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£COLOMBIA:@POLITICAL VIOLENCE IN NORTE DE SANTANDER AND SOUTH OF CESAR DEPARTMENT ESCALATES

A Region in Conflict

The departments of Norte de Santander and Cesar are located in the northeast of Colombia. The region possesses extensive tracts of fertile land suitable for agroindustry and cattle-ranching. In recent years the region has seen a process of land concentration as powerful economic sectors including large landowners, cattle-ranchers and drug-traffickers have sought to gain and secure possession of large tracts of land. Lack of state investment and land concentration have aggravated economic problems for small-holders and peasant farmers, many of whom have been forced from their land.

The region's socio-economic problems have contributed to the spiral of political violence. Guerrilla forces have established a strong presence in this region: both the *Fuerzas Armadas Revolucionarias de Colombia* (FARC) - the Revolutionary Armed Forces of Colombia and the *Ejército Nacional de Liberación* (ELN) - National Liberation Army have several units operating in the region.

At the same time, however, the region's socio-economic problems have nurtured the emergence of a strong network of civic and popular organizations which together with trade unions, have jointly sought to put forward an alternative model of economic development in an effort to address the socio-economic problems facing the poorer sectors of the region. Popular demonstrations and civic strikes in 1988 and 1989 gave impetus to the development of these popular organizations.

In response to the strong guerrilla presence in the region, the department of Norte de Santander and southern part of Cesar have been increasingly militarized. Mobile Brigade No.2 - *Brigada Móvil No.2* was deployed in the region between 1992 and 1993. The Mobile Brigades are counter-insurgency units which were created in the early 1990s. These brigades, which are made up of specially trained professional soldiers equipped with sophisticated weaponry, are deployed in areas of the country where guerrillas maintain strongholds. Since their creation Mobile Brigades have been accused of frequent and serious human rights violations against civilians. Mobile Brigade No.2 has its operational command headquarters in provincial Ocaña, department of Norte de Santander. It is part of the *V Brigada* - V Brigade, based in Bucaramanga, department of Santander, to which are attached several other military units which operate in the region including

the *Batallón Santander* - Santander Battalion; the *Fuerza de Tarea No.7* - Task Force No.7; *Batallón "Los Guanos"* - "Los Guanos" Battalion. Military units belonging to the *I Brigada* - I Brigade operate to the north of the region and the *Infantería de Marina* - Marine Infantry operates on the River Grande de la Magdalena. Several military bases are to be found in the region including the *Base Morrison* - Morrison Base in San Martín; *Base Aguas Claras* - Aguas Claras Base in Aguachica; *Base San Alberto* - San Alberto Base in San Alberto, which are in the department of Cesar.

Apart from the National Police, security forces operating in the region include units of the *Departamento Administrativo de Seguridad* (DAS) - Civilian Security Department; *Unidad Anti-Secuestro y Extorsión* (UNASE) - Anti-kidnapping and Extortion Unit; and the *Servicio de Investigaciones Judiciales e Inteligencia* (SIJIN) - Judicial Investigation and Intelligence Service.

The Counter-insurgency Strategy

The process of militarization has been accompanied by an increase in human rights violations as a counter-insurgency strategy already common throughout many other parts of Colombia has been implemented. The *Procurador General de la Nación* - Procurator- General, described the counter-insurgency strategy in his 1992 report:

"Los organismos de seguridad y defensa del Estado están entrenados para perseguir a un enemigo colectivo y por lo general consideran que las víctimas forman parte de él. En buena parte de los casos actúan bajo la premisa que hizo carrera en la guerra en El Salvador de "quitarle agua al pez", lo que significa que se establece una relación directa entre, por ejemplo, los movimientos sindicales o de reivindicación campesina, con los efectivos de la subversión, y cuando se llevan a cabo acciones contraguerrilleras estos sujetos pasivos no son indentificados como víctimas "independientes" sino como parte del enemigo. En efecto, los organismos de seguridad y defensa del Estado agreden los derechos humanos de sujetos pasivos independientes porque cometen el error de considerarlos o enemigos o aliados del enemigo".

"The state security and defence agencies are trained to persecute a collective enemy and generally consider that victims form part of that enemy. In a substantial number of cases they act on the premise that prevailed in the war in El Salvador of `removing the water from the fish', which means that they establish a direct link between, for example, the trade unions or peasant organizations, with the guerrilla forces and when they carry out counter-insurgency operations these passive subjects are not identified as `independent' victims but as part of the enemy. In effect, the state security and defence forces assault the human rights of independent passive subjects because they commit the mistake of considering them to be the enemy or allied to the enemy".

