

# COLOMBIA

## Protection of human rights defenders: One step forward, three steps back

### Introduction

At the start of his term in office President Andrés Pastrana declared his commitment to making human rights a priority for his government. In December 1998, he pledged 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 Lemus, reaffirmed this commitment to Pierre Sané, Amnesty International's Secretary General, during a meeting in Geneva. Amnesty International welcomed this commitment and the steps taken by the government so far towards improving security of human rights defenders. However, this report shows that although several steps have been taken to protect human rights defenders, the government has not adopted a comprehensive program that tackles the root problems regarding their security. As a result, government efforts to date have failed to make a lasting improvement on the protection of human rights defenders. By failing to adopt a comprehensive prevention and protection program, the government is undercutting the few initiatives it has taken in this field, which can only be effective if accompanied by tough measures to combat impunity and stave hostility amongst members of the security forces towards human rights work.

Dialogue between Colombian human rights defenders and the current Colombian government has been limited. Only after the abduction by army-backed paramilitaries<sup>1</sup>

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<sup>1</sup>Army-backed paramilitary squads have sown terror in rural areas of Colombia for more than a decade, torturing, killing and "disappearing" with virtual impunity. The appearance of these supposedly independent paramilitary organizations in the early 1980s coincided with a dramatic increase in "disappearances" and political killings. Many of the paramilitary groups have their origins in the civilian "self-defence" squads which the army created to act as auxiliaries during counter-insurgency operations. Army brigade commanders and intelligence units attached to brigades and battalions in the conflict zones, recruited, armed, trained and supported paramilitary "self-defence" squads, while large landowners, industrialists, regional politicians and later, drug-traffickers, gave them economic support. Law 48 of 1968 provided a legal basis for the formation of paramilitary "self-defence" squads by giving the armed forces the right to arm civilians and to create peasant farmer defence groups. The Colombian government suspended the constitutional legal base for the formation of paramilitary organizations and issued directives to the armed forces to combat and disband such groups in 1989, yet they continue to work with the support of the security forces in many areas of the country.

in January 1999 (and subsequent release) of four members of a human rights organization in Medellín, department of Antioquia, did president Pastrana finally agree to a meeting. In this meeting, human rights defenders requested that the government take up proposals regarding the protection of human rights defenders that they had put to the previous administration in 1997 during the term of president Ernesto Samper Pizano.

The plan proposed by human rights organizations, some of which was agreed by the Samper government in June 1997, included:

- full recognition of the legitimacy of the work of human rights defenders, including presidential directives prohibiting statements which undermine such legitimacy or generate a climate of hostility toward defenders, as well as mechanisms to distribute and monitor such directives, and sanction those who contravene them;
- the examination of military intelligence files containing information that might incriminate or prejudice members of social or human rights organizations, and appropriate remedies in accordance with the findings;
- steps to effectively disband, disarm and prosecute paramilitary groups which operate with the complicity or acquiescence of the security forces, and to bring those responsible for human rights violations to justice;
- the prevention of threats and attacks against human rights defenders by carrying out full investigations into cases of threats and human rights violations against members of human rights and social organizations;
- purging of the security forces of those implicated in human rights violations and/or linked to paramilitary activities;
- the setting up of formal mechanisms and forums for dialogue between non-governmental organizations and civil and military authorities;
- swift and effective adoption of protection measures for individuals, such as security equipment and body guards;
- the production of publicity and information materials aimed at raising public awareness of the work of human rights defenders.

Responsibility for the implementation of the measures was delegated to the Minister of the Interior and the Vice-president. The *Unidad Especial de Derechos Humanos*, Special Human Rights Unit, of the Ministry of the Interior is the body charged with implementing policy and is responsible for action to protect members of human rights organizations<sup>2</sup>.

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<sup>2</sup>The unit is also responsible for the Program of Protection for Witnesses and Threatened Persons (*Programa de Protección a Testigos y Personas Amenazadas*), which offers protection for witnesses, ombudsmen, members of government and state prosecutors.

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The implementation of measures to protect individuals is organized and coordinated by the Ministry's *Comité de Reglamentación y Evaluación de Riesgos*, Committee for Regulation and Risk Evaluation, which evaluates cases, determines appropriate protection measures in accordance with levels of risk and instructs branches of the Ministry of the Interior, the Police and the *Departamento Administrativa de Seguridad* (DAS), Civilian Intelligence Service. Members of non-governmental organizations have representation on the Committee.

Over the last few years, appeals by Colombian human rights defenders for urgent measures to guarantee their safety and the conditions to carry out human rights work have been reiterated and reinforced by numerous international organizations and institutions. 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>3</sup>. 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. 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>4</sup>

Also in 1998, the Special Rapporteur on Extrajudicial, summary or arbitrary executions 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>5</sup>.

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<sup>3</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 204 UN doc E/CN.4/1998/16.

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

<sup>5</sup>Report of the Special Rapporteur on Extrajudicial, summary or arbitrary

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*executions : Country situations, para. 115, UN doc. E/CN.4/1998/68/Add.1.*

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In April 1999 the United Nations High Commissioner for Human Rights deplored “the fact that killings, threats and smear campaigns against persons engaged, individually or in groups, in protecting and promoting human rights continued” and recommended that “their activities should be recognized, respected, protected and supported and, in particular, special security measures should be taken to protect their lives, integrity and freedom, and they should receive public support”<sup>6</sup>.

Nonetheless Colombian human rights defenders continue to face alarming levels of danger, despite some steps by the Colombian authorities to protect them. Over the last three years more than 25 activists have been killed. A similar number have narrowly escaped attempts on their life. Scores of others live under constant threat and intimidation. At least 40 have fled the country. The vast majority of attacks against human rights defenders are masterminded and perpetrated by members of the security forces, their paramilitary allies or gunmen hired on their behalf, although Amnesty International has also received reports of arbitrary and deliberate killings by members of the armed opposition. This systematic campaign against Colombian human rights workers is rooted in the deep hostility held by members of the security forces and their paramilitary allies against human rights work and the belief that human rights activities are synonymous with guerrilla activities.

