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So Far to Go: Human Rights in Colombia by Lisa Haugaard

As the debate on the free trade agreement for Colombia heats up, the true human rights tragedy that is still taking place in that country should not be ignored. It is essential for the United States to insist upon improvements in human rights in Colombia, not to paint a rosy picture to secure a trade agreement. U.S. policy must take responsibility for the behavior of security forces trained with U.S. taxpayer dollars; take into account the continued suffering of the civilian population in the midst of an ongoing conflict; and support the rights of victims to truth, justice and reparations after a decade of atrocities. Here is a summary of recent human rights concerns.

- **Extrajudicial executions of civilians by the Colombian army are increasing.**
- **While over 31,000 paramilitary members went through demobilization ceremonies, new groups, rearmed and undemobilized paramilitaries continue to use threats and violence against the civilian population to exert control over territory and the drug trade.**
- **Victims, witnesses and human rights defenders are threatened and killed for denouncing paramilitary violence, limiting freedom of expression and assembly.**
- **The Justice and Peace process, under which the worst paramilitary abusers were supposed to receive at least token sentences in exchange for revealing their crimes, is so far offering little in the way of justice.**
- **As it becomes clear that few paramilitaries will pay even reduced sentences for crimes, the full scope of paramilitary atrocities is starting to be revealed.**
- **The progress in investigating politicians' ties to paramilitaries, driven by the Supreme Court rather than the executive, is a positive first step – but the armed forces' role in aiding paramilitary violence has barely even been broached.**
- **More people were internally displaced by violence in 2007 than the year before, and the total number of people internally displaced in Colombia's conflict now tops 4 million.**
- **The number of kidnappings is declining, although it is still a very serious problem, and kidnap victims suffer greatly in captivity.**
- **Guerrilla groups continued to kill, threaten and displace the civilian population.**
- **Violence against trade unionists continues at extremely high levels; the vast majority of cases of assassination of trade unionists remain unsolved.**

1. Extrajudicial executions of civilians by the army are increasing.

- Colombia's major human rights groups documented 955 extrajudicial killings allegedly committed by the Colombian armed forces between July 2002 and June 2007, compared with 577 over the previous five-year period, a 65 percent increase. The Colombian Commission of Jurists documents 13 cases in the first month of 2008. These cases, which are deliberate rather than cases of civilians caught in the crossfire, typically involve groups of soldiers detaining a civilian, who is seen by witnesses, and who later turns up dead, dressed in guerrilla clothing and claimed by the army as killed in combat.
- The Washington Post cites Colombian government figures that confirm the nongovernmental groups' estimate of the number of these incidents (the Attorney General's office is investigating 525 killings, with another 500 cases yet to be opened; the Inspector General's office has disciplinary cases that could involve as many as 1,000 victims). (Juan Forero, "Colombian Troops Kill Farmers, Pass Off Bodies as Rebels," *Washington Post*, March 30, 2008)
- The Jesuit research center CINEP reported 128 extrajudicial executions allegedly committed by members of the armed forces in the first six months of 2007, compared with 92 in the same period the previous year. (cited in the State Department human rights report for 2007)
- The United Nations High Commissioner for Human Rights' office in Colombia asserted in 2004, 2005, and 2006 that the number of allegations of extrajudicial killings by members of the Colombian armed forces reported to its office increased compared to the previous year. The 2007 report did not estimate changes in number, but noted that "in most cases, these executions followed the same pattern observed in previous years: the victims were civilians who were presented as members of the guerrilla groups or other illegal armed groups, reported as killed in combat." For example, "In Riohacha, La Guajira, members of the Cartagena Battalion were allegedly responsible for the death of a peasant farmer affected by mental disability. On 2 May 2007, in Hato Corozal, Casanare, there was the death of a community leader, in events attributed to members of the Counter-Guerrilla Battalion No. 65. On 13 May, in Pueblo Bello, Cesar, a murder was allegedly perpetrated by soldiers of Brigade 10. In Orito, Putumayo, members of Mobile Brigade 13 were allegedly responsible for the death of three civilians on 9 September." (UNHCHR 2007 report, Annex, points 1-3)
- European and U.S. human rights experts in October 2007 listened to witnesses, relatives and lawyers in 130 cases and observed, "In a large number of cases, victims are illegally detained in their home or workplace and taken to the place where they are executed... Those who are killed or disappeared are generally peasant farmers, indigenous people, labourers or very impoverished people. A significant percentage are community leaders... They are reported by the armed forces as insurgents killed in combat." The mission concluded, "Only a tiny number of those responsible for extrajudicial executions are convicted, leading to a situation of generalised impunity." ("Preliminary Report of the International Mission on Extrajudicial Executions," October 2007)
- The State Department 2007 human rights report observes that of the 170 active investigations into such cases, 71 occurred in Antioquia, 32 in Meta and 13 in Norte de Santander; and "a large number of the reported cases allegedly involved the Fourth Infantry Battalion, the 12th Mobile Brigade, and the 15th Mobile Brigade."

