

## COLOMBIA

### Further evidence of army responsibility for "disappearances"

The Colombian national press recently reported that a former military intelligence agent made a sworn statement before the head of the Public Ministry's Special Investigations Office (Jefe de la Oficina de Investigaciones Especiales de la Procuraduría General) which appears to provide further evidence of the Colombian army's involvement, either directly or with paramilitary forces, in human rights violations, including torture, "disappearance" and extrajudicial execution. A copy of the sworn statement has been received by Amnesty International.

The military intelligence agent testified that he had been a member of Bogotá's Military Intelligence headquarters, Batallón de Inteligencia y Contrainteligencia Charry Solano, (BINCI) for over ten years and provided information about the existence of several intelligence units whose task it was, he said, to infiltrate guerrilla groups and possible support networks. He also testified to the existence of a special unit ("unidad especial") integrated by right-wing civilian collaborators who could "disappear" a person "in circumstances which would protect the army from being blamed" ("... personas activas, colaboradores civiles de tendencias de ultraderecha, gente que está en capacidad de fabricar cualquier cosa con el fin de desaparecer").

a una persona o, simplemente, de que aparezca muerta, en circunstancias que no permitan inculpar al ejército."

The army intelligence official claimed he had made the statement as he was concerned that he was being followed by the military and that, knowing their methods, feared he might himself be "disappeared".

Among the cases of human rights violations mentioned in the statement made by the military agent are those of two young women: Nydia Erika Bautista de Arellana, who "disappeared" on 30 August 1987, and Amparo del Carmen Tordecilla Trujillo, who "disappeared" on 25 April 1989. At the time of the "disappearance" of both Nydia Erika Bautista and Amparo Tordecilla Amnesty International urged the Colombian authorities to implement immediate investigations to establish their whereabouts and to ensure that those responsible were brought to justice.

Amnesty International is unable to substantiate all the details provided by the former military agent, but is concerned that the testimony is consistent with other information about human rights violations committed by Colombian army intelligence personnel received by the organization and which have been the subject of official inquiries by the Public Ministry which indicate the responsibility of the Colombian army for human rights violations. Amnesty International believes this fresh information should be fully investigated by the Public Ministry and the criminal courts in order that the truth surrounding the cases included in the testimony, in particular the "disappearances" of the two women, can be known and those responsible brought to justice.

In accordance with Amnesty International's usual practice, names of those accused of human rights violations are not being published.

### **AMPARO DEL CARMEN TORDECILLA TRUJILLO**

#### INFORMATION RECEIVED BY AMNESTY INTERNATIONAL PRIOR TO THE MILITARY AGENT'S STATEMENT

Amparo Tordecilla "disappeared" after being detained on a street corner in Bogotá on 25 April 1989. At about 10 o'clock that morning Fabiola Correa de Olivella left her home in Bogotá to take some sewing to her cousin, Amparo Tordecilla. Fabiola Correa remained at Amparo Tordecilla's home to look after her cousin's two young children while Amparo Tordecilla went out. Shortly before 11am Amparo Tordecilla telephoned her cousin to say she would not return until after lunch. Her family never saw her again.

According to eye witnesses Amparo Tordecilla was abducted on the corner of 47th Street and 8th Road by at least three men in plain clothes who forced her into a yellow Chevrolet taxi, registration number SF 3257. Amparo Tordecilla cried out for help and tried to

resist. During the struggle she lost a shoe. Her assailants drove her away and since then her whereabouts remain unknown.

At the time of the abduction a lecturer and researcher at Bogotá's Pilot Autonomous University (Universidad Piloto y Autónoma), María Teresa Cifuentes Traslaviña, was in a stationery shop and was able to take witnesses' testimonies. She also retrieved Amparo Tordecilla's shoe. The university lecturer then informed the Association of Families of "Disappeared" People, Asociación de Familiares de Detenidos-Desaparecidos, (ASFADDES) of the abduction of Amparo Tordecilla and handed over the shoe, which was later identified as belonging to Amparo Tordecilla by her 5-year-old son, Juan Camilo.

Local human rights groups denounced her "disappearance" to the Procurator General and other authorities and an investigation was immediately opened by the Procurator General's Office<sup>1</sup>.

#### **AMPARO DEL CARMEN TORDECILLA TRUJILLO**

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<sup>1</sup> The Procurator General's Public Ministry has a human rights monitoring role in Colombia. It is constitutionally mandated to investigate alleged abuses in which state agents have been implicated.