Colombia’s human rights crisis has reached alarming proportions. The escalating conflict has been characterised by blatant disregard for human rights and international humanitarian law by all parties to the conflict. The work carried out by members of human rights organizations has meant that some of the truth about this crisis has been revealed and that some of the perpetrators have been identified. It is precisely for this reason that Colombian human rights defenders have been subjected to a systematic campaign of intimidation, harassment and attacks.

Only the state has the power and the means to exercise control over state agents involved or complicit in human rights violations and to supervise and implement appropriate measures for the protection of those individuals targeted by state agents, or those operating with the state’s consent. Responsibility for protecting human rights defenders cannot be transferred to a third party or to the members of human rights organizations themselves. The state’s responsibility to protect those who contribute to the promotion of universal freedoms has been reiterated in numerous recommendations by the UN and the Inter-American Commission on Human Rights. Article 12(2) of the UN *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (Declaration on Human Rights Defenders) also affirms this obligation<sup>7</sup>.

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<sup>6</sup>Report of the UNHCHR in Colombia, para 159 & 171, UN doc. E/CN.4/1999/8

<sup>7</sup>*This Declaration*, referred to as *Declaration on Human Rights Defenders*, was approved by the United Nations General Assembly on 9 December 1998.

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While national governments retain primary responsibility for guaranteeing the human rights of its citizens, state and municipal authorities also play an important role in the local administration of justice, maintenance of law and order, and policing. It is therefore essential that the authorities at all levels of government explicitly commit themselves to promoting human rights, and protecting the rights of human rights defenders to conduct their legitimate activity in safety.

Genuine government human rights initiatives should prioritize the protection of members of human rights organizations and the legitimacy of human rights protection work. Protection for human rights defenders cannot be solved by the use of bullet-proof vests and armed body guards alone. Tougher and more comprehensive measures are required to deter the perpetrators of human rights violations, especially those high-ranking officials who plan and order the crimes. Government efforts for the protection of human rights defenders should integrate immediate protection measures with preventative measures. Priority must be given to thorough investigations of the violations and threats against human rights defenders and the bringing to justice of those responsible. Full consultation with human rights defenders is vital in determining those measures which could effectively enhance their security and those measures required to implement the principles outlined in the UN Declaration on Human Rights Defenders.

This report examines some of the shortfalls of measures taken to date by the Colombian authorities to protect human rights defenders. In particular, it examines the issue of impunity for human rights violations against members of human rights organizations, showing how some killings may have been averted if appropriate steps had been taken at the time. It also shows how the lack of an integrated approach by the Colombian authorities on the question of protection for human rights defenders negatively impacts on the safety of those defenders who continue to work for the promotion of human rights in the face of extremely adverse and precarious conditions.

This report updates previous publications on human rights defenders in Colombia by Amnesty International: *Colombia: "Enough is enough!" - Repression of human rights defenders*, June 1999 (AI Index AMR 23/48/99); *Colombia: "Enough is enough!" - repression of human rights defenders*, February 1999 (AI Index AMR 23/16/99 and AMR 23/21/99); and *Colombia: Human rights defenders under increasing attack*, March 1998 (AMR 23/17/98).

Blanca Cecilia Valero de Duran, Secretary of the *Corporación Regional de Derechos Humanos* (CREDHOS), Regional Human Rights Corporation, an independent human rights organization, killed in January 1992, in Barrancabermeja, Magdalena Medio region. CREDHOS is a non-governmental human rights organization with offices in Barrancabermeja and small human rights centres in several parts of the Magdalena Medio region of Colombia. Between 1991 and 1992 several members of CREDHOS were killed in a campaign carried out by intelligence unit 007 of the Colombian Navy (and their contracted assassins) against local human rights activists, popular and trade union leaders.

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## **The Colombian government's protection program for human rights defenders**

The plan proposed by human rights organizations in June 1997 to then president Ernesto Samper was a comprehensive package of measures ranging from steps to promote and uphold the rule of law, to steps to prevent threats and attacks against human rights defenders, to ensure effective protection for individuals at risk, and to reverse the climate of hostility towards defenders through publicity and information campaigns. This section of the report examines the degree of implementation of the main aspects of this plan outlined (above) in the introduction.

Halting unsubstantiated accusations by state agents, especially members of the security forces, attacking or questioning the legitimate work of human rights defenders, would constitute an important turning point in the campaign being waged against human rights workers. It is also one way in which the Colombian authorities can show their determination to deal with the causes, rather than the effects, of such a campaign. On 9 September 1999, Colombia's Human Rights Day, President Andrés Pastrana issued Presidential Directive 07 concerning "Support, communication and cooperation of the State with human rights organizations". The directive restates most aspects of the previous Presidential Directive 011 of June 1997, issued by the then president Ernesto Samper. The Directive orders all public officials to abstain from questioning the legitimacy of human rights organizations and from making false accusations which could compromise their security or reputation. It also requires all public officials to cooperate fully with human rights organizations when asked to provide information or assistance.

Although Directive 07 was welcomed, human rights groups are concerned that under the Samper administration the Directive 011 was never enforced and therefore did not deter military personnel from continuing to make regular unsubstantiated public accusations intended to undermine the legitimacy of the work of human rights defenders. Similarly, the new Directive 07 makes no mention of how those who disobey it will be sanctioned. Without the commitment to enforce the Directive rigorously, there is little chance it will have a significant impact. Human rights groups insist that state officials who disobey the Directive must face immediate sanction, and that such measures should be made known publicly, in order to demonstrate that public officials cannot make false accusations with impunity.

The concerns raised by Colombian human rights defenders were heightened in December 1999 when Army deputy Commander-in-chief Nestor Ramírez made a statement at a conference in Miami, United States, insinuating that members of human rights organizations, the Procurator's Office and the Attorney General's Office were enemies of the armed forces because of infiltration by members of the armed opposition. Following an official complaint by the Attorney General and the Procurator General, the Minister of



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Defence, Commander General Fernando Tapias Stahelin, issued a statement retracting the accusation made by Ramírez. However, the statement only referred to the Procurator's Office and the Attorney General's Office and did not reverse the hostile accusation made against other human rights institutions or organizations. There is no indication that disciplinary action has been taken against Nestor Ramírez.