This strategy is characterized by the deployment of specialist counter-insurgency units of the armed forces, the employment of paramilitary forces often set up and trained by the armed forces themselves and by the systematic violation of human rights including torture, extrajudicial execution and "disappearances".

In recent months paramilitary groups have been increasingly active in the province of Ocaña, Norte de Santander department and the municipalities of San Alberto, San Martín and Aguachica amongst others in the south of Cesar department. As these organizations have consolidated themselves in the region they have been increasingly responsible for human rights violations.

"Aguachica Beautiful and Peaceful" reads the mural

Those targeted for human rights violation by the security forces and paramilitary forces are often those civilians involved in popular and civic organizations including trade unions, peasant organizations, human rights organizations and members of legal political opposition parties. These sectors are labelled as subversive not only by the armed forces and paramilitary groups but also by traditionally dominant sectors who see popular activists and organizations and opposition party politicians as challenging their interests. Often the security forces draw up "death lists" of people they consider to be guerrilla collaborators, these lists are then used by security forces and paramilitary groups to target civilians.

Cristóbal Navarro, ASOVIPA's president sitting with his wife, Luz Marina Pérez, after two gunmen shot him and left him paralysed

Targeting Popular Organizations and Activists

One example of human rights violation against members of the popular organizations is provided by killings and attacks against members of the *Asociación de Vivienda Popular y Autoconstrucción de Ocaña* (ASOVIPA) - Ocaña's Popular Housing and Self-building Association, and members of the *Sindicato de Trabajadores de Obras Públicas de Ocaña* (SINTRAMINOBRAS) - Union of Public Works Employees of Ocaña. On 4 February 1994, Cristóbal Navarro, ASOVIPA'S president, was shot by gunmen whilst crossing Ocaña's central square. His name had reportedly appeared on a "death list" of 60 local community leaders believed to have been compiled by the security forces. Those listed were threatened with death if they did not leave the region. The square was reportedly heavily militarized at the time of the attack. Eye-witnesses captured the two gunmen who shot Cristóbal Navarro and left them in charge of a police patrol. However, they were later released without charge. Cristóbal Navarro was left paralysed as a result of the attack.

Eliécer Ojeda Jaime was killed on 23 May 1994 near to the Santa Clara district of Ocaña by gunmen on a motorcycle. He was president of SINTRAMINOBRAS. He had reportedly received a number of death threats as a result of his trade union work and his name was reported to have been amongst those on the same "death list". Héctor Herrera, who was seriously wounded in the same attack is a community activist and member of ASOVIPA.

Attacks against ASOVIPA activists continued throughout the year. At approximately 5pm on 24 October 1994, Hermes Rendón was killed by two gunmen in the Cañaveral district of the town of Ocaña who opened fire on him. Local inhabitants are reported to have recognized the two gunmen as being members of a paramilitary force operating in Ocaña region under the names: "*Mano Negra*" ("The Black Hand") and COLSINGUE ("*Colombia sin Guerrilla*" - "Colombia without Guerrillas").

Well-known as a civic activist, Hermes Rendón worked closely with ASOVIPA. He was also a member of the *Equipo de Derechos Humanos de la Provincia de Ocaña* - Human Rights Team of the Province of Ocaña.

Another civic movement which has been a particular target for attack is the *Movimiento de Integración Cívico-Comunal* - Movement for Civic-Comunal Integration, in Pailitas, Cesar department. Jairo Barahona Martínez's body was found near the town of Curimaní, Cesar department, on the same day as his "disappearance" on 29 September 1994. He had been shot four times and had been tortured. Jairo was a well-known community leader, member of the Pailitas Movement and founder of the local *Comité de Derechos Humanos* - Human Rights Committee. Members of the Pailitas Movement have been subject to death threats, intimidation and harassment since the organization was founded in 1990. There is presently serious concern for the safety of several members of the Movement who have been threatened: Carlos Lozano, a founder of the Movement and president of the *Asociación de Juntas de Acción Comunal* - Association of Communal Action Councils; Gustavo Contreras; Miguel Olaya, secretary of the *Comité de Derechos Humanos*; Manuel Angel Mejía municipal mayor; Jorge Uriel Mejía, president of the Movement, a former councillor and presently an inspector of the water and sewage works; and Ramón Torres, a former councillor.