- The Colombian government has taken some potentially significant steps to address this serious problem. The Defense Ministry issued directives to the armed forces to prioritize captures over killings, adhere to regulations over rules of engagement and transfer cases of possible extrajudicial executions from military to civilian courts. In 2007, human rights cases involving security forces finally began to be transferred to civilian courts. The government also established a high-level commission to examine the problem.
- However, new cases continue to occur and very few convictions have been achieved in past cases. Progress must be measured through results: an end to new killings; existing cases being regularly and promptly transferred from military jurisdiction, where they go nowhere, to civilian courts; and convictions, where warranted, achieved.
- More than one-third of recent killings of civilians, in cases in which the perpetrators' group is identified, were committed directly by Colombia's security forces, with slightly less than one-third each attributed to paramilitary and guerrilla groups. Of 1,348 people killed or disappeared (outside of combat) from July 2006 to June 2007, the Colombian Commission of Jurists asserts that in the cases in which the presumed perpetrators' group is identified, 39.1 percent of these crimes were committed directly by state agents; 31.7 percent by paramilitaries, and 29.2 percent by guerrillas. (In nearly half of the 1,348 cases, the perpetrators' group is still unknown).

2. While over 31,000 persons participated in the paramilitary demobilization program, a considerable number appear not to have been paramilitaries at all. Meanwhile, new groups, undemobilized and rearmed paramilitaries continue to use threats and violence to exercise power, threaten human rights defenders and union activists, and take control of the drug trade.

- The OAS mission officially monitoring the demobilization process documents the existence of 22 rearmed groups. (MAPP/OAS 10th report)
- “The presence and activities of various illegal groups in different regions of the country continue to present one of the main risks to consolidating the peace process. Some of these groups are led by commanders of the United Self-Defense Forces [AUC] who did not heed the government's call to participate in the process, while others reflect an alliance between former paramilitaries and drug traffickers....The operations of these groups continue to gravely affect the civilian population, and primarily vulnerable groups, such as women, children, Afro-descendants, and indigenous peoples.” (MAPP/OAS 9th report)
- The State Department's 2007 human rights report concludes that “The AUC demobilization led to a reduction in killings and other human rights abuses, but paramilitaries who refused to demobilize and new criminal groups continued to commit numerous unlawful acts and related abuses, including: political killings and kidnappings; physical violence; forced displacement; subornation and intimidation of judges, prosecutors, and witnesses; infringement on citizens' privacy rights; restrictions on freedom of movement; recruitment and use of child soldiers; and harassment, intimidation, and killings of human rights workers, journalists, teachers, and trade unionists.”
- From the start of the ceasefire agreement between the Colombian government and paramilitary forces in December 2002 until June 30, 2007, the Colombian Commission of Jurists documents at least 3,530 killings and disappearances by the paramilitaries

(outside of combat). These killings and disappearances, while trending downward, indicate many paramilitaries have not demobilized (1225 from July 2003 – June 2004, to 233 from July 2006-June 2007). The guerrillas (FARC and ELN), who are not “demobilized,” and who have not signed a ceasefire agreement with the government, were responsible for 1,805 killings and disappearances of civilians during nearly the same time period (July 2002 through June 2007). Paramilitaries in a period of ceasefire and demobilization killed and disappeared nearly twice the number of civilians as the guerrillas who were still in active combat.

- According to the International Crisis Group, “While taking some 32,000 AUC members out of the conflict has certainly altered the landscape of violence, there is growing evidence that new armed groups are emerging that are more than the simple ‘criminal gangs’ that the government describes. Some of them are increasingly acting as the next generation of paramilitaries, and they require a more urgent and more comprehensive response from the government.” “There is certainly a danger old-style paramilitary groups will emerge but also a threat that a new federation of criminal and drug-trafficking organisations could be built, perhaps including some FARC and ELN elements.” (International Crisis Group, “Colombia’s New Armed Groups,” June 2007)

3. Victims, witnesses and human rights defenders are threatened and killed for denouncing paramilitary violence, limiting freedom of expression and assembly.

