

EXTERNAL (for general distribution)

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UA 191/93 Extrajudicial execution/Torture and
ill-treatment/Fear for safety

15 June 1993

COLOMBIA: Gregorio NIEVES, his family and other members of the Arsario Indian
community

Amnesty International is concerned at the killing of Arsario Indian Gregorio Nieves and the torture and ill-treatment of several members of the Arsario community by members of the Colombian armed forces on 13 April 1993. Information concerning human rights violations against the Arsario community has only now become available to Amnesty International due to the remoteness of the region in which they live.

According to eye-witness testimony, a group of soldiers from the La Popa battalion, Batallón La Popa, which is based in Valledupar, Cesar department, arrived at the Arsario community of Marocazo, northern Colombia, on 13 April. The soldiers were believed to be in pursuit of three armed individuals who had just been seen running across land where Gregorio Nieves and three other Indians were working. The soldiers later stated that they were involved in an operation to find a missing journalist, believed to have been kidnapped by guerrillas operating in the area.

The soldiers, several of whom were hooded, ran across the land where the Indians were working, firing at them, shouting, "those are guerrillas too - kill them" (*esos también son guerrilleros, mátenlos*). Gregorio Nieves was wounded and all four were made to lay face down on the ground. The Indians state that they were made to turn face up and that one of the hooded men singled out Gregorio Nieves, saying, "that wounded one is the guerrilla" (*ese que está herido es el guerrillero*). Gregorio Nieves was reportedly then shot through the head by the soldiers at point blank range and his dead body kicked.

The other Indians state that they were then threatened, beaten with gun butts, kicked and ordered to take the soldiers to the community's leaders. They also state that the soldiers radioed for plastic bags which were then used to cover the Indians' heads, to cause a feeling of suffocation. The soldiers demanded information as to the whereabouts of the kidnapped journalist, the guerrillas and their weapons. Gregorio Nieves' wife, who witnessed the killing, was also threatened with death, subjected to ill-treatment and accused of being a guerrilla. Her home was reportedly ransacked by soldiers. Her sister-in-law, whom she states was recuperating in the house after giving birth a still born child, was reportedly forced out into the rain and made to wade across a river with the soldiers. She is now seriously ill.

Gregorio Nieves' wife reports that soldiers, at first unwilling to hand over his body to her, returned and photographed a gun alongside the body, making it appear that he had died in a confrontation with the army. In response to a request by the Arsario community to buy a coffin for Gregorio Nieves in a nearby town, the soldiers are reported to have said, "if you want to bury him, dig a hole and bury him there, or throw him into the river, it's full enough" (*si quieren enterrarlo háganlo, abran un hueco y entierrenlo ahí, o si no héchenlo al rio que bastante agua lleva*).

There is serious concern for the safety of Gregorio Nieves' wife and family following the threats made against them and for other members of the Arsario community. Witnesses of human rights violations or victims' relatives are themselves frequently subjected to harassment, intimidation or physical attacks to prevent them pursuing complaints against the armed forces.

BACKGROUND INFORMATION

There are estimated to be more than half a million indigenous people in Colombia. Approximately 12,000 of these, the Arsario, Arhuaco and Kogui people, live in the Sierra Nevada mountains of Santa Marta. Colombian legislation with respect to recognition of indigenous rights and protection of their lands is generally considered

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progressive. However abuses against indigenous people continue to be reported, particularly in areas where guerrilla forces are active. In such areas, the local population is often perceived by the armed forces as being potential collaborators and has, as a result, been subjected to arbitrary arrest, torture, "disappearance" and extrajudicial execution by army personnel and paramilitary groups working for them. Despite repeated pledges by President Cesar Gaviria Trujillo that his government is committed to protect human rights, members of the Colombian armed forces and paramilitary groups continue to commit serious abuses with virtual impunity.

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

- expressing concern at the reported human rights violations committed against Arsario Indians on 13 April 1993 by soldiers from the Colombian army's La Popa Battalion, including the killing of Gregorio Nieves and the torture and ill-treatment of several other Arsario;
- urging that there be an immediate and thorough inquiry into these events, the results of which should be made public and those responsible brought to justice;
- urging that all possible measures be taken by the Colombian government to protect the indigenous communities to ensure that their fundamental human rights are respected.

APPEALS TO

1) Procurator General:

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

Santa Fe de Bogotá, Colombia

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

Faxes:+ 57 1 284 0472

**Telegrams:Ministro de Defensa Pardo Rueda,
Bogota, Colombia**

Telexes:42411 INPRE CO; 44561 CFAC CO

Faxes:+ 57 1 222 1874

Salutation: Sr. Ministro / Dear Minister

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

2) Minister of Defence:

Dr. Rafael Pardo Rueda
Ministro de Defensa Nacional
Ministerio de Defensa Nacional
Avenida Eldorado - Carrera 52
Santa Fe de Bogotá, Colombia

3) Attorney General:

Dr. Gustavo de Greiff
Fiscal General
Fiscalia General
Apartado Aéreo 29855
Santa fé de Bogotá
Colombia

Telegrams:Fiscal General, Fiscalia General,
Bogotá, Colombia

Faxes:+ 57 1 287 0939

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

4) Commander of la Popa Battalion:

Comandante
Batallón de Artillería No. 2 La Popa
Calle 16 Salida al Hospital
Valledupar
Cesar
Colombia

Telegrams:Comandante Batallon La Popa,
Valledupar, Cesar, Colombia

Salutation:Sr. Comandante /
Dear Commander

COPIES OF YOUR APPEALS TO:

1) Advocate for the People:

Dr. Jaime Córdoba Triviño
Defensor del Pueblo
Defensoría del Pueblo
Avenida 39, No. 16-42
Santa Fe de Bogotá, Colombia

2) Lawyers' Association:

Corporación Colectivo de Abogados
AA 44456
Santa Fe de Bogotá
Colombia

and to diplomatic representatives of Colombia accredited to your country. The World Conference on Human Rights is being held in Austria this month and you can enhance the power of your appeals by also sending copies to the diplomatic representative of Colombia in Austria during June at the following address:

COLOMBIAN EMBASSY:

The Ambassador
Botschaft von Kolumbien
Stadiongasse 6-8, 1010 Wien
Austria

Faxes: + 43 1 408 83 03

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 27 July 1993.