Fears for the safety of members of the Pailitas Movement have been heightened with the recent killing of Ernesto Fernández Fezter. Ernesto Fernández was well-known as a human rights activist and was founder of the Movement, he was also a leader of the *Asociación de Educadores del Cesar* (ADUCESAR) - Cesar Association of Teachers trade union. He was killed on 20 February 1995 as he was driving towards his home in Pailitas with his children.

Since the killing of Ernesto Fernández, eye-witnesses state that heavily armed men have been seen prowling around his family home during both day and night hours, acting in an intimidating manner and terrifying not only the family, who have been afraid to leave the house, but the entire neighbourhood of the *27 de marzo* district of Pailitas. There is concern that this act of serious intimidation should occur openly in a municipality which is heavily militarized as a result of guerrilla activity in the surrounding area.

At about 10pm on 11 May 1995, Miguel Enrique Olaya Pabón, a member of the Movement and an activist with the Pailitas *Comité Municipal de Derechos Humanos* - Municipal Human Rights Committee, was reportedly talking to a friend on a bench in El Jardín park opposite his home in Pailitas, when four men dressed in civilian clothes and berets entered the park. Miguel Enrique recognized one of them as a civilian army informer working with the *Comando Operativo No.7* - Operational Command No.7, which operates in the region. The other three men were identified as soldiers.

The four positioned themselves around Miguel Enrique and his friend, at which point two local residents entered the park. One entered his home whilst the other approached Miguel Enrique and his friend and asked them why the four men were there. One of the four replied "*váyase del parque que esto no es contigo*" - "leave the park, this is nothing to do with you". The individual refused and the man took out a revolver and threatened to kill him: "*se retira del parque o le pego un tiro*" - "either you leave the park or I'll shoot you". At that moment a woman living in one of the houses bordering

the park came out of her home. Miguel Enrique took advantage of the distraction, ran towards the woman and sought refuge in a neighbouring house.

The person who had been threatened also sought refuge in the same house and told Miguel Enrique that the men were going to kill him. Minutes later the men left the park and fired a shot into the air, witnessed by neighbours who had come out of their houses to see what was happening. On 12 May, Miguel Enrique officially denounced the previous day's events to the Pailitas *Personería Municipal*-Office of the Municipal Ombudsman.

Miguel Enrique Olaya Pabón had reportedly been warned by a friend that his name appeared on a list drawn up by the Colombian Army. "Death lists" which have included the Pailitas Movement's leaders and other local activists have frequently appeared in Cesar, and many of those named have become the victims of extrajudicial executions. Apparently Miguel Enrique's name appeared on the list because of his work with the Municipal Human Rights Committee and followed meetings with military and police commanders in the area.

Targeting Peasant Farmers

Peasant farmers who are not active in popular organizations are also often the target of human rights violations including death threats, torture, extrajudicial execution and forced "disappearance", merely on the basis that they live in areas of guerrilla activity and are therefore apparently considered to be guerrilla collaborators or sympathizers.

Erminson Sepúlveda Saravia member of the Aguachica Community Action Movement who was shot dead by paramilitaries on 28 January 1994

On 4 December 1994, at approximately 1am, 15 heavily armed men believed to be members of a paramilitary organization, arrived at the village of Los Tendidos, municipality of San Alberto, Cesar department. They intimidated the peasant farmers in the village and read out a list of names of people in the village who were to be killed. They then went to the house of the Salazar family and called out the names of three of its members: Eugenio Salazar, Jorge Salazar and Julio Salazar, aged 72. They tied the three peasant farmers up, tortured and then killed them.

On 22 April 1995, five peasant farmers were killed by members of the *Autodefensas Campesinas Colombianas (ACC)* - Peasant Farmer Self-Defence of Colombia, in the municipality of San Alberto. The five victims: María del Carmen Quiñones Prince, 42 years old, Celestino Benavides, 46 years old, José Aldemar Delgado Castillo, 44 years old, Leonidas Tapiero Maken, 33 years old and Pedro Pablo Vera Porras, 32 years old, had been involved in the peaceful occupation of a farm called Tokio in the municipality of San Alberto.

The five victims were abducted by approximately 15 heavily armed men belonging to the ACC whilst they were attending a meeting at which some 40 peasant farmers from the region were present. The gunmen were reportedly wearing military uniforms usually worn by members of the armed forces and red armbands marked with the initials ACC. The gunmen used a list of names to segregate the five victims from the other participants of the meeting. The five civilians were then taken away to an unknown location. The bodies of the five peasant farmers were found nearby the Tokio Farm later the same day.

