

EXTERNAL

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Death threats / Fear for safety

1 August 1995

COLOMBIAApraez family and witnesses in a "disappearance" case

There are serious fears for the safety of members of the Apraez family, who have been receiving death threats during the course of penal investigations into the "disappearance" of Nancy Apraez and her baby Carlos Alberto Apraez in 1992. Witnesses in the case have also been threatened as 11 agents of the *Departamento Administrativo de Seguridad* (DAS), Civilian Security Department, face legal action for their involvement in the "disappearance".

On 8 August 1992 Nancy Apraez was forcibly detained together with her 11-month-old son by eight men and a woman reportedly belonging to the DAS. Three months later the baby, who had been found abandoned, was given away in adoption under a false name. The whereabouts of Nancy Apraez remain unknown.

Evidence and testimonies collected during investigations carried out by the *Fiscalía General de la Nación*, Attorney General's Office, have established the participation of 11 DAS agents in the detention and "disappearance" of Nancy Apraez. Several of the 11 agents implicated are currently under arrest awaiting trial and arrest warrants have been issued against the others.

Members of the Apraez family and several witnesses who have been providing evidence to the judicial investigations have faced repeated death threats and have been forced to abandon their homes. On 15 April 1995 an unidentified men telephoned the Apraez family telling them "*ustedes saben que los sapos mueren aplastados*", "you know that toads die squashed".

In 1994 the identity and whereabouts of Carlos Alberto Apraez were established and legal proceedings initiated by the family to regain the custody.

On 15 June 1995 the *Sala de Familia del Tribunal Superior de Pasto*, Family Affairs Court of the Pasto High Court, ruled that the adoption of Carlos Alberto Apraez was null and void. This ruling has been appealed and is currently before the Appeals Court.

**BACKGROUND INFORMATION**

In recent years widespread and systematic human rights violations have occurred in Colombia, including extrajudicial executions, "disappearance", torture and arbitrary arrest. President Ernesto Samper Pizano, who assumed office on 7 August 1994, has publicly stated that tackling the human rights situation will be a priority for his government. His promises include a commitment to dismantle paramilitary forces. However, members of the Colombian armed and security forces, together with their paramilitary allies, continue to commit serious abuses with virtual impunity. Only exceptionally are perpetrators brought to justice; the vast majority of members of the armed and security forces responsible for gross human rights violations remain in active service.

On 20 November 1989, the United Nations General Assembly unanimously adopted the Convention on the Rights of the Child. In article 8, the Convention states the right of the child "to preserve his or her identity, including nationality, name, and family relations". The article also establishes the obligation of the governments to provide, for any child who has been deprived of his or her identity, "assistance and protection with a view to speedily re-establishing his or her identity".

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

- expressing concern for the safety of members of the Apraez family and witnesses to the "disappearance" of Nancy Apraez and the abduction of her baby son, who have been receiving death threats;
- urging that full and impartial investigations are undertaken into these threats, that the results be made public and those responsible be brought to justice;
- urging that all measures, deemed appropriate by those who have been threatened, are undertaken to ensure their safety;
- urging that the investigation into the "disappearance" of Nancy Apraez establish full chain of command responsibility and that all those implicated be brought to justice;
- urging the government to conduct full investigations to establish the whereabouts of Nancy Apraez.

**APPEALS TO:**

1) President of Colombia:

Señor Presidente Ernesto Samper Pizano  
 Presidente de la República  
 Palacio de Nariño  
 Santafé de Bogotá, Colombia

**Telegrams: President Samper Pizano, Bogotá, Colombia**

**Telexes: 44281 PALP CO**

**Faxes: + 57 1 289 3377/286 7434**

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

2) Attorney General

Dr. Alfonso Valdivieso Sarmiento  
 Fiscal General de la Nación  
 Fiscalía General de la Nación  
 Apartado Aéreo 29855  
 Santafé de Bogotá, Colombia

**Telegrams:Fiscal General Valdivieso, Fiscalía General, Bogotá, Colombia**

**Faxes:+ 57 1 288 2828 or 245 5292 or 287 0939**

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

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

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**Faxes:+ 57 1 346 1225/285 6908**

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

4) Head of the department of State Security

Dr. Ramiro Bejarano Guzman  
 Jefe del Departamento  
 Administrativo del de Seguridad (DAS)  
 Carrera 27 No. 17-85  
 Santafé de Bogotá, Colombia

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**Salutation:** Estimado Dr Guzman / Dear Dr Guzman

**COPIES TO:**

Association for Relatives of the "Disappeared"

Señores

ASFADDES

AA 011446

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 17 September 1995.