

COLOMBIA

Paramilitaries, "Disappearance" and Impunity

"Disappeared"

Miguel Angel Amariles Zapata, 40
Francisco Faber Toro Toro, 38
Luis Alfonso Martínez Suarez, 42
Alfonso Peláez Vega, 47
Henry de Jesús Jiménez Arroyave, 17
Darwín de Jesus difuentes Sánchez, 52
Rámon Octavio Augudelo Castro, 44
Alvaro Carmona Franco, 35

On 14 August 1996 eight local businessmen from the municipality of San Roque, department of Antioquia travelled to the neighbouring municipality of Puerto Berrío to renew their gun permits at the army barracks of the XIV Brigade. The same evening, on the journey back to San Roque, the eight men were reportedly abducted by members of a paramilitary group. The whereabouts of all eight remain unknown to this day.

The families of the victims, and non-governmental human rights organizations acting on their behalf, have repeatedly called for there to be a thorough and impartial investigation into the "disappearances" in order that the whereabouts of the victims be established and that those responsible for their abduction be brought to justice. Although an official investigation was initiated none of its findings have been made public, the fate of the "disappeared" remains unknown and no one has been brought to justice.



The case once again demonstrates the impunity with which paramilitary forces operate in Colombia: in spite of apparently strong evidence of the involvement of a known paramilitary group, the official investigation has made no discernable progress. In the past, investigations in similar cases have been allowed to stagnate enabling those responsible for human rights violations to benefit from impunity. Over the last year the Colombian government has repeatedly renewed its public commitment to vigorously tackle paramilitary organizations. This case provides a further opportunity for the authorities to

demonstrate this renewed commitment by conducting an exhaustive investigation into the

"disappearance" of the eight traders from San Roque, making sure that the findings of the investigation are made public.

In February 1996 local businessmen, Luis Alfonso Martínez Suarez, Alfonso Peláez, Darwín Cifuentes Sánchez, Francisco Fáber Toro Toro, Ramón Octávio Agudelo Castro, Alvaro Carmona Franco and Miguel Angel Amariles Zapata applied to the military authorities in the region to renew the permits for their personal handguns. Local businessmen and traders often legally own small calibre arms (32" and 38" revolvers) for self-defence as their work exposes them to high levels of crime and violence. These arms are licenced by the regional military authorities once a year. In this case, those named above were told to collect their new permits from the headquarters of the army's XIV Brigade in Puerto Berrío, a neighbouring municipality, on the morning of 14 August 1996.

At 4 am on 14 August 1996 the men departed from San Roque in a landcruiser. Ramón Octavio Augudelo Castro, the driver, invited Henry de Jesús Jiménez Arroyave to join the group on the day trip. All the men were unarmed; taking only the documentation necessary to renew the permits. When they arrived at the army barracks in Puerto Berrío, they were told to return in the afternoon to complete the paperwork for the new permits. The commander of the XIV Brigade later confirmed in writing that the men left the barracks at around 3 p.m. with the renewed permits.

The group were next seen in a roadside restaurant, La Alpina, in the outskirts of the town of Puerto Berrío. According to some reports it was only at this stage that Alvaro de Jesús Carmona Franco joined the group, asking them to give him a lift back to San Roque in the landcruiser. This conflicts with other information, including that provided by the military authorities. In the written reply to relatives of the victims who had sought information from the military authorities, the XIV Brigade's commanding officer stated that Alvaro Jesús Carmona was one of the seven men who renewed their gun licences at the Brigade headquarters on the 14 August 1996.

After eating, the group left the restaurant in the landcruiser. The last corroborated sighting of them was at approximately 7.30 pm at a roadside stop called El Brasil, still in the municipality of Puerto Berrío, but on the road to San Roque. There are reports of the landcruiser being seen later returning in the direction of Puerto Berrío, but the occupants could not be identified. Neither the eight men nor the landcruiser have been seen again since that evening.

There have been repeated reports since the "disappearances" that a paramilitary group active in the area was responsible for the abduction of the eight men. Members of a paramilitary group based in the nearby hamlet of Cristales are reported to have told the local population that they were responsible for abducting and subsequently killing the eight men.

Passengers travelling on a bus on the road where the men "disappeared", reported that at approximately the same time as the last sighting of the men at El Brasil, their bus was stopped by a group of armed men dressed in military uniforms. They were told to wait while a vehicle containing criminals passed by. There have been further reports that the men were abducted by members of the Colombian army and taken to a military base, called Guasimal, in the outskirts of Puerto Berrío, where they were allegedly held for three months before being extrajudicially executed. Another witness has reportedly confirmed seeing the eight men being taken from the landcruiser by a group of armed men wearing military uniforms and being forced into another vehicle. When the abductors realized they were being observed, they allegedly told the witness to look away as they were dealing with criminals. According to reports received, this witness was subsequently threatened. The authorities have so far refused to disclose whether this witness has testified or been called to testify as part of the official investigation.

The day following the "disappearance" of the eight men, their families began to search for them. They visited every farm, house and business on the road between San Roque and Puerto Berrío in an attempt to find more information. However, at that time they were only able to confirm the corroborated last sighting of the men at El Brasil.