On 5 May 1989 the Chief of BINCI admitted to the Procurator General's Office that the taxi used in the operation in which Amparo Tordecilla "disappeared" belonged to the BINCI and had been used that day. The military chief however denied that Amparo Tordecilla was

in their custody and claimed that the incident seen by witnesses was merely a military agent being picked up by a taxi.

On 8 June 1989 Amparo Tordecilla's father, Fausto Tordecilla Polo, presented a writ of habeas corpus to the 36th Municipal court (Juzgado 36 Penal Municipal). The following is taken from the habeas corpus petition:

"(...)I was informed by relatives, friends, and members of the Association of Relatives of "Disappeared" Detainees in Colombia, ASFADDES, (...) that my daughter was violently forced into a yellow taxi with the licence plate SF-3257 by various people in civilian dress, on 25 April of this year, at 11am, on the north-eastern corner of 47th Street and 8th Road, Bogotá.

(...) the Deputy Procurator for Human Rights, informed me that my daughter is being held in military installations as she was apprehended by members of the military.

Later, when the Deputy Procurator for the Armed Forces investigated, it was established beyond doubt that the aforementioned vehicle belonged officially to the National Military Intelligence Service and that it had been at the place, on the day and at the time of the events.

The original admission by the Army of the capture of my daughter, through the Procurator, has since been denied, with arguments which would be laughable if it were not for the tragedy I am living at this moment.

I assume that my daughter (...) is in the installations of the XIII Brigade (...) or in the BINCI."

When she "disappeared", Amparo Tordecilla was 28 years old, a school teacher who also studied computer sciences and the mother of two young children. She was a member of the (legal) Communist Party of Colombia.

#### INVESTIGATIONS INITIATED

The Procurator General, and the Deputy Procurators for Human Rights and for the Armed Forces opened an investigation into Amparo Tordecilla's "disappearance".

On 12 May 1989 Dr. César Augusto Delgado Ramos, lawyer for the Armed Forces Deputy Procurator, sent a preliminary report to the Procurator General confirming that on 25 April the taxi SF 3257 had been used by the XX Brigade (BINCI) and that three men had collected a woman as part of their mission. The three men, including a non-commissioned officer of the army and a Second Sergeant, all

testified to this. In May 1989 a woman made a confidential declaration (informe reservado) to the Armed Forces Deputy Procurator's lawyer in which she stated that she was the person who had boarded the taxi SF 3257 on 25 April at the request of military intelligence, for whom she claimed to have worked for two years. However, on 19 May 1989 the Procurators for the Armed Forces and Human Rights issued a press announcement stating that in the course of the preliminary investigations, explanations provided to them by the military intelligence battalion were unsatisfactory (no son satisfactorias hasta este momento las explicaciones dadas por los organismos de inteligencia de dicho cuerpo.)

On 31 January 1990 the Armed Forces Deputy Procurator's lawyer presented his final report (informe evaluativo) to the Armed Forces Deputy Procurator. In it he confirms that an employee of the military was collected by three members of the XX Brigade in a taxi belonging to the military intelligence unit (Dirección de Inteligencia). The report adds that it could not be confirmed whether Amparo Tordecilla was "disappeared" or not, particularly in view of "her suspicious and mysterious personal situation", ("su situación personal, que es por demas sospechosa y misteriosa"). On 30 March 1990 the Armed Forces Procurator ruled that the investigation of possible involvement of members of the armed forces in the matter be archived. ("Ordenar el archivo de las diligencias en lo que respecta a la posible vinculación de miembros adscritos al Ministerio de Defensa Nacional").



On 30 June 1990 the woman employee of the military who claimed to have been the person who boarded the taxi SF 3257 reappeared before the Public Ministry investigators and made a sworn statement before the Procurator General's Special Investigations Office in which she claimed her original May 1989 statement was in fact untrue, and that she had made it on the basis that it was something she was obliged to do and for which she was paid. (La versión no es ajustada a la realidad me motivó porque para mi era un trabajo que debía realizar y para el cual fui renumerada). Furthermore she stated that her army intelligence contact person had told her to make the false statement of May 1989, and had given her a description of her supposed appearance at the time of Amparo Tordecilla's "disappearance". She says she also had to alter her appearance for the statement before the Armed Forces Deputy Procurator's lawyer - she had to dye her hair, apply make up and wear high heels. She explains that she studied at the National University and also worked for the military as an informant. Her job had been to infiltrate armed opposition groups active at the university, such as the April 19 Movement, Movimiento 19 de Abril (M-19), the National Liberation Army, Ejército de Liberación Nacional (ELN), and the Popular Liberation Army, Ejército Popular de Liberación (EPL)<sup>2</sup>, and to provide information about their activities to military intelligence. At the time of this sworn statement, the

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<sup>2</sup> Peace negotiations with the M-19 initiated during 1989 culminated with the group's formal surrender of weapons in March 1990 after 16 years'

woman claimed she was no longer in the employ of military intelligence.

