

EXTRA 39/99

Fear of summary execution

12 March 1999

COLOMBIA

Commander "Gildardo" (alias) of the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), Revolutionary Armed Forces of Colombia

Amnesty International is seriously concerned that the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), Revolutionary Armed Forces of Colombia, the largest armed opposition group in the country, are intending to summarily try and possibly execute a local FARC commander reportedly responsible for the kidnapping and killing of three US indigenous rights activists.

Although the FARC initially denied involvement in the crime, an internal investigation by the guerrilla organization led to a public announcement that a group of FARC fighters, under the command of "Gildardo", allegedly acting independently of the organization's leadership, was responsible for the deliberate and arbitrary killing on 5 March 1999 of the three US citizens.

Amnesty International welcomes the unprecedented step by the leadership of the FARC in acknowledging responsibility for a crime which constitutes a serious violation of international humanitarian law but is concerned by a statement given to the media of their intention to try "Gildardo" according to the internal disciplinary code of the guerrilla group - whose maximum punishment is execution by firing squad. The FARC spokesperson acknowledged that "es posible, dado la gravedad", "it's possible, given the gravity" of the situation that "Gildardo" could be executed.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and of the right not to be subjected to cruel, inhuman and degrading treatment or punishment, as recognized in the Universal Declaration of Human Rights.

Furthermore, the guilt or innocence of the accused can only be established by judicial proceedings that conform to recognized international standards of a fair trial as set out in Article 3 of the Geneva Conventions. The FARC's internal disciplinary code and the judicial procedures under which "Gildardo" is to be tried do not meet these standards. There is also particular concern that the FARC may attempt to complete the trial proceedings and carry out a summary execution very soon.

BACKGROUND INFORMATION

Terence Freitas, Laheenae Gay and Ingrid Washinawatok had gone to Colombia in February 1999 as part of an international campaign by environmental groups to support the U'wa indigenous community in the north-east of the country. On 25 February their car was intercepted by two armed men in civilian clothes as they travelled to the airport in Saravena, Arauca Department. Their bound and blindfolded bodies were found on 4 March dumped over the border in Venezuela. They had been shot dead. On 10 March, after a week of speculation, the FARC admitted responsibility for the killings.

Lahe'ena Gay was the director of the Hawaii-based Pacific Cultural Conservancy International, Ingrid Washinawatok a native American and Terence Freitas an environmental scientist who had been coordinating the

international campaign in favour of the U'wa indigenous group since 1997 and had visited Colombia on several previous occasions.

For several years the U'wa, with the help of environmentalists in the USA, have been fighting plans by an oil company affiliated to the US Occidental Petroleum Corporation (OPC) to exploit oil deposits on their ancestral lands.

Kidnapping and hostage taking by armed opposition groups is widespread in Colombia. In 1998 at least 600 people, including several foreigners, were kidnapped by such groups and although most have been released after a few weeks or months in captivity some have been killed during rescue attempts or when ransom demands have not been met.

RECOMMENDED ACTION: Please send E-mails in Spanish or your own language:

- condemning the kidnapping and subsequent deliberate and arbitrary killing of Terence Freitas, Laheenae Gay and Ingrid Washinawatok by members of the FARC;
- recognising as an important first step the FARC's acknowledgement of responsibility for the crime;
- urging that the those reportedly responsible for the crime be submitted to a judicial process that is independent and impartial in order to establish their guilt or innocence;
- expressing concern that the judicial procedures under which "Gildardo" is to be tried by the FARC do not meet international standards and can therefore not guarantee a fair trial;
- calling on the Secretariat of the FARC not to execute summarily the FARC commander "Gildardo" who is alleged to be responsible for kidnapping and killing of the three US citizens;
- expressing unconditional opposition to the death penalty in all cases as a violation of the right to life and of the right not to be subjected to cruel, inhuman and degrading treatment or punishment, as proclaimed in the Universal Declaration of Human Rights.

APPEALS TO:

International Secretariat of the Revolutionary Armed Forces of Colombia
Secretariado Internacional de las Fuerzas Armadas Revolucionarias de Colombia (FARC)

E-mails: elbarcino@laneta.apc.org

Salutation: Estimado Srs. / Dear Sirs

COPIES TO:

People's Defender

Dr. José Fernando Castro Caicedo

Defensor del Pueblo

E-mails: Dpueblo@colnodo.apc.org

Salutation: Estimado Sr. / Dear Sir

and to diplomatic representatives of COLOMBIA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.