In another incident, the Commander of the National Police in Barrancabermeja, Santander department, was reported in the press on 3 October 1999 to have referred to statements, regarding possible human rights violations in the city of Barrancabermeja in which eight people were killed, by saying, "We reject the vile and despicable accusations made by... the guerrilla, by CREDHOS... in their hurry to misinform public opinion". The *Corporación Regional de Derechos Humanos* (CREDHOS), Regional Human Rights Corporation, is an internationally respected human rights organizations that supports the victims of human rights violations in the Magdalena Medio region where mass human rights violations are both widespread and systematic.

In Colombia, unsubstantiated public statements linking human rights workers to the armed opposition can have fatal consequences. In February 1999, paramilitary forces used such arguments to justify attacks on human rights defenders when they openly declared their intention to "purge" human rights organizations of what they claimed were "guerrilla infiltrators". Failure to deal with high ranking state officials who publicly question the legitimacy of the work of human rights organizations, or make unsubstantiated or false accusations incriminating human rights defenders, reinforces and supports the position of those perpetrating the attacks against them.

The imprisonment, or threat of imprisonment, of members of human rights organizations on political or politically motivated charges following trials which fail to meet international standards is a tactic which is increasingly being applied to criminalize the activities of human rights workers. Information contained in military intelligence files has been used in the past to bring prosecutions on spurious charges against human rights defenders. For example, cases have been initiated by *Fiscales Regionales* (Regional Attorneys)<sup>8</sup> who, although officially independent, were often based in regional military barracks and worked closely with Military Intelligence in collecting evidence in investigations. In many cases, the *Fiscal Regional* was provided with a Military Intelligence report which served as the basis for opening an investigation as well as being the sole evidence against those accused.<sup>9</sup> As a result of investigations based on

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<sup>8</sup>The special legislative measures that constituted the *Justicia Regional*, Regional Justice, officially came to an end in June 1999. However, in practice many of these measures have been renewed in the new system, *Justicia Especializada*, Specialized Justice.

<sup>9</sup>In October 1997, in Bucaramanga, the capital of the department of Santander, the

information contained in military intelligence files, four members of the human rights organization *Corporación para la Reconstrucción Social y Económica de la Población Desplazada del Nororiente (Corporación REDES)*, Corporation for the Social and Economic Reconstruction of the Displaced Population of the Northeast, were found guilty of rebellion in March 2000 and sentenced to five years' imprisonment.

Members of non-governmental human rights organizations have repeatedly requested the thorough revision of intelligence information contained in military archives that might contain incriminating information about human rights defenders. The Colombian authorities eventually committed themselves to such a revision following the killing of the renowned human rights lawyer Eduardo Umaña Mendoza in April 1998. According to international experts who visited Colombia in August 1999, the Procurator General had completed his examination of the files and handed the information to the Vice-president. Nonetheless, the authorities would not inform the delegation of any measures they might take to remedy incriminating information found in the files. By March 2000 human rights organizations had still not been informed of the revision of the files nor of the results. Consequently, any evaluation regarding the thoroughness or effectiveness of the examination or possible remedies can not yet be carried out.

One of the fundamental steps proposed by Colombian human rights organizations for the prevention of attacks against human rights defenders, as well as all other human rights violations, was measures to effectively disband, disarm and prosecute paramilitary groups which operate with the complicity or acquiescence of the security forces. This included

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*offices of a non-governmental organization working with those displaced by the armed conflict, Corporación para la Reconstrucción Social y Económica de la Población Desplazada del Nororiente (Corporación REDES), Corporation for the Social and Economic Reconstruction of the Displaced Population of the Northeast, were raided by military forces and judicial authorities from Bogotá. Four REDES board members -- Javier Orlando Marin Rodríguez, Yolanda Amaya Herrera, Socorro Rincón Chinchilla and Armando Valbuena Pallarés -- were detained on the orders of the Fiscal Regional and were held in preventive custody facing charges of "rebellion". The raid and arrests were made on the basis of investigations carried out by the XX Brigade, Military Intelligence. After the arrests, Military Intelligence sources frankly acknowledged that evidence taken from the offices of REDES was in their possession, rather than in the hands of the investigators of the Fiscalía Regional, Regional Attorney's Office, leading to serious concerns about the manner in which evidence was gathered and controlled by the office of the Fiscal Regional, with clear implications as to the impartiality of investigations conducted in close collaboration with Military Intelligence.*

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revoking the presidential decree that created the *Asociaciones de Vigilancia y Seguridad Rural* (CONVIVIR), civilian vigilante groups, the permanent dismissal of those members of the armed forces sentenced for serious criminal offences and the suspension from duty of those under investigation, as well as the creation of special units to track and capture paramilitaries.

Although President Pastrana announced the formal abolition of the CONVIVIR, in March 1999 the President of the CONVIVIR stated in the daily newspaper *El Espectador*, that they would not disband but would reconstitute themselves as “Committees for the Defence of Life and Democracy, Convivir”. Some CONVIVIR units have joined forces with paramilitary groups. Although the Vigilante and Private Security Service Supervisory Body was ostensibly charged with supervising the disbanding of the CONVIVIR, no action appears to have taken to monitor the process of decommissioning, or collect and destroy the weapons held by these groups.