- Human rights defenders, trade unionists and community leaders are receiving death threats from the rearmed paramilitary groups such as the Black Eagles – and are reeling from a new wave of violence. Before, during and after a countrywide rally on March 6, 2008 against paramilitary and all forms of violence, at least two march organizers were killed (union leaders Carlos Burbano and Carmen Cecilia Carvajal). At least three other social leaders were killed in events that may also be associated with the march. March organizers all over the country received death threats, and one organizer’s house was attacked with gunfire February 29. (Luz Adriana Gonzalez, member of the Permanent Committee for the Defense of Human Rights in Pereira, as noted in UNHCHR, “Preocupacion por amenazas y asesinatos contra defensores de derechos humanos, 13 de marzo, 2008) The remarks of one of President Uribe’s top advisors, Jose Obdulio Gaviria, suggesting that the rally was organized by the FARC, helped create the atmosphere in which these threats were made. When asked on Colombian radio if he would participate in the march against paramilitary violence convoked by the victims’ movement, presidential advisor Jose Obdulio Gaviria said, “I, personally, will not participate, unlike what I did with full enthusiasm for the march against the FARC.... It’s very hard for Colombian society to participate in that kind of event, when we just finished marching against the people who are organizing it.” (“El gobierno de Uribe rechaza una marcha contra los paramilitares,” 12 de febrero, 2008, www.elpais.com)
- The Colombian government has failed to set up a system to protect victims who testify in the Justice and Peace hearings. According to the government’s National Commission for Reparations and Reconciliation, paramilitary groups have killed at least 15 victims participating in the process and over 200 have received death threats. (“Nueva rebelion de los ex ‘paras’ profundiza rezagos en reparacion,” *El Tiempo*, 25 de julio de 2007) The government had been repeatedly warned by victims’ groups that they lacked protection. Yet little was done until courts ordered the government in June 2007 to produce a plan

for witness protection. In September 2007, the Ministries of the Interior and Justice produced a plan for a protection program, but it remains to be put into operation. In the meantime, countless victims went forward without protection and support – or were frightened into silence.

4. The Justice and Peace process, under which the worst paramilitary abusers were supposed to receive at least token sentences in exchange for revealing their crimes, is offering little in the way of justice.

- Not a single indictment was issued in 2007. (UNHCHR 2007 report)
- Only 3,127 of the more than 31,671 paramilitaries who supposedly demobilized decided to apply for benefits (reduced sentences in exchange for making a detailed confession) under the Justice and Peace Law (Law 975/2005). The remaining 90 percent of the paramilitaries believed that the justice system was unlikely to prosecute them for crimes. Of those 3,127, the Attorney General began receiving 1,057 voluntary depositions, which the demobilized person must make in order to receive a reduced sentence. However, of these 1,057 depositions, 951 were closed because the demobilized paramilitaries decided to withdraw their application for benefits – in essence, banking that the Colombian justice system is so ineffective that they can go free and avoid prosecution entirely. (Statistics from the UNHCHR 2007 report)
- The Attorney General’s office reports the exhumation of 1,196 remains in 1,009 mass graves in 2007. While exhumations are crucial, human rights and victims’ groups claim that the exhumations are being carried out without adequate effort to identify the bodies, so that families of the disappeared can claim their relatives and as much evidence as possible can be gleaned. The UNHCHR cautions, “It is urgent to redirect the process of exhumation so that many more bodies can be identified.”

5. As it becomes clear that few paramilitaries will pay even reduced sentences for crimes, the full scope of paramilitary atrocities is starting to be revealed. Many of the revelations are coming out through the efforts of victims and human rights groups, as well as some media, rather than through the official process set up through the Justice and Peace law.

- The Colombian Commission of Jurists estimates that paramilitaries were responsible for killing or disappearing at least 14,677 people outside of combat in the decade from July 1996 to June 2007. Guerrillas were responsible for killing or disappearing at least 4,502 people outside of combat in the same period (but bore much greater responsibility for kidnapping).
- **121,547** victims or relatives have come forward to the Attorney General’s office to register their cases, despite the little prospect for justice and the risks this entails.
- According to a series on mass graves by Colombian daily *El Tiempo*, in order to effectively “disappear” people, paramilitaries were trained to cut their victims alive into pieces. They conducted training on live people trucked into encampments for this purpose. “The instructions were to cut off their arms and heads, to quarter them alive. They started crying and asking us not to hurt them, they had families.... We had to rip the people open from the chest down to the stomach and tear out the intestines, the guts. We would cut off their legs, arms and head with a machete or knife. The rest, the guts, you do with your hands. Those of us who were in training had to pull out the intestines.” (“Colombia busca a 10,000 muertos,” *El Tiempo*, 24 de abril, 2007)

