's and advocate's cause requires protection. For this reason, the Ministry and security organisms will double efforts in favour of human rights defenders, and invite non-governmental organizations to report threats against their leaders and to join the Program for the Protection, Prevention and Reestablishment of the rights of Denouncers, under the responsibility of the Human Rights Head Office [of the Ministry of the Interior]. In order to do this, this office has been ordered to assess the level of risk facing NGO workers and to design effective assistance programs.” Ministry of the Interior, *El Colombiano*, 1 February 1999.



*Secretary, at a meeting in Geneva, the same day as the Medellín abductions. However, rhetoric is not matched with effective action. Stark reality shows that successive governments' promises are constantly broken, that procedures aimed at protecting human rights defenders do not always fully consider their requests and that the same procedures often tend to be too slow and cumbersome<sup>11</sup>.*

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<sup>11</sup>The Report of the United Nations High Commissioner for Human Rights states that "the conditions in which activists are working ... demonstrate that the Government's efforts to protect them have proved insufficient", para 146 UN doc E/CN.4/1998/16.

The latest violations against Colombian human rights defenders are, moreover, the direct consequence of the authorities' failure to honour international human rights standards ratified by the Colombian Government, and to implement principles and repeated recommendations by the United Nations regarding the protection of human rights defenders. Most notably, the *United Nations Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights*, recently adopted by the United Nations General Assembly on 9 December 1998, outlines a series of guarantees for protecting human rights defenders and their work and states in Article 12.2 that responsibility for protecting those who promote human rights rests with the State. In April 1998, the United Nations High Commissioner for Human Rights recommended that the "Colombian authorities ensure proper recognition of the right of human rights advocates to conduct their activities without interference or unlawful hindrance, and without fear for their lives, physical integrity or freedom"<sup>12</sup>. This recommendation was reiterated in resolution 1998/3 of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, which:

"Calls upon the Governments concerned not to leave crimes committed against human rights defenders unpunished, to allow and facilitate all necessary inquiry, and to ensure judgement by a civil tribunal and punishment of the perpetrators as well as compensation...;

Urges each State to take any measures necessary within its own jurisdiction to ensure the security of all persons covered by the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights who are being repressed, harassed or threatened throughout the world;"<sup>13</sup>

In addition, resolution 1998/3 expressed specific concern about the killing of several Colombian human rights defenders and requested the High Commissioner for Human Rights to make inquiries regarding the security of Father Javier Giraldo, Executive Director of the Intercongregational Commission of Justice and Peace.

Also in 1998, the Special Rapporteur on Extrajudicial, summary or arbitrary executions

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<sup>12</sup>Ibid, para 204.

The Statement by the Chairman of the 54<sup>th</sup> Session of the UN Commission on Human Rights also expressed concern at the "apparent increased threat to many human rights defenders" and urged the Government of Colombia to strengthen and consolidate its support, through all institutions of the State, of all those who promote the defence of human rights. The UN Commission also called "on the Colombian Government to give special attention to the safety of human rights workers", 6 April 1998.

<sup>13</sup>UN doc E/CN.4/Sub.2/1998/L.142

expressed particular concern "at the threats to and killings of human rights defenders" and recommended "taking effective action as a priority to disarm and dismantle paramilitary groups"<sup>14</sup>.

The Colombian authorities have so far failed in their obligation to protect human rights defenders by providing guarantees for the immediate safety and by taking firm steps to tackle the problem at its root by curbing the activities of paramilitary groups. Until the political will is found to overcome current failings the Colombian authorities are responsible for fostering the impunity which confers on paramilitary perpetrators the confidence and freedom to continue further attacks against human rights defenders.

### **Response of the international community**

The recent abduction and killings of Colombian human rights defenders provoked wide condemnation from many international observers of the Colombian human rights situation, including various governments, the European Commission and Members of the European Parliament. The United Nations High Commissioner for Human Rights, Mary Robinson, who herself "witnessed...the level of insecurity human rights defenders face in Colombia" last October, said she "condemned in the strongest terms these attacks". The Inter-American Commission on Human Rights reiterated its "concern that people dedicated to promoting human rights in Colombia, such as members of non-governmental organizations or certain state institutions, are increasingly threatened and attacked in the context of the conflict."

Nonetheless, Colombian human rights defenders and international observers of the situation know that tomorrow, and if not tomorrow, then the day after, or the day after that, another Colombian human rights defender will be murdered or "disappeared". In the light of such a poor record to provide protection for human rights defenders, the international community needs to show the Colombian authorities that enough is enough, that further violations will not be tolerated. Close scrutiny of the implementation of United Nations standards and recommendations, and of repeated, but consistently unfulfilled, pledges made by the authorities, should form part of the basis of a coordinated international response.

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<sup>14</sup>Report of the Special Rapporteur on Extrajudicial, summary or arbitrary executions : Country situations, para. 115, UN doc. E/CN.4/1998/68/Add.1.

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**Amnesty International calls on the Colombian Government to fulfill its commitments to human rights defenders by:**

- Securing the immediate release of Jairo Bedoya and Jorge Salazar, of the *Instituto Popular de Capacitación* (IPC), Popular Training Institute, illegally held since 28 January 1999 by Carlos Castaño, head of the national paramilitary organization *Autodefensas Unidas de Colombia* (AUC), United Self-Defence Forces of Colombia;
- Ensuring that those responsible for the killing of Everardo de Jesús Puerta and Julio Ernesto González, of the *Comité de Solidaridad con los Presos Políticos* (CSPP), Committee of Solidarity with Political Prisoners, are promptly brought to justice and the relatives compensated;
- Ensuring the safety of all members of the *Comisión Intercongregacional de Justicia y Paz*, Intercongregational Commission of Justice and Peace in the municipality of Trujillo, Valle del Cauca Department and those working with the *Asociación de Familiares de Víctimas de Trujillo* (AFAVIT), Association of Relatives of the Victims of Trujillo, human rights organizations which have been prominent in the search for justice in the Trujillo cases;
- Guaranteeing the protection of all Colombian human rights defenders in accordance with their own requests and the degree of urgency the current crisis requires, and in accordance with recent pledges made by President Andrés Pastrana at the United Nations in New York in December 1998 and by the Vice-President, Gustavo Bell, during a meeting held with Pierre Sané, Amnesty International, January in Geneva;
- Ensuring the full implementation of United Nations standards and repeated recommendations regarding the protection of human rights defenders;
- Ensuring that paramilitary groups are totally dismantled;
- Ensuring the full investigation of violations against human rights defenders and the bringing to justice of those responsible. Ensuring that those members of the armed forces currently being formally investigated for human rights violations should be immediately suspended from active service until investigations have concluded;

- Ensuring that the Procurator General promptly informs human rights organizations of the findings of the review of military intelligence files.

**Amnesty International calls on the international community, especially foreign governments and inter-governmental organizations to:**

- Insist on the immediate release of the abducted human rights defenders;
- Closely monitor efforts by the Colombian Government to protect human rights defenders, in accordance with requests made by human rights defenders and United Nations principles and recommendations. Insist that such efforts are aimed at preventing the violations (rather than encouraging members of human rights organizations to take refuge in other countries), and request be kept informed of concrete measures that are implemented;
- Closely monitor the execution of arrest warrants for paramilitary agents and the suspension from active duty of members of the armed forces currently under investigation for involvement in human rights violations;
- Closely monitor the investigation of violations against human rights defenders and the suspension from active duty of those members of the armed forces currently under investigation.