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£COLOMBIA

@KILLINGS IN CAUCA DEPARTMENT - AN UPDATE

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DISTR: SC/CO

Santiago LASSO (driver)
Adán RUANO DAZA (driver's assistant)
Alfonso Arley CHILITO RUAN (driver's assistant)
Genny PRIETO (pregnant)
Adriana LOPEZ (female)
Pastora GARCIA (female)
Wilson GIL VELASQUEZ (a minor)
Saúl ESPINOSA PRIETO
Olvar GOMEZ
Libardo NIEVES DORADO
Rubén Joaquín NARVAEZ
José Belisario DORADO

Hernando ROSERO YANTEN
Alejandro SALAZAR PAEZ
Leoncio MELLIZO MUÑOZ
Henry SUAREZ
Hernán MAMIAN MORENO

On 7 April 1991 a group of heavily armed men in military uniforms believed to be members of a counter-insurgency patrol under the orders of the commander of the José Hilario López battalion intercepted a public transport bus in Los Uvos, in the municipality of Bolívar, department of Cauca. The driver, his two assistants and the 14 passengers, including three women (one of them pregnant) and a minor, were forced to get off the bus and lie prone. They were then shot. Regional army and police authorities immediately attributed the attack to the armed opposition group National Liberation Army, Ejército de Liberación Nacional, ELN, who denied responsibility.

Little information had been made available about developments in the investigations into the killings at Los Uvos until January 1992 when the Colombian national press revealed that a conscript soldier made a sworn statement before the courts (justicia penal) and the Procurator General's Office testifying that he had formed part of the counter-insurgency patrol and had kept watch while the driver and passengers on the bus were shot on the orders of a Lieutenant, who claimed the victims were guerrillas, even though they were unarmed. After witnessing the massacre the conscript soldier deserted the army and approached the church and a local human rights organization seeking help and guidance to denounce the army's responsibility for the killings.

Lieutenant Colonel Briceño Lobera, commander of the José Hilario López Battalion later claimed that members of a human rights organization had bribed the soldier who testified to make accusatory statements against the Piedrasentada military base. The national coordinating

body for victims of human rights, Coordinadora Nacional de Derechos Humanos, Damnificados y Refugiados de Colombia, (CONADHES) denied the allegations and requested the Procurator carry out an investigation into the affair, while the Battalion Commander brought a legal action against two (then) members of the executive commission of CONADHES. The Presidential Adviser for Human Rights, Consejero Presidencial para los Derechos Humanos, requested an official explanation from the Battalion Commander about these accusations. The libel action brought by Lieutenant Colonel Briceño Lobera brought has since reportedly been closed (archivado).

According to recent information obtained by Amnesty International, criminal proceedings into the killings at Los Uvos were opened in the Public Order Court in Cali. The court ruled that, on the basis of the information available, the Commander of the Piedrasentada base was implicated in the killings. The case was then passed to the military justice system which had claimed jurisdiction. However, military court 17 in Popayán, department of Cauca, Juzgado 17 de Instrucción Criminal Militar, has so far failed to order the arrest of the military officer, or any other personnel of the Colombian army. No further information is available about the state of the investigation as the military justice system does not admit civil representation and lawyers acting on behalf of the victims' families have no access to the proceedings.

Other information received by Amnesty International indicates that the conscript soldier was arrested in Cali, department of Valle, and sentenced to ten months' imprisonment for desertion by the military court investigating the massacre at Los Uvos. He reportedly retracted his statement made to the civilian courts claiming he had been bribed by non-governmental organizations to accuse the military. However, according to recent information made available to Amnesty International other soldiers from the Piedrasentada military base have reportedly provided information corroborating the testimony of the conscript soldier who deserted.

In a parallel investigation the Procurator's Office has decided that an earlier testimony the conscript gave this office also implicating the military in the killings was valid and had taken place before he had had contact with any non-governmental organizations, so could not have been the result of bribery on their part. The investigation continues.

In most instances of human rights violations in Colombia, legal authorities initiate the proceedings required by law. However, the investigations have only exceptionally resulted in prosecutions and convictions. In the majority of cases where investigations have resulted in the identification of armed forces personnel implicated in extrajudicial executions and "disappearances", jurisdiction has been claimed by the military courts. These courts have failed to conduct impartial proceedings or to hold police and military personnel criminally liable for violent crimes. Amnesty International is seeking further information about the progress of the investigations.

The organization is seriously concerned at the impunity with which human rights violations continue to be committed in Colombia.

KEYWORDS: INVESTIGATION OF ABUSES / POLICE/MILITARY TESTIMONIES / EXTRAJUDICIAL EXECUTION / WOMEN / CHILDREN / PREGNANCY / DRIVERS / POLITICAL VIOLENCE / MILITARY / IMPUNITY /