In 1999, Vice-president Gustavo Bell announced the creation of a new force to combat paramilitary groups, made up of units from military intelligence, the police, the Attorney General’s Office, the Procurator General’s Office, the Ministry of Defence and the DAS. He also announced the creation of a support unit for the Attorney General’s Office in order to execute arrest warrants. If such steps lead to the arrest and prosecution of members of paramilitary groups implicated in human rights violations then they must be welcomed. However, in the past similar government initiatives have lacked the political will to make them effective. Members of the international delegation of human rights experts who visited Colombia in August 1999 concluded that “they could not find evidence indicating that measures had been taken to combat these groups, disband them and punish those involved in human rights violations”. The 2000 Report of the United Nations High Commissioner for Human Rights points out that, “The State bears responsibility for the present proportions and complexity of the paramilitary problem. The persistence of ommissive and permissive attitudes and the direct and indirect aiding and abetting of paramilitarism, is aggravated by the absence of any effective policy to combat it.”<sup>10</sup>

Tackling impunity, by establishing plans and strategies that identify and sanction those responsible for threats and attacks against human rights defenders, as well as other human rights violations, has to be at the centre of government attempts to prevent attacks and killings against human rights defenders. As long as those who plan, order and perpetrate such crimes are allowed to operate outside the law, unhindered, other efforts to protect human rights defenders are undermined and ultimately risk being futile.

Amongst the several human rights initiatives proposed by the new Colombian government, the Vice-president Bell also formed in 1999 the *Comité Especial de Impulso a las Investigaciones de Derechos Humanos*, Special Committee for the Promotion of

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<sup>10</sup>Para. 170, UN doc. E/CN.4/2000/11.

Investigations into Human Rights, in order to help advance investigations into human rights violations. However, it is still unclear whether such an initiative will have any impact on reversing the cycle of impunity. To date those who ordered, planned and perpetrated the killings detailed in this report, or any of the 25 killings committed against human rights defenders since the beginning of 1997, have not been brought to justice. The level of impunity in relation to cases of human rights defenders is absolute.

Although Amnesty International has received information indicating that some suspects have been detained in relation to a few high profile cases of killings of human rights defenders (see below), none of these have yet been successfully prosecuted. These arrests are largely the result of constant campaigning by national and international human rights organizations. Nor has any effort been made to identify, arrest and prosecute those responsible for ordering, planning or covering up the killings, especially when high ranking military officials or paramilitary leaders are suspected of being involved.

One blatant indication of the current lack of political will by the Colombian government to seriously combat impunity, despite repeated rhetoric to the contrary, is its failure to ensure the codification in the Colombian penal code of serious human rights violations such as "disappearance" and to ensure that such crimes are tried in civilian courts.<sup>11</sup> It is also clear from recent judicial decisions regarding attempts to prosecute members of the armed forces, especially senior officials, implicated in human rights crimes that members of the armed forces will continue to benefit from the legal protection of their institution and be tried in military courts.

Serious steps to combat human rights violations and impunity should include the purging of the security forces of those found responsible for human rights violations, including those committed against human rights defenders. In April 1999, president Pastrana ordered the retirement of General Fernando Millán Pérez and General Rito Alejo del Rio Rojas who were under investigation for promoting and collaborating with paramilitary groups. General Millán had been under investigation by the Attorney General's Office on charges of having promoted paramilitary groups during his period as commander of the V Brigade in Santander department. However, in 1998 his case was transferred from a civilian court to military jurisdiction. In view of past experience it is extremely unlikely that the case will progress further.

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<sup>11</sup> In December 1999, President Pastrana rejected a bill which had just been approved by the Colombian Congress to codify and outlaw "disappearances", forced displacement, torture and genocide. The President did not allow the bill to enter the statutes on the basis that several of its articles were "*inconvenientes e inconstitucionales*", "inconvenient and unconstitutional". One of the articles he objected to was Article 7 which contained wording to remove cases of "disappearances" and other forms of human rights violation from the jurisdiction of military courts. A modified bill, maintaining military jurisdiction for such crimes was subsequently presented to Congress.

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Steady dialogue between human rights defenders and high level government officials to discuss policies on the prevention of attacks and protection of human rights defenders is another aspect of the proposals made by Colombian human rights organizations that has failed to fully materialise. Regular meetings have been held between human rights defenders and the Committee for Regulation and Risk Evaluation, but this body is only responsible for specific protection measures, not for development of policy. Another indication of the present government's reluctance to advance on this issue is the fact that the budget allocated to the Interior Ministry for protection measures was initially reduced by the incoming government. Only following the kidnapping by paramilitaries of four members of the *Instituto Popular de Capacitación (IPC)*, Popular Training Institute, in Medellín on 28 January 1999 and the international outcry that ensued, did the President and the Minister of the Interior agree to an emergency meeting with human rights defenders and new funds for protection. However, the Ministry of the Interior has not acceded to a second meeting to give continuity to the dialogue and the fulfilling of the commitments undertaken.

In the meeting of 15 February 1999, 4,000 million Colombian pesos (approximately 2 million US dollars) were allocated to the Ministry of the Interior and another 4,000 million pesos to the *Departamento Administrativa de Seguridad (DAS)*, Civilian Intelligence Service, for the provision of security measures. This included measures to protect and strengthen the premises of non-governmental organizations, the provision of security guards, bullet-proof jackets, communication equipment and special transport for members of non-governmental organizations. However, at the end of 1999 human rights organizations estimated that less than half of protection measures planned by the Ministry of the Interior had been completed due to delays in implementation. The remaining work is expected to be carried out in the year 2000. With respect to funds allocated to the DAS for providing body guards to individual human rights defenders, including trade unionists, at the time of writing the DAS had still declined to provide information regarding the level of expenditure during 1999 of the 4,000 million Colombian pesos, despite the insistence of government officials and human rights organizations.

Although the Colombian authorities have taken some steps to ensure that individuals are better protected with body guards, bullet-proof jackets and surveillance cameras and reinforcements, such as bomb-proof doors for offices, it is still clear that government efforts do not match the magnitude of the problem and that procedures aimed at protecting human rights defenders are too slow, bureaucratic and cumbersome.