Often civilians who witness human rights violations themselves become the target together with friends and members of the families of the victims. Manuel Serafín Guerrero was witness to the capture of his relative Pedro Gelvez, who had been detained by soldiers based at the Morrison Military Base on 19 December 1992 and who was subsequently "disappeared". On Saturday, 23 July 1994, the bus on which Manuel Serafín was travelling was stopped by three armed men a kilometre away from San Martín, department of Cesar. On establishing Manuel Serafín Guerrero's identity they shot him to death.

Investigations opened into these killings and "disappearances" have failed to establish the identity of those responsible.

The Security Forces and Paramilitary Forces Working Together

Though in the past the security forces have denied links between themselves and paramilitary forces, it is clear from reports received and the details of cases of human rights violations documented that paramilitary forces operate in close alliance with the security forces in the region. Human rights violations are frequently committed within the context of operations which have been jointly planned and executed.

On 29 July 1994, a group of about 20 armed men, some hooded, entered the village of Norean in the municipality of Aguachica, department of Cesar. The men, some in military clothing, others in plainclothes, were believed to be members of a paramilitary group. They forced the villagers to assemble, then fired shots into the air and stole watches, money and jewellery. Adriano Portillo was killed when the armed men broke down the door to his house and shot him several times, reportedly for failing to assemble with the other villagers quickly enough. Once the villagers were assembled Javier Contreras Barón, aged 70, and Alvaro Botello residents of Norean, were taken aside and shot in front of the crowd.

At the time of the killings, a military checkpoint and a provisional post of Mobile Brigade No.2, were reportedly located not far from Norean, and minutes after the killings an army tank passed through the village. However, army personnel made no effort to prevent the killings or to capture those responsible.

José Edgar Acosta Quintero showing the extent of his injuries following his abduction and torture

José Edgar Acosta Quintero was detained on 30 December 1994 in the La Gloria district of Ocaña by members of the police force who questioned him as to the identity of a man to whom he had given a lift. The police then took him to the La Primavera district police station where he was handcuffed and bound. He was taken to a courtyard and threatened with death if he did not cooperate. They then told him that they were going to hand him over to the paramilitary and drove him to another building where he was tortured by seven men dressed in civilian clothes, who identified themselves as members of a paramilitary organization.

Not only are human rights violations committed by paramilitary groups planned and undertaken in conjunction with the security forces but members of the security forces themselves frequently participate in paramilitary operations.

On 1 October 1994, a group of about 13 heavily-armed men, four wearing army uniforms, arrived in El Páramo in the municipality of El Carmen, department of Norte de Santander, identifying themselves as members of the armed

forces. At 6am they set up a checkpoint on the road to the village, stopping every vehicle that passed and checking the identity of occupants against a list they held.

Amongst those stopped were Lorgio Antonio García and his brother. The paramilitaries reportedly told Antonio García to go and look for guerrillas, stating that they would hold his brother hostage until he provided the required information. Eye-witnesses state that when Antonio García attempted to run away he was shot dead. Throughout this incident, the armed men apparently remained in constant radio contact with the Colombian Army.

Two of the paramilitaries forced a local taxi driver to drive them from the scene. At 7pm, soldiers arrived, setting up an official checkpoint between the villages of El Páramo and Otaré, searching all the houses in the villages and threatening the occupants. According to eye-witnesses, the two paramilitaries were detained by the soldiers at the checkpoint. The next day one of the inhabitants of El Páramo identified a soldier in an army patrol from El Carmen as being one of the two paramilitary members. The soldier reacted by threatening the villagers and accusing them of being guerrillas.

An incident which very clearly illustrates the close links between the Colombian security forces and paramilitary groups took place in the village of Puerto Patiño, municipality of Aguachica. In the morning of 15 January 1994, 40 gunmen, some in plainclothes and others wearing military apparel, entered the village of Puerto Patiño. They went to two bars, La Guapachosa and El Charco and forced the people in them to lie on the floor. The gunmen called out the names of nine men: Jesús Roperó,

John Hoymar Beltrán Galván, Libardo Montalvo Pérez, Miguel Angel Cáceres Padilla, Fernando López, Giovanni Guzmán, Lorenzo Padilla, José Trinidad Galván and Luis Albert Reyes from a list in their possession and took them aside. The gunmen forced the men to board two lorries they had parked outside the bars and drove off towards the surrounding mountains.

Early on Saturday, 25 January 1995, the bodies of Giovanni Guzmán and Lorenzo Padilla were found on land belonging to the Viuda Blanca Farm. Several hours later the bodies of several other victims were found. José Trinidad Galván's whereabouts remains unknown. Luis Alberto Reyes Rodríguez was released several hours after the abduction.