- Paramilitaries used the rivers to disappear people. The undertaker in a river town recalled that he buried some 500 bodies in unmarked graves. “The bodies came sometimes in pieces, a leg showed up, then a head. Some had been tortured.” (*El Tiempo*, 24 de abril, 2007)
- Paramilitary “Carlos Tijeras” admitted to 720 killings, and said that under orders to reduce massacres to lower their profile after 2003, his group began to carry extra bodies to another place when they killed more than two people and even used poisonous snakes to make killings appear accidental. (“Paras usaron serpientes venenosas para matar a sus victimas, revelo desmovilizado a la Fiscalia,” *El Tiempo*, 3 de marzo, 2008)

6. The advances in investigating and exposing politicians’ ties to paramilitaries are a very positive development. However, they are driven by the Supreme Court, not the executive branch or the Justice and Peace process. Moreover, the responsibility of the armed forces in aiding and abetting paramilitaries has barely been broached.

- The Supreme Court opened investigations into the activities of 45 members of Colombia’s national Congress, nearly all associated with parties allied with President Uribe, for their alleged links with paramilitary groups. “The Supreme Court has given clear evidence of its strength and independence, which reinforces the possibility to further expose other paramilitary connections with members of public and private institutions.” (UNHCHR report, point 15)
- Rather than backing the Supreme Court, President Uribe has attempted to intimidate the court by publicly excoriating the justice heading up the parapolitics investigation, leading the judges to threaten mass resignations. According to Human Rights Watch, “Rather than fully support investigations into these links [between paramilitaries and politicians], Uribe has repeatedly lashed out against the judges and journalists who are trying to uncover the extent of the paramilitaries’ influence.” (Human Rights Watch, “Colombia: Rice Should Press Uribe on Rights Issues,” January 23, 2008)
- The responsibility of the armed forces for aiding and abetting paramilitary violence remains barely discussed and in near total impunity. Perhaps the most telling symbol of this was the recent acquittal of General Uscategui in the Mapiripan massacre, while the officer believed to be the whistleblower received a 40-year sentence. The Attorney General’s office is appealing. (“For five days in 1997, Gen. Uscategui ignored pleas from a judge in Mapiripan as [paramilitary leader] Mr. Castano's men shot and hacked their way through 30 people. According to prosecutors, soldiers under Gen. Uscategui's direct command had actually helped the paramilitaries unload their weapons at the air base where the United States kept most of its drug-fighting airplanes.”) (Robin Kirk, Human Rights Watch, “Sanctioning Brutality in Colombia,” *Washington Times*, October 8, 1999)

7. More people were internally displaced by violence in 2007 than the year before, and the total number of people internally displaced in Colombia’s conflict now tops 4 million.

- CODHES, the primary nongovernmental group tracking displacement, estimated that 305,966 people were displaced in 2007, a 27 percent increase from 2006.
- The Colombian government’s social welfare agency, Accion Social, registered 140,183 newly displaced persons in the first nine months of 2007, compared with 110,302 during the same period in 2006. (State Department 2007 human rights report) Accion Social

tallied 204,759 people displaced at the end of 2007, but that figure will rise as people displaced in 2007 continue to be registered in 2008. The Colombian government statistics count IDPs only once their applications for assistance have been accepted (and many IDPs do not register or have their applications denied), while CODHES uses news reports, information from humanitarian agencies and some fieldwork for its numbers.

- According to CODHES, displacement in 2007 was greatest in the areas where the army was conducting offensive operations; in the areas where there are strong disputes between the FARC and ELN guerrillas; in the departments where paramilitary presence was reconsolidating; and in the areas of extensive fumigation.
- At least 6 IDP leaders were killed in 2007. (State Department 2007 human rights report)

8. Kidnapping is declining, although it is still a serious problem, and kidnap victims suffer greatly in captivity.

- “Although kidnapping, both for ransom and for political reasons, continued to diminish, it remained a serious problem. According to the Presidential Program for Human Rights, there were 289 kidnappings during the first eight months of the year, compared with 476 in the same period in 2006. The government’s National Fund for the Defense of Personal Liberty (Fondolibertad) reported 393 kidnappings for extortion during the first nine months of the year.” (State Department 2007 human rights report)
- The majority of kidnappings were carried out by common criminals and guerrilla groups. (The nongovernmental organization Pais Libre, using Fondolibertad statistics, states that of the 521 kidnappings reported by the end of 2007, 245 were attributed to common crime, 120 to the FARC and 27 to the ELN guerrillas)
- Kidnap victims continued to be held for years in deplorable conditions. The release of a handful of high-profile kidnap victims provided one of the few rays of hope recently for kidnap victims’ families.

9. Guerrilla groups