In June 1999, national human rights organizations wrote to the president complaining that new procedures for assessing and granting security measures were so bureaucratic that organizations and individuals were being placed in further danger by indefinite delays in receiving protection. For example, delegates from human rights organizations working closely with the Committee for Regulation and Risk Evaluation told Amnesty International in December 1999 that, "a number of problems persist which weaken the effectiveness of armed protection: the delays, which still haven't been overcome, in conducting risk evaluations required before protection can be authorised; the slowness in the procedures to select, name,

instruct and equip the personal guards of those being protected, as well as the supply of adequate firearms and communication equipment; and unjustifiable delays in organizing vehicles for the body guard service.”

In December 1999, President Pastrana wrote to Amnesty International, in response to concerns the organization had raised regarding human rights defenders, claiming that the authorities had offered protection, such as reinforced premises and alarm systems, to 113 offices of non-governmental organizations. The authorities did not state what proportion of construction and building work had been completed on the 113 premises. According to national human rights organizations working closely with the Committee for Regulation and Risk Evaluation (of the Interior Ministry), by the end of 1999 work had only been completed on 15 premises. At this stage contracts had been issued for work to start on another 80 premises, but the remaining 25 premises had had no notification of the contracts for work to begin.

In the same letter, the President claimed that 116 members of non-governmental organizations were given protection during 1999. Twenty-two of these were receiving permanent protection. The other beneficiaries of the government program had been given flight tickets to leave the country or emergency funds, or equipment such as cellular telephones or bullet-proof vests.

Evidence of delays was witnessed by Amnesty International delegates during a visit to Medellín, Antioquia department, in November 1999. Following the kidnapping of four of their members in January 1999, the IPC had requested security reinforcements for their premises. However, despite the fact that risk evaluations had been completed and that the IPC offices were bombed in August 1999, in March 2000, more than one year since the kidnappings, work on the offices had still not been completed. There are 13 non-governmental organizations in Antioquia department currently awaiting protection for their premises.

In June 1997, Colombian human rights organizations asked the government to bring the media together to promote openings on the issues of human rights and the work of human rights organizations, and to provide resources to develop a substantial publicity campaign coordinated together with non-governmental organizations. Despite the fact that members of the Ministry of the Interior told the international delegation of independent human rights experts in August 1999 that an initiative for a weekly television program on human rights would start in October 1999 and despite the presentation of several proposals by human rights organizations, at the time of writing the authorities had still not fulfilled their promise on this issue. In its final report, the international delegation noted that the armed forces had increased its broadcasting at peak times of programs “with a strong political content and messages that clearly incriminate human rights defenders as members, auxiliaries or collaborators of the guerrilla”.

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## **Impunity - month by month**

Issues of justice are crucial to virtually all efforts to improve respect for human rights. Colombian human rights defenders have pioneered campaigns for truth, justice and reparation on behalf of the victims of human rights violations and have consistently insisted on the independence and impartiality of the judiciary as the cornerstone of human rights protection.

Logically, the law should provide adequate redress and effective remedy to everyone, including human rights defenders, whose rights have been violated. However, the cases detailed in this report illustrate how the Colombian government is failing to fulfill its international or domestic obligation to ensure full and proper investigations into violations and threats against human rights defenders, the bringing to justice of those responsible and the provision of reparation.

No matter how adequate a country's human rights legislation may be, it will have little impact on the protection of individuals if the government lacks the political will to enforce it. The case of human rights defenders illustrates this point. The Colombian government has frequently reiterated rhetorical pledges to ensure the protection of human rights defenders, even repudiating attacks against them and assigning bodyguards for their protection, but rarely have these pledges been followed through with effective measures to tackle the problem at its core by conducting proper investigations. The importance of ending impunity as a way of ensuring protection cannot be understated. If the Colombian authorities had acted effectively on information in their possession regarding threats against human rights defenders, some killings could have been averted.

Faced with ineffective mechanisms for the investigation of human rights violations, Colombian human rights defenders and others have frequently sought redress by filing individual complaints with international mechanisms such as the Inter-American Commission on Human Rights of the Organization of American States, the UN Human Rights Committee or the UN Committee against Torture.

However, non-compliance with recommendations or resolutions issued by international mechanisms is a growing concern in the case of Colombia. For instance, on 27 October 1995 the UN Human Rights Committee ruled that the Colombian government was responsible for the "disappearance", torture and killing of Nydia Erica Bautista de Arellana and requested appropriate protection for the relatives. However, the sister of Nydia Bautista, Ynette Bautista the then president of the *Asociación de Detenidos Desaparecidos* (ASFADDES), Association of the Relatives of the Detained and Disappeared, and other relatives of Nydia's continued to be subject to a relentless campaign of harassment and intimidation. On account of the lack of effective protection they eventually fled Colombia in fear for their lives.

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The following cases illustrate the level of impunity in relation to attacks against human rights defenders. Those especially affected are members of organizations working in remote areas, in conflict zones, where state mechanisms are weak and members of the security forces, and their paramilitary allies, act unhindered and unchallenged. In these areas systematic repression of the members of non-governmental human rights organizations has meant that such organizations have been virtually wiped out, leaving the vast majority of the victims of human rights violations with no mechanism to seek redress.

### **January**

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 1999, 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 and the investigation was still in preliminary stages. 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 (see below).

CREDHOS is a non-governmental human rights organization with offices in Barrancabermeja and small human rights centres in several parts of the Magdalena Medio region of Colombia. Between 1991 and 1992 several members of CREDHOS were killed in a campaign carried out by intelligence unit 007 of the Colombian Navy (and their contracted assassins) against local human rights activists, popular and trade union leaders.

One of those killed was Blanca Cecilia Valero de Durán, secretary of CREDHOS. Blanca Cecilia was leaving the office of CREDHOS on 29 January 1992 when two men in civilian clothes fired several shots at her at point blank range. According to reports, three policemen who witnessed the attack did not respond to her cries for help or attempt to capture the assailants.