On 6 February 1995, the Commander of Police in Aguachica, in a statement to the Dirección de Policía Judicial e Investigación - Judicial and Investigative Police Authority, stated that intelligence reports pointed to the fact that paramilitary groups operating in Aguachica were sponsored by the armed forces, in particular by the commander of the Aguachica Military Base, an army major. According to the police commander, the army commander had told him of his involvement in paramilitary activity in the region including in the areas of Aguachica and San Martín. The major told the police officer in the presence of an officer from the *Departamento Administrativo de Seguridad* (DAS) - Civilian Security Department, that he had a list of "subversive suspects" including local government officials, who were to be located and possibly killed by the paramilitary forces. Reportedly the military commander in question is in detention in the barracks of the V Brigade, after the *Fiscalía General de la Nación* - Office of the Attorney-General issued a warrant for his arrest.

The Judicial Police's investigation concluded that paramilitary groups operating in the area of Aguachica were sponsored by local landowners and operated under the command of the commander of the Aguachica Military Base. The report also concluded that members of the Morrison Military Base and the *Unidad Antisecuestro y Extorsión* (UNASE) - Anti-kidnapping and Extortion Unit participated directly in paramilitary operations.

Security Forces Directly Responsible for Human Rights Violations

In other instances, armed forces personnel have been directly responsible for serious human rights violations including extrajudicial executions. On 27 October 1994, Marco Fidel Bonilla and Miguel David Vergara were detained in the village of Monterrey, municipality of San Alberto when they were stopped by members of the *Batallón Contraguerrilla No.27 - "Rogelio Correa Campos" de la V Brigada* - Counter-insurgency Battalion No.27 - "Rogelio Correa Campos" of the V Brigade at approximately 10am. The next day, 28 October, the soldiers fired several shots apparently to make local inhabitants believe that the two men had been killed in combat. The bodies of Marco Fidel Bonilla and Miguel David Vergara were discovered in the village of La Llana, municipality of San Alberto, wearing military uniforms and bearing signs of torture. Armed forces officials routinely attribute responsibility for extrajudicial executions to the guerrilla or claim that deaths occurred in combat.

The systematic violation of human rights against members of popular and civic organizations and peasant farmer leaders in rural conflict areas corresponds to the strategy of undermining popular organizations labelled as subversive by the security forces. The result has been that many popular leaders and their families together with peasant farmer families have been forced to flee their homes.

As a result of the intimidation and extrajudicial executions in El Páramo outlined above, ten families, including children and elderly people were forced to abandon their homes and land.

Whilst many violations of human rights in the region occur within the context of the armed forces' counterinsurgency strategy, some abuses occur within the context of land conflicts in which violations of human rights are committed in order to advance and protect the interests of economically powerful sectors in the region. According to reports received, in the southern part of the department of Cesar and the department of Norte de Santander paramilitary groups are forcing peasant farmers off the plots of land they own. Other peasant farmers have been forced to flee their homes on lands owned by large landowners, which are due to be redistributed to peasant farmers as part of the *Instituto Colombiano de Reforma Agraria (INCORA)* - Colombian Institute for Land Reform and reform schemes. These lands are in rural areas suitable for export crops or cattle-ranching and for the cultivation of illicit crops over which paramilitary leaders, drug-traffickers and powerful landowners in the region are keen to ensure they secure possession.

Similarly in areas of agroindustrial activity such as the palm oil industry located in the southern part of Cesar, paramilitary groups have been reported to undertake constant patrols and to intimidate workers on the palm oil producing estates. Frequent human rights violations have been committed against them apparently in order to undermine their organizational capacity. Palm oil worker trade unionists have been forced to flee the region and palm oil workers, particularly trade union leaders, have been the target of threats, political killings and "disappearances".

On 31 July 1994, a group of armed men believed to be members of a paramilitary organization arrived in the village of Minas, municipality of San Martín. They reportedly forced the inhabitants to assemble, selected six men and from the crowd and killed them in front of the crowd. The six men were workers at the *Empresa Palmas del Cesar* - Palmas Company of Cesar: José del Carmen Ruiz, José Buitrago Zabala, William Yaruro, Manuel Figueroa, Alcides Paez Tarazona and Rodrigo Carmona Camao.