Investigations

In spite of the families' formal denunciation of the "disappearances", the Antioquia Department authorities showed little interest in the case and made no immediate attempt to investigate the "disappearances". It took almost two months for the authorities to send a commission of the *Cuerpo Técnico de Investigaciones de la Fiscalía Regional*, Special Investigations Unit of the Regional Attorney's Office, to visit the families and make enquiries in the area where the men had "disappeared". Advances were reportedly made in the investigation, but the authorities have refused to make public any of the evidence gathered.

There are reports that during a meeting with local authorities, some of the relatives of the "disappeared" were told by the then mayor of San Roque and a local military commander to stop looking for the "disappeared" as a paramilitary group had already killed them. The military commander alleged to have confirmed this information in a meeting with the paramilitary group responsible. Once again, as far as is known, neither the ex-mayor nor the military commander have at any time been called before the investigating body to explain the relationship between the local municipal and military authorities and the paramilitary group responsible for the abductions.

The families of the victims, in collaboration with the human rights organization, *Asociación de Familiares de Detenidos Desaparecidos* (ASFADDES), Association of the Relatives of the Detained and Disappeared, have petitioned all the relevant authorities for information regarding the investigation. However, all their efforts have been unsuccessful as the authorities applied to have either denied competency in the case, recommending the families apply to another authority. In May 1997 the *Dirección Nacional de Fiscalías*, National Directorate of Offices of Regional Attorneys acknowledged responsibility for the investigation into the "disappearances", but informed the families of the victims that the case was being handled by the Medellín regional office and that no comment could be made until an awaited report on the case was received. However, since then the families have received no further information on the case and it is not known if any report on the case has been made. As with so many other similar cases, the relatives of the "disappeared" have been forced into a bureaucratic nightmare, seemingly designed to guarantee the impunity of those responsible for the "disappearances" and to frustrate the best efforts of those trying to find more information and further investigations.

The Armed Conflict And The Role Paramilitary Groups

Intense paramilitary operations in the area around San Roque at the time of the disappearance of those named in this document is highlighted in two separate cases in June and November 1996, when Amnesty International issued urgent appeals expressing concern for safety of the residents of the municipality after paramilitary groups in the area extrajudicially executed 8 community members and "disappeared" another (UA155/96,

AMR 23/36/96 26 June 1996 & follow up). The paramilitary group responsible was reported to be working from Cristales, a village near the road between San Roque and Puerto Berrío.

Army-backed paramilitary groups are now responsible for two out of every three political killings in Colombia. The terror tactics used by paramilitary groups play an increasingly central role in the armed force's counter insurgency war against the armed opposition. This is particularly true in Antioquia, which is one of the departments most affected by the long-running civil-conflict. In the department there are several active guerrilla fronts of the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), Revolutionary Armed Forces of Colombia and the *Ejército de Liberación Nacional* (ELN), National Liberation Army, both of which have been responsible for numerous violations of the principles of international humanitarian law, including the deliberate and arbitrary killing of civilians and the taking of hostages. Many areas of the department, including that around San Roque, consequently have a very strong military presence.

In recent years paramilitary groups have increasingly practised the selective killing of rural civic leaders who are perceived as real or potential guerrilla supporters. Paramilitary forces often use "death lists" to identify the community members, before abducting and killing them. The aim of these killings is often to subjugate the terrified communities by killing their leaders. Prominent members of communities, such as local traders and businessmen, whose living requires them to travel frequently and to transport goods, are often accused by the security forces and their paramilitary allies of supplying guerrilla organizations. Those accused of being guerrilla sympathizers or auxiliaries then frequently become the victims of threats, "disappearance" and extrajudicial execution.

Although the armed and security forces continue to deny any links between themselves and paramilitary forces, evidence documented by Amnesty International and many other organizations, including the United Nations, has repeatedly confirmed paramilitary forces operating with the support and complicity of the armed forces. Human rights violations are frequently committed within the context of operations which are jointly planned and executed.

There have been repeated international appeals to the Colombian authorities to dismantle paramilitary organizations and bring members and supporters of such organizations responsible for human rights violations to justice. In spite of frequent commitments by the Colombian authorities to stem paramilitary violence, there has been no authentic political will to tackle such organizations and no effective action has been taken to dismantle them. The Colombian Government's lack of political will has fostered the impunity with which paramilitary groups operate, and in doing so has increased the confidence of paramilitary organizations to violate human rights with an ever increasing ferocity.

Conclusions and Recommendations

The Colombian authorities have so far failed in their obligations either to fully investigate the "disappearance" of the eight men or to make any apparent advances in establishing the whereabouts of the "disappeared" or bringing to justice those responsible. Amnesty International therefore recommends the Colombian authorities:

- to undertake a full and impartial investigation into the "disappearances" in order to establish the fate of the eight men and to bring to justice those responsible for their "disappearance";
- to make public any information so far gathered by judicial authorities relating to the case, and if the authorities are aware of the whereabouts of the eight men, that the families of the victims be informed;
- to undertake full and impartial investigations into links between paramilitary groups and the security forces in the municipalities of San Roque and Puerto Berrío, department of Antioquia, and ensure that those members of the security forces found responsible for training, supporting and collaborating with paramilitary groups be brought to justice;
- to take immediate steps to ensure that paramilitary organizations operating in Antioquia are dismantled and that those members responsible for human rights violations be brought to justice.

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