In 1993, in written statements submitted to the *Fiscalía General de la Nación*, Office of the Attorney General, two Colombian Navy officers related that the killings in Barrancabermeja were planned and carried out under the command of Colonel Rodrigo Quiñonez Cárdenas, intelligence director of the Colombian Navy. One of the civilian hired assassins involved in the killing of Blanca Cecilia has since been tried and



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sentenced. In March 2000, a total of three civilians had been sentenced and imprisoned for their involvement in the killings committed by members of the intelligence network, four were awaiting trial, and detention warrants were pending for a further ten individuals. However, despite evidence implicating Colonel Quiñonez and eight other members of the armed forces, the military court in which they were tried cleared senior officers of any involvement in the killings committed by the intelligence unit. This ruling was reached even though investigations conducted by the Office of the Attorney General concluded that “*denuncias (corroboradas con otras probanzas) señalan inequívocadamente al coronel Rodrigo Quiñonez como el “gerente” de esta empresa y de todos estos delitos*”, “denunciations (corroborated with other pieces of evidence) unequivocally point to Colonel Rodrigo Quiñonez as the “boss” of this enterprise (intelligence network) and all these crimes”.

## February

Renowned human rights lawyer, Dr Jesús María Valle Jaramillo, was shot dead in February 1998 by unidentified gunmen in his office in Medellín after denouncing links between members of the Colombian military and paramilitary organizations. He was president of the *Comité Permanente por la Defensa de los Derechos Humanos de Antioquia* -- “Héctor Abad Gómez”, (CPDH), Antioquia Permanent Committee for the Defence of Human Rights -- “Héctor Abad Gómez”, and the fourth president of the organization to be killed. He was also a university professor and a Conservative Party local councillor. Formal criminal charges were brought by the Attorney General’s Office against paramilitary leader Carlos Castaño and eight other paramilitary members for their involvement in the killing of Dr Jesús María Valle Jaramillo. Six paramilitaries are currently detained. Despite strong indications of military involvement in the crime, no formal investigation has been opened against military personnel. Several judicial investigators who worked on the investigation had to leave the country because of death threats.

## March

Human rights defenders campaigning for indigenous communities have also been amongst those attacked on account of their efforts to expose the human rights violations committed against indigenous peoples. Jairo Bedoya Hoyos “disappeared” on 2 March 2000, when he left his son at the “*Urbanización Señorial*” housing estate in Envigadó, department of Antioquia. Jairo Bedoya is a member of the *Organización Indígena de Antioquia* (OIA), Indigenous Organization of Antioquia, which represents indigenous communities in Antioquia department. As a member of OIA, Jairo Bedoya was involved in the “*Para que Embera Viva*”, “For the Life of the Embera Indigenous People”, campaign for the respect of the cultural rights and security of the Embera indigenous community. In recent years, several Embera indigenous communities that campaigned against the construction of the Urrá Dam, which will destroy much of their ancestral lands, have been victims of serious human rights violations carried out by paramilitary forces working in alliance with the security forces. Guerrilla forces have also been

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responsible for arbitrary killings of indigenous leaders in the same region, accusing them of siding with the paramilitary or security forces.

### **April**

Dr José Eduardo Umaña Mendoza, a renowned Colombian human rights lawyer, was killed in Bogotá in April 1998 in apparent retaliation for defending trade union leaders accused under anti-terrorism legislation. According to reports Dr Umaña was killed by two men and one woman who identified themselves as journalists and entered the lawyer's office, located in his apartment in Bogotá. They killed him with several gunshots to the head. Shortly before his murder he had denounced the role of the military intelligence unit in paramilitary activity and human rights violations.

By the end of March 2000 a number of arrests had been made in connection with the murder of Dr Eduardo Umaña Mendoza. In December 1999 one of the accused was extradited from Spain and is currently detained. Despite the arrests, it is not clear all those responsible for his death have yet to be brought to justice. Prior to his death Dr. Umaña had been threatened on numerous occasions. Complaints had been filed with the competent authorities, but no progress had been made on the investigations into these threats.

### **May**

In the early hours of 19 May 1997 a group of masked gunmen, identifying themselves as members of the Attorney General's Office overpowered the doorman of the Bogotá apartment building where Carlos Mario Calderón and Elsa Alvarado lived, forcibly entered the seventh floor apartment and killed Elsa, Mario and Elsa's father with sub-machine gunfire. Elsa's mother was also seriously injured in the attack. Both activists worked for the *Centro de Investigación y Educación Popular* (CINEP), Centre for Research and Popular Education. Senior military commanders had recently accused members of CINEP of attempting to discredit the armed forces.

Mario Calderón and Elsa Constanza Alvarado were university professors and had also worked with CINEP for many years. Members of this organization have frequently been targeted for death threats and other human rights violations. Although some progress has been made in the investigation into these killings, three years later no-one has yet been brought to justice.

By March 2000, nearly three years since the death of Carlos Mario and Elsa, four people had been charged with involvement in the killings and summoned to appear before a court. Three of the accused were in detention, and an arrest warrant had been issued against the fourth. Arrest warrants have also been issued against national paramilitary leaders Carlos and Fidel Castaño. Carlos and Fidel Castaño are charged with masterminding this crime and numerous other crimes involving gross human rights violations. Despite receiving information on their whereabouts, the authorities have repeatedly failed to take steps to arrest them. Furthermore, the authorities have failed to

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provide sufficient support to those conducting the investigation, in the course of which four judicial police and a key witness have reportedly been murdered.

### **June**

Human rights defenders working in North Santander department have also been singled out as targets for murder. On 16 June 1995, the lawyer Javier Alberto Barriga Vergel, member of the CSPP in Norte de Santander department, was killed in the City of Cucutá as he left his home. To this day, nobody has been brought to justice charged with this crime. Javier Alberto Barriga Vergel and other CSPP lawyers had been previously threatened in August 1994 by a paramilitary death squad known as *COLSINGUE - Colombia sin Guerrilla*, Colombia without Guerrillas.

Since the killing of Javier Alberto Barriga Vergel the CSPP has closed its north Santander office on several occasions on account of the risk to its staff. Several members of the CSPP working in this region have since had to seek safety elsewhere.