During election campaigns paramilitary forces have been reported to threaten local people with death if they fail to vote for the traditional parties most closely associated to powerful economic sectors. The fact that paramilitary activity and human rights violations conform not only to a counter-insurgency strategy but also to one of furthering the interests of economic elites is underlined by the slogans and graffiti reportedly used by paramilitary groups in the town of Ocaña which make reference to the necessity of the return of cattle-ranchers and wealthy people, forced to flee the region because of kidnapping and threats from guerrilla forces, because it is these sectors which will bring development to the region.

Despite the obvious threats popular organizations, their members and peasant farmers face in the southern part of Cesar department and the department of Norte de Santander, these organizations continue to exist, communities continue to pursue their legitimate attempts to better their lives and peasant farmers continue to farm their plots of land. But until efforts are made to eradicate paramilitary groups and tackle the impunity which protects members of these groups and the security forces responsible for human rights violations, civilians will continue to be at risk of serious human rights violations.

Guerrilla Forces and Violations of International Humanitarian Law

Several guerrilla fronts operate in the south of the department of Cesar and the department of Norte de Santander. The "Camilo Torres Restrepo" and "José Solano Sepúlveda" fronts of the *Ejército de Liberación Nacional* (ELN) - National Liberation Army; the XXXVIII and XX fronts of the *Fuerzas Armadas Revolucionarias de Colombia* (FARC) - Revolutionary Armed Forces of Colombia and the "Libardo Mora Toro" of the *Ejército Popular de Liberación* (EPL) - Popular Liberation Army, are amongst the guerrilla forces which operate in the region.

Guerrilla forces have been responsible for numerous violations of the principles of international humanitarian law, including the taking of hostages and killings of politicians and other public officials. Armed opposition groups frequently take and hold hostages as ransom money has become one of the principal sources of income for some guerrilla groups. Other kidnap victims are held hostage for political motives, either to pressure the authorities to accede to guerrilla proposals or to demand publicity for their policies. Local officials and their relatives in guerrilla strongholds are frequently kidnapped and held until they agree to carry out public works programs or change their administrations's policies. A number of local officials, particularly mayors, who are accused of corruption or unjust social policies have been kidnapped and subjected to "popular trials", to force them to resign or to "return" pilfered public funds. Some have been summarily executed.

Reliable information about guerrilla abuses is difficult to obtain and verify. News reports often reproduce the official version of incidents which have frequently proved misleading. However, statistics compiled by national human rights agencies and non-governmental bodies indicate that the numbers of political killings attributable to armed opposition groups has been rising in recent years. Although the majority of political killings, some 70%, are carried out by the armed forces and their paramilitary allies, around 30% are now believed to be committed by guerrilla forces.

Protocol II of the Geneva Conventions which regulates internal conflict was adopted by the Colombian Government in December 1994. As yet no verification mechanisms have been set up to ensure that both sides in the conflict are abiding by international humanitarian law. The following examples provide illustration of the infringement of international humanitarian law by guerrilla forces.

Oswaldo Arturo Pájaro García was abducted together with Elibardo Galvis Barrera, a member of the Aguachica *Movimiento de Acción Comunal* (CAM) - Community Action Movement by ELN guerrillas at La Ye on the road to Aguachica, Cesar department, when they were returning from the opening of an aqueduct in Soledad with a party of about 40 people including town officials. Heavily armed ELN guerrillas held up the party for several hours, during which time they harangued the people they had detained about government politics, threatened to disrupt the forthcoming Presidential elections and continued to hold Pájaro and Galvis when they finally allowed the rest of the delegation to return to Soledad. The body of Oswaldo Pájaro - president of Aguachica's municipal council and an active member of the Liberal Party - was found two days later on a football pitch in the Nueva Colombia district of Aguachica.

Civilians suspected of collaborating with the security forces or of being army informants have frequently been killed by guerrilla forces. On 14 October 1994, three peasant farmers were killed by

the XX Front of the FARC in the village of El Líbano, municipality of San Alberto, department of Cesar. The three victims, Luis Antonio Villegas, Lucas Alirio Sepúlveda and Cayetano Sepúlveda had reportedly been subjected to a "trial" accused of being auxiliaries and informants of the armed forces.

Right-wing candidates for political posts have also been the target of assassination attempts by guerrilla forces. On 15 October 1994, Alfonso Quintero was killed by members of the *Coordinadora Guerrilla Simon Bolívar* - Simon Bolívar Guerrilla Coordination, a coalition of the guerrilla groups operating in Colombia. Alfonso Quintero was killed in a failed attempt to assassinate the Conservative Party mayoral candidate for the municipality of Convención, department of Norte de Santander, Hugo Solano. Alfonso Quintero was the candidate's chauffeur and killed as he was driving the mayoral candidate to the village of Cartagenita.