On 8 August 1990 the Procurator General's Special Investigations Office decided to re-open the investigation into the "disappearance" of Amparo Tordecilla (resolvió reabrir la indagación preliminar), on the grounds it could be concluded from the later statement of the woman employee of the army intelligence that members of the army had covered up the "disappearance" of Amparo Tordecilla. ("se infiere que individuos pertenecientes al Ejército Nacional realizaron un montaje"). On 26 September 1990 the Procurator General's Special Investigations Office issued its concluding report of the preliminary investigation (investigación preliminar). The report accuses the Director of Military Intelligence, Teniente Coronel Luis Bernardo Urbina Sanchez, Director de Inteligencia del Ejército Nacional, of trying to conceal the true facts of the case for the benefit of the army and of covering up the errors of his lower

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armed opposition. The Colombian Government is currently discussing a peace proposal with the National Guerrilla Coordinator, Coordinadora Nacional Guerrillera, which represents some 10,000 members belonging to the ELN, a breakaway faction of the EPL, and the Colombian Revolutionary Armed Forces, Fuerzas Armadas Revolucionarias de Colombia, (FARC). The EPL, who are believed to have a membership of some 2,000, have laid down their arms and are to become a legal political party called Hope, Peace and Liberty, Esperanza, Paz y Libertad, (EPL).

officers ("observándose el deseo de querer ocultar la realidad de los hechos, en favorecimiento de la Institución a que pertenece y encubriendo faltas de sus subalternos."). It ruled that disciplinary proceedings (formal investigación disciplinaria) be opened against two colonels, one captain, one sergeant, one first corporal and one agent for the "disappearance" of Amparo Tordecilla. It also requested that a Special Agent (Agente Especial) be appointed to the investigation carried out by the criminal courts (Juzgado de Instrucción Criminal).

The Public Ministry's role in Colombia, as defined by the Constitution, is to supervise the official conduct of public officials and to prosecute "offences and contraventions that upset the social order" (Constitution, art. 143). ("supervigilar la conducta oficial de los empleados públicos; y perseguir los delitos y contravenciones que turben el orden social."). The Deputy Procurators for Human Rights, the Armed Forces and the Police conduct inquiries to establish liability for behaviour incompatible with the exercise of their duties by members of the armed forces, the police, the security services and other public officials and seek to impose penalties. If disciplinary proceedings establish the responsibility of the armed forces, the Public Ministry can impose disciplinary sanctions (ranging from fines to dismissal) and can recommend that criminal proceedings be brought against those implicated.

In October 1990 the 4th Special Court, Juzgado 4º Especializado in Bogotá was requested by the Procurator General's

Special Investigations Office to appoint a judge to carry out an investigation of the alleged involvement of named army intelligence officials in the "disappearance" of Amparo Tordecilla. Amnesty International has no further information about the progress of the judicial investigation.

#### NEW INFORMATION INCLUDED IN THE STATEMENT OF THE FORMER MILITARY AGENT

According to the recent sworn statement made to the Public Ministry's Special Investigations Office by a former military intelligence agent, members of the XX Brigade, Bogotá's Military Intelligence headquarters, Batallón de Inteligencia y Contrainteligencia Charry Solano, (BINCI), on the orders of higher ranking officers ("por orden superior") are responsible for abducting Amparo Tordecilla and interrogating her at a farm in Soacha, a short distance south of Bogotá, about the activities of the armed opposition group Popular Liberation Army, Ejército Popular de Liberación, (EPL), before "disappearing" her. According to the testimony, at least seven or eight people were involved. (Ese día [el 25 de abril de 1989] retuvieron, quienes eran los encargados de cubrir el blanco EPL, retuvieron a una muchacha que posteriormente supe que se llamaba Amparo Tordecilla ... ese trabajo lo desarrollaron por lo menos de siete a ocho personas ... la niña fue desaparecida por el grupo que le correspondía.)