### **July**

Alirio de Jesús Pedraza Becerra, a lawyer and active member of the CSPP, “disappeared” on 4 July 1990 in Bogotá. According to reports, two of the eight men that took him away, who were dressed in civilian clothes and heavily armed, identified themselves to two policemen who were present at the abduction. Despite investigations that were initiated and the efforts of family members and colleagues to find him, the military and police authorities continued to deny that he had been arrested. The Colombian authorities have failed to confirm the whereabouts of Dr. Pedraza, despite repeated appeals by the Attorney General’s Office for searches to be carried out in military installations. No-one has been detained or brought to justice for this crime, nor has compensation been awarded to the relatives despite a judicial ruling ordering the National Police to pay.

Members of non-governmental human rights organizations working in the region of the Magdalena Medio, in particular the oil town of Barrancabermeja, have been the constant target of paramilitaries operating in this region. At least six members of the CREDHOS have been murdered since the creation of this Committee in 1989. Three successive Committee presidents have had to seek safety outside of the Magdalena Medio. One of those killed was Ligia Patricia Cortez Colmenares, a CREDHOS investigator. Together with René Tavera, member of the *Asociación Nacional de Usuarios Campesinos* (ANUC), National Association of Peasant Farm Workers, and Parmenio Ruíz Suárez, president of the transport union, Ligia Patricia Cortez Colmenares was killed whilst in a restaurant on 30 July 1992 by gunmen who reportedly shot them with semiautomatic weapons. To date no-one has been brought to justice for these killings.

An investigation carried out by the National Procurator’s Office in relation to the killing of Ligia Cortez, René Tavera and Parmenio Ruíz concluded that there was evidence of military involvement. One of the testimonies taken from a non-commissioned officer working with the intelligence network run by the Colombian Navy stated in a testimony

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given during preliminary investigations that the result of the operation (against Ligia Patricia Cortez Colmenares and her colleagues) was communicated directly to Colonel Rodrigo Quiñonez Cárdenas, intelligence director of the Colombian Navy (see above).

### **September**

33 year-old Jairo Barahona Martínez's body was found near the town of Curumaní, Cesar department, on the same day as his "disappearance" on 29 September 1994. He had been shot four times and had been tortured. According to members of human rights organizations who collected information and pressed for a proper judicial investigation into Jairo's killing, members of the security forces were implicated in the assassination. Jairo was a well-known community leader, member of the Pailitas *Movimiento de Integración Cívico-Comunal* - Movement for Civic-Comunal Integration and founder of the local *Comité de Derechos Humanos* - Human Rights Committee, in the department of Cesar. Other members of the Pailitas Human Rights Committee have also been killed or subject to death threats, intimidation and harassment. Ernesto Emilio Fernández Fester was a well-known human rights activist and founder of the Pailitas Movement, he was also a leader of the *Asociación de Educadores del Cesar* (ADUCESAR) - Cesar Association of Teachers trade union. He was killed on 20 February 1995 as he was driving towards his home in Pailitas with his children. He was shot 12 times. The assassins fled the area despite a strong police and military presence at the time.

No-one has been brought to justice in relation to either of these killings. The Pailitas Human Rights Committee no longer exists.

### **October**

Before his killing in October 1996, Dr Josué Giraldo Cardona, then president of the Colombian *Comité Cívico por los Derechos Humanos del Meta*, Meta Civic Human Rights Committee, had filed several complaints regarding threats to his physical integrity. However, despite a request by the Inter-American Court of Human Rights for the Colombian government to take special measures (*medidas cautelares*) to guarantee his safety, the authorities neither took action to investigate the killing of three former Committee presidents, the threats against Dr Josué Giraldo Cardona, nor to provide effective protection. According to a government communication of 1 March 2000, the judicial investigation into the killing Dr. Josué Giraldo Cardona was still at a preliminary stage and no-one had been identified or detained in relation to the killing. The fact that no progress has been made over the last four years is compounded by the knowledge that before his death Josué had left details with the appropriate authorities regarding the vehicles that had been following him, which he alleged belonged to members of the armed forces, and the names of some of those who had harassed him.

On 17 October 1998, members of a paramilitary group calling itself the *Autodefensas Campesinas del Cesar*, Cesar Peasant Self-Defence Groups, tried to stop Donaldo Quiroz Veleño, secretary of the *Comité de Derechos Humanos del Municipio de Curumaní*, Curumaní Human Rights Committee, as he cycled to the house of a friend in the

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community of San Roque, Curumaní municipality, department of Cesar. Donaldo Quiroz then fled on foot to his friend's house. Soon after, members of the paramilitary group forced their way into Rosalba de Indauro's house. They found Donaldo Quiroz Veleño hiding in one of the rooms and killed him with several shots to the head. No-one has been brought to justice for this crime. The Comité de Derechos Humanos del Municipio de Curumaní no longer exists.

### **November**

At least two human rights defenders working in Ocaña, North Santander Department have been killed and many others have left the town in fear for their lives. On 10 November 1996 Jafeth Morales was shot nine times by two members of a paramilitary group who had followed him to a shop in one of the outlying districts of the town of Ocaña. Jafeth Morales was a human rights activists and member of the *Comunidades Eclesiales de Base*, Ecclesiastical Grassroots Communities. Jafeth Morales had reported previous threats against his life to the authorities.

Hermes Rendón was shot in the head and killed by two gunmen on 24 October 1994 in the district of Cañaveral in the town of Ocaña. Residents in the area reportedly recognised the two gunmen as members of a paramilitary group that operated in the region of Ocaña under the names of "Mano Negra", Black Hand, and COLSINGUE - Colombia sin Guerrilla. As a member of the *Comité de Derechos Humanos de Ocaña*, Ocaña Human Rights Committee, founded in 1991, Hermes Rendón filed complaints regarding multiple human rights violations in the area and the involvement of paramilitary groups.

No one has been brought to justice for either of these killings. Following constant harassment throughout 1998 and 1999 and the attempted killing of one other member of the Committee, the Ocaña Human Rights Committee ceased to operate.