Mayors and other public officials working in areas of conflict often find themselves caught between two fires receiving threats from paramilitary forces and guerrilla forces. Following the detention of the commander of the Aguachica Military Base, Aguachica's mayor, Luis Fernando Rincón López, received a message from the Unión Camilista del ELN (UC-ELN) - the Camilist Union of the ELN which stated that he was guilty "*[de] lavarle la cara a los militares y de apoyar el posicionamiento de los paramilitares e la zona*" - "[of] washing the face of the military and supporting the establishment of paramilitary forces in the region." Soon after the mayor received a message from paramilitary forces accusing him, together with the Aguachica police commander and the mayor's private secretary, of responsibility for the detention of the commander of Aguachica Military Base. In June 1995, Luis Fernando Rincón, continuing to find himself between two fires, officially denounced the kidnapping on 31 May 1995 of Anuar Yáver Yáver, a 73-year-old farmer. Responsibility for the kidnapping was attributed by the mayor to the UC-ELN. At the time of the kidnapping there was serious concern for his safety particularly because of his poor state of health.

Soldiers captured by guerrilla forces are in some cases executed. On 19 December 1994, Orozco Jaimes Agustín, a member of the *Batallón de Infantería No.15 General Francisco de Paula Santander* - General Francisco de Paula Santander Infantry Battalion No.15, was reportedly killed in the municipality of Ocaña after his capture the previous day by guerrillas of the "Armando Cacua Guerrero" Front of the ELN.

In May 1995 the ELN and the Colombian Government agreed to renew dialogue broken off in 1992 in order to explore possibilities for a peace process. Respect for international humanitarian law and verification procedures was on the agenda for the initial meetings.

BACKGROUND INFORMATION

Army-backed paramilitary squads have sown terror in rural areas of Colombia for more than a decade, torturing, killing and "disappearing" with virtual impunity. The appearance of these supposedly independent paramilitary organizations in the early 1980s coincided with a dramatic increase in "disappearances" and political killings. Army brigade commanders and intelligence units attached to brigades and battalions in the conflict zones, recruited, armed, trained and supported paramilitary "self-defence" squads, while large landowners, industrialists, regional politicians and later, drug-traffickers, gave them economic support.

Law 48 of 1968 provided a legal basis for the formation of paramilitary “self-defence” squads by giving the armed forces the right to arm civilians and to create peasant defence groups. However, these groups' activities were not confined to fending off guerrilla attacks. They joined counter-insurgency "search and destroy" operations in areas where the population was considered sympathetic towards the guerrillas.

During the 1980s the paramilitary phenomenon grew rapidly. From the mid-1980s the "self-defence" groups increasingly merged with private armies of gunmen formed by drug-traffickers who had bought vast tracts of rich farmland in areas with a guerrilla presence. A community of interests developed between drug-traffickers and local army commanders in that both sought to eliminate members of rural communities who might sympathize with or support armed insurgents, and to deprive guerrilla groups of their social base. From small local groups intended to augment the military's capacity to protect private farms and rural communities from guerrilla attack, by 1988 the paramilitary organizations had become powerful military structures capable of coordinated action throughout the country.

Extensive areas of the country of economic interest to drug-traffickers or of tactical interest to the armed forces have been "fumigated": cleaned up by the paramilitaries, who rarely attack guerrilla forces directly. The target of "fumigation" campaigns are usually civilians suspected of sympathizing with guerrillas, and smallholders in the way of expanding ranches. Over the past six years, several thousand civilians have been massacred by army-backed paramilitary groups throughout the country. The victims include members of legal opposition groups, union leaders, teachers, and peasant and indigenous leaders. More recently, journalists and others attempting to investigate human rights violations, including members of the judiciary and Public Ministry officials, have been targeted and killed by paramilitary groups.

In response to the growing public outcry over the atrocities committed by paramilitary groups, then president Virgilio Barco issued decree laws in April 1989 which suspended the legal basis of the "self-defence" groups and introduced measures to combat "bands of hired killers, groups of self-defence or private justice" but since that time there has been little if any action taken to disband such groups. Armed forces commanders even argue that paramilitary groups do not even exist, what does exist are peasant farmers who defend themselves from guerrilla forces.

The government of President Ernesto Samper Pizano which took office in August 1994 has committed itself to tackling the human rights situation and made promises to dismantle paramilitary groups and bring to an end the impunity enjoyed by members of the security forces responsible for human rights violations.

