

EXTERNAL (for general distribution)

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UA 125/94 Possible Extrajudicial Executions/Fear for Safety 30 March 1994

**COLOMBIA** Porfirio AYALA MENDOZA, indigenous leader  
Héctor Aquiles MALO VERGARA, indigenous leader  
Luis Arturo LUCAS POLO, indigenous leader  
César MENDOZA CRUZ, driver

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Amnesty International is concerned for the safety of the Zenú Indian community after three of its leaders and their driver were killed by unidentified gunmen on 26 March 1994. The killings, near the town of San Andrés de Sotavento, Córdoba department, come almost exactly a year after another Zenú leader was killed in the same town in circumstances suggesting he was extrajudicially executed.

At 10.30pm on 26 March a vehicle without number plates was seen in San Andrés de Sotavento. Its occupants, four heavily armed men, reportedly asked where they could find Héctor Aquiles Malo and another Zenú leader, Celedonio Padilla.

Later, at about midnight, the bullet-ridden vehicle in which the four above-named Zenú Indians had been travelling was found at a place known as Patio Bonito. The vehicle had traces of blood on it and had been set on fire.

At dawn on 27 March the bodies of the four were found close to the town of Chinú, reportedly showing evidence of gunshot wounds and torture.

Porfirio Ayala was Deputy Secretary of the National Indigenous Organization of Colombia, *Secretario Suplemente de la Organización Nacional Indígena de Colombia, ONIC*, and Luis Arturo Lucas was former Secretary General of ONIC.

Héctor Aquiles Malo was the indigenous leader of the main Zenú reservation (*Resguardo Mayor*) of San Andrés de Sotavento and deputy to the indigenous Senator, Gabriel Muyuy.

The killings may be related to a long-running land dispute between local landowners and the Zenú Indians. Since the 1970s the Zenú community have struggled to repossess lands they claim traditionally belonged to them. They claim that the land they cultivate constitutes part of Córdoba department's *resguardos*, indigenous reservations, and that the title to these lands was confirmed by the government's land reform agency, INCORA. Several Zenú Indians have been killed in recent years in the context of land disputes. On 19 March 1993, Gerardo Moreno, who was a leading member of ONIC and who was representing Indians involved in a land dispute, was killed in circumstances suggesting he was extrajudicially executed (see UA 89/93, AMR 23/19/93, 29 March 1993).

He was Héctor Aquiles Malo's predecessor as deputy to Senator Gabriel Muyuy.

Whilst Amnesty International does not take sides in disputes over land, it is concerned about human rights violations occurring within such a context.

ONIC has denounced the killings to the Colombian authorities and has requested that there be an immediate investigation.

#### BACKGROUND INFORMATION

In recent years widespread and systematic human rights violations have occurred in Colombia, including extrajudicial executions, "disappearance", torture and arbitrary arrest, although President César Gaviria Trujillo has repeatedly pledged his government's commitment to protect human rights. Civilians living in areas where guerrilla forces are active are often perceived by the armed forces as potential guerrilla collaborators and have, as a result, been

subjected to extrajudicial execution and other abuses. Only exceptionally are perpetrators brought to justice; the vast majority of members of the armed forces responsible for gross human rights violations remain in active service.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in Spanish or in your own language:**

- expressing concern at the killing on 26 March 1994, by unidentified gunmen, of four Zenú Indians from the San Andrés de Sotavento community, namely Porfirio Ayala Mendoza, Héctor Aquiles Malo Vergara, Luis Arturo Lucas Polo and César Mendoza Cruz ;
- urging that there be an immediate and thorough inquiry into the killings, the results of which should be made public and those responsible brought to justice;
- urging that all possible measures be taken to protect members of the Zenú Indian community and all indigenous peoples so that they can live in peace.

**APPEALS TO**

1) President of Colombia:

Señor Presidente César Gaviria Trujillo  
 Presidente de la República  
 Palacio de Nariño  
 Santafé de Bogotá, Colombia

**Telegrams: President Gaviria, Bogotá, Colombia**

**Telexes: 44281 PALP CO**

**Faxes: + 57 1 286 7434/287 7939**

**Salutation:Excelentísimo Sr. Presidente/Dear President Gaviria**

2) Procurator General:

Dr. Carlos Gustavo Arrieta Padilla  
 Procurador General de la Nación  
 Procuraduría General  
 Edificio Banco Ganadero  
 Carrera 5, No. 15-80  
 Santafé de Bogotá, Colombia

**Telegrams: Procurador General Arrieta, Bogotá, Colombia**

**Faxes:+ 57 1 284 0472**

**Salutation:Sr. Procurador de la Nación/Dear Dr. Arrieta**

3) Advocate for the People:

Dr. Jaime Córdoba Triviño  
 Defensor del Pueblo  
 Defensoría del Pueblo  
 Calle 35 No. 7-25 piso 5  
 Santafé de Bogotá, Colombia

**Telegrams:Defensor del Pueblo Trivino, Defensoria del Pueblo, Bogota, Colombia**

**Faxes:+ 57 1 288 6683**

**Salutation: Estimado Dr Triviño/Dear Dr. Triviño**

4) Attorney General

Dr. Gustavo de Greiff Restrepo  
 Fiscal General de la Nación  
 Fiscalía General de la Nación  
 Apartado Aéreo 29855  
 Santafé de Bogotá, Colombia

**Telegrams:**Fiscal General,Fiscalia General,Bogotá, Colombia

**Faxes:**+ 57 1 287 0939

**Salutation:** Estimado Dr. de Greiff/Dear Dr. de Greiff

**COPIES OF YOUR APPEALS TO:**

National Indigenous Organization

Organización Nacional Indígena de Colombia (ONIC)

AA 32395

Santafé de Bogotá, Colombia

and to diplomatic representatives of Colombia accredited to your country

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 11 May 1994.