**NYDIA ERIKA BAUTISTA DE ARELLANA**

INFORMATION RECEIVED BY AMNESTY INTERNATIONAL PRIOR TO  
THE MILITARY AGENT'S STATEMENT

Nydia Erika Bautista was detained on the evening of 30 August 1987 soon after she left her parents' home in the Casablanca district of Bogotá, where the family had been holding a religious celebration for her 14-year-old son. She was waiting at a nearby bus stop to see a friend off when a group of armed men in plain clothes forced her into a grey Suzuki jeep in which other men were waiting. Witnesses to her abduction testified before the 53rd criminal court (53 juzgado de Instrucción Criminal) soon after the incident.

**NYDIA ERIKA BAUTISTA DE ARELLANA**



At the beginning of 1990 Nydia Erika Bautista's family was informed about a body of similar characteristics to hers which had been found buried without name ("N.N.") in a common grave in Quebradablanca, on the road from Bogotá to Villavicencio (capital of Meta department). According to the certificate of removal of the body (acta de levantamiento), the body buried on 12 September 1987 at Quebradablanca had been found blindfold and bound, with facial disfiguration.

On 26 July 1990 the body was exhumed in the presence of the head of Cáqueza Judicial Police, the Procurator General, members of the Public Ministry's Special Investigations Office, the family's lawyer, a criminal instruction special agent, a doctor and an odontologist, as well as relatives, who were able to identify the body as that of Nydia Erika Bautista by the clothes and other accessories worn by her on the day of her "disappearance". On 28 July 1990 the family were able to bury Nydia Erika Bautista in Bogotá.

On 11 September the Public Ministry's Special Investigations Office concluded that the remains buried as "N.N." on 12 September

1987 in Guayabetal corresponded to the "disappeared" Nydia Erika Bautista.

Nydia Erika Bautista, who was 32 years old when she "disappeared", was a graduate in economics from the National University and in sociology and economics from the Central University. She had been a student activist and a member of the M-19. At the time of her abduction she was unemployed. She was previously detained in Cali on 27 May 1986 following a house search by members of the army's XIII Brigade, together with two Ecuadorian guerrilla suspects. At that time she was held in incommunicado detention for three weeks during which she was reportedly tortured. Her physical appearance was altered (for example, her hair was cut and dyed) and then she was taken into Cali city centre in order to identify other M-19 members. Following her detention, Nydia Erika Bautista moved to Bogotá following repeated anonymous threats made against her life, believed by her to be made by the security forces.

#### INVESTIGATIONS INITIATED

The Procurator General's office opened an investigation into her "disappearance" and the case has since remained at the stage of "investigating who was responsible" (en averiguación responsables).



On 25 September 1987 Nydia Erika Bautista's father, Publio Alfonso Bautista Sarmiento, denounced her "disappearance" to the 45th Criminal Instruction judge (Juez 45 de Instrucción Criminal) in Bogotá. The 53rd Criminal Instruction Court archived the case in 1990 on the basis that no one had been charged (por no existir sindicado).

#### NEW INFORMATION INCLUDED IN THE STATEMENT OF THE FORMER MILITARY AGENT

According to the recent sworn statement made to the Public Ministry's Special Investigations Office by a former military intelligence agent, members of the XX Brigade, Bogotá's Military Intelligence headquarters, Batallón de Inteligencia y Contrainteligencia Charry Solano, (BINCI), kept Nydia Erika Bautista under surveillance on suspicion of being a member of the M-19 until her abduction near her family home in Bogotá's Casablanca district. According to the military intelligence agent's testimony, she was taken away in a grey Suzuki jeep registration number SJ-410 to a farm where she was held two days, before being killed in Quebradablanca. The statement named the Commander and a sergeant as directly responsible for the crimes, as well as other members of BINCI. (la mantuvieron

controlada hasta en las horas de la noche, cuando ella iba llegando a su residencia ubicada en el sector de Casablanca, en ese sector y ya entradas las horas de la noche la capturaron, habiéndola introducido en un Jeep Zuzuki [sic] SJ-410 de color gris, de allí le llevaron a una finca y la mantuvieron por espacio de dos días, posteriormente la llevaron hacia el sector de Quebradablanca y allí le dieron muerte.)

Amnesty International cannot substantiate the details provided by the former military agent, but his testimony is consistent with other information received by the organization from other sources and which has been the subject of investigations by the Public Ministry. Amnesty International is particularly concerned that this fresh information should be re-investigated and, in the case of Nydia Erika Bautista re-opened, by the Public Ministry and the criminal courts in order that the truth surrounding the "disappearances" of the two women included in the testimony can be known and those responsible brought to justice.