On 9 September 1994, President Samper gave a speech as part of Colombia's National Human Rights Day in which he launched his government's human rights program. The program encapsulated many of the commitments made by the president in his inauguration speech and in the course of the presidential campaign, including the intention of tackling impunity in cases of human rights violations and a commitment to eradicate paramilitary groups.

In May 1995, President Samper announced his government's intention to reactivate:

"los mecanismos previstos en el decreto 814 de 1989, para el combate de estas formas de violencia organizada. Se reactivará el cuerpo especial constituido con este propósito, destinando mil efectivos de la Policía Nacional".

"the mechanisms laid out in decree 814 of 1989, to combat these forms of organized violence. The special corps set up with this in mind will be reactivated, assigning 1000 members of the National Police to the task".

The president announced that a study would be undertaken at the same time to develop a strategy to stamp out paramilitary groups.

However, despite the government's stated commitment to eradicate paramilitary groups, the government recently launched a new *Plan Integral de Seguridad Rural* - Integrated Rural Security Plan which envisages the creation of *Asociaciones Comunitarias de Vigilancia Rural (CONVIVIR)* - Community Rural Surveillance Associations. These "Associations" are designed to have a "defensive rather than an offensive role" and will principally assist the armed and security forces in intelligence gathering. However, Amnesty International is concerned that the plan provides that the new model of civilian vigilante groups may still "in exceptional circumstances", be issued with weapons by the army. In view of the army's acknowledged role in creating, training and equipping the paramilitary organizations responsible for widespread human rights violations, the lack of civilian accountability for issuing the weapons is a serious omission. Amnesty International is seriously concerned that these vigilante groups could be used by elements within the armed and security forces to develop a new paramilitary apparatus in order to continue illegal counter-insurgency practices including extrajudicial executions and "disappearances" and for paramilitary groups which already exist to continue functioning albeit under a different guise. On 2 April 1995, the Minister of Defence, Fernando Botero Zea, announced that 40 Associations had so far been set up and that his goal was the creation of 500 Associations by the end of 1995.

The Colombian Government must take immediate action to start dismantling paramilitary groups and bring those responsible for human rights violations to justice if the human rights situation is going to be tackled.

Bringing the Perpetrators of Human Rights Violations to Justice

In most instances the civil and legal authorities have initiated proceedings required by the law following reports of extrajudicial executions and "disappearances". However, the investigations have only exceptionally resulted in prosecutions and convictions. Despite the persistent efforts of the *Procuraduría General de la Nación* - Office of the Procurator-General and the civilian judiciary to identify for prosecution those responsible for human rights violations, extrajudicial executions, torture and "disappearances" continue to be committed with virtual impunity. In the majority of cases where investigations have resulted in the identification of armed forces personnel implicated in politically motivated abuses, jurisdiction has passed to the military courts. These courts have failed to conduct impartial proceedings or to hold police and military personnel criminally liable for violent crimes carried out in the context of counter-insurgency and the suppression of supposed sympathizers of political opposition groups.

Luis Ernesto Ascanio, 15 years old, abducted and "disappeared" by members of Mobile Brigade No.2 on 26 January 1993

In cases of criminal action committed by members of the armed forces outside of counter-insurgency operations, the military establishment is quick to act in dismissing and permitting prosecution of the guilty party. On Monday, 13 March 1995, a soldier belonging to the *Brigada Móvil No.2* - Mobile Brigade No.2, threatened a bus driver with a hand-grenade during an argument. The grenade exploded, killing two people and wounding another 13. The incident took place in the municipality of Sardinata, department of Norte de Santander. On the same day the soldier was arrested by police and placed in the custody of the *Fiscalía Seccional de Sardinata* - Office of the Regional Attorney of Sardinata. The commander of Mobile Brigade No.2 reportedly called for the dismissal of the soldier from the armed forces so that he could be placed into the jurisdiction of the civilian courts.

Military authorities have not shown the same willingness to hold their subordinates accountable for politically motivated killings. The soldier in question had been named in testimonies given by witnesses as being directly responsible for the "disappearance" of nine people, including Luis Ernesto Ascanio, a 15-year-old boy, in the department of Norte de Santander between 12 and 26 January 1993, to investigators belonging to the *Oficina de Investigaciones Especiales de la Procuraduría General de la Nación* - Office for Special Investigations of the Office of Procurator-General. However, despite the fact that he was named in disciplinary investigations into these "disappearances" to date he and other members of the armed forces responsible have to date faced no penal or disciplinary charges.