### **December**

A number of small human rights organizations working in the department of Antioquia have ceased to exist following the killing and harassment of their members. For instance, the *Comité de Derechos Humanos de Zaragoza*, Zaragoza Human Rights Committee, founded in 1991, disbanded after three of its members were killed by paramilitaries in the early hours on 1 December 1996. According to human rights organizations in the region, three heavily armed individuals travelling in a Toyota truck entered the house of Luis Angel Guerra and killed him. They then went to the house of Hernando Restrepo and killed him and finally to the house of Jhon Morales killing him too. All the killings occurred near the municipal park near a local police station. No-one has been brought to justice for these killings.

Alirio de Jesús Pedraza Becerra, a human rights lawyer “disappeared” on 4 July 1990 in Bogotá. He was an active member of the *Comité de Solidaridad con los Presos Políticos* (CSPP), Committee of Solidarity with Political Prisoners, 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. Several members of the CSPP have been killed over the last ten years.

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## **Conclusion and recommendations**

This report set out to examine progress made by the Colombian government in implementing the eight main proposals put forward first in 1997, then again in 1998 and 1999, by members of Colombian non-governmental human rights organizations for their protection and the prevention of further attacks against them.

So far, steps taken by the Colombian authorities have focussed almost exclusively on one area, that of individual protection. It is true that, despite some problems, the authorities have made considerable progress on this issue, most recently providing members of human rights organizations with special communication equipment that links them to an urgent response network. However, progress made in the area of individual protection contrasts starkly with the lack of advances in other areas, such as: enforcing Presidential Directive 07; completing the examination of military intelligence files containing information that might incriminate human rights defenders; setting up formal mechanisms for dialogue; the disbanding of paramilitary groups; the purging of the security forces of those responsible for human rights violations; the production of materials to raise public awareness on human rights work; and most importantly, the bringing to justice of those responsible for human rights violations, in particular attacks against human rights defenders.

The authorities' failure to make progress on any of these issues brings into question its political will to protect and prevent attacks against human rights defenders. In the present climate in Colombia, individual protection measures have a limited affect. Colombian human rights organizations recognised this when they put forward their comprehensive plan of proposals on protection, but the Colombian government has not adopted measures reflecting the magnitude or complexity of the problem, despite reiterated requests from the international community. Security measures solely related to individual protection will not stave hostility in the security forces, or their paramilitary allies, towards work to promote human rights or deter the perpetrators from carry out further attacks against defenders. The lack of a substantial improvement on protection for human rights defenders is certified by the fact that so many continue to leave Colombia because of the danger to their lives.

## **Amnesty International's recommendations for the protection of human rights defenders**

The Colombian government is urged to fulfil its obligation to protect human rights defenders by adopting and implementing the following points:

1. Ensure that the principles contained in the *Declaration on the Right and Responsibility Of Individuals, Groups and Organs of Society to Promote And Protect Universally Recognized Human Rights and Fundamental Freedoms*, adopted by the United Nations General Assembly on 9 December 1998, are fully incorporated into national law and mechanisms, including National Human Rights Commissions, for the protection of human rights. Authorities at all levels of government should explicitly commit themselves to promoting respect for human rights, and to the protection of human rights defenders.
2. Ensure that in the interest of fulfilling obligations contained in international human rights law, state officials at every level of the state apparatus, including lower-ranking officials, fully collaborate with and facilitate the work of members of non-governmental human rights organizations.
3. Ensure exhaustive and impartial investigations are conducted into violations against human rights defenders, that those responsible are brought to justice and the victims or their relatives provided with reparation. The results of such investigations should be made public. Members of the security forces under being formal investigation for human rights violations should be immediately suspended from active service until investigations have concluded. Governments should also set up information systems to ensure that no agent of the security forces dismissed because of possible involvement in human rights violations against human rights defenders is employed in other official departments.
4. Effectively disband, disarm and prosecute paramilitary groups which operate with the complicity or acquiesce of the security forces.
5. Ensure that the perpetrators of human rights violations against human rights defenders do not benefit from any legal measures exempting them from criminal prosecution or conviction. Previous legislative measures that prevent full and conclusive investigations into the cases of violations against human rights defenders should be repealed.
6. Take effective action to ensure all public servants, including the security forces, act to recognise the legitimacy of the work of human rights defenders and to abstain from making unsubstantiated allegations against human rights defenders. Statements of this nature must be publicly countered and appropriate measures applied to sanction those responsible.



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7. Take effective action to sanction state officials who abuse the criminal process to the detriment of members of human rights and social organizations with the intention of harassing them or curtailing their legitimate activities for the defence of human rights and fundamental freedoms. Ensuring that human rights defenders have equal access to the law and that judicial investigations and proceedings against them are conducted in accordance with international fair trial standards set by the American Declaration of the Rights and Duties of Man, the American Convention on the Human Rights and the International Covenant on Political and Civil Rights (ICCPR) .

8. Adopt integrated programs for the protection of human rights defenders that include preventative measures, such as thorough criminal investigations into attacks and threats against human rights defenders, education for security force agents on the rights of human rights defenders to carry out legitimate activities, as well as security measures to assist with immediate safety issues. Such programs should ensure that all measures to protect human rights defenders are adopted in accordance with the requests of members of human rights organizations.

9. Ensure full implementation of comprehensive witness protection programs for the protection of individuals, including human rights defenders, involved in criminal investigations and judicial proceedings against those accused of human rights violations.

10. Ensure the full implementation of international recommendations and resolutions, including precautionary or provisional measures, regarding human rights defenders, by the Inter-American human rights system, including the OAS General Assembly and the United Nations. Appropriate measures should be taken to monitor implementation.

11. Ensure full support for mechanisms and initiatives, including special rapporteurs, within the United Nations and Inter-American human rights systems that give wide and universal recognition to human rights defenders and their work. Also, recognising the jurisdiction of the Inter-American Court of Human Rights, the UN Human Rights Committee and the UN Committee against Torture in order to permit submission of complaints regarding violations against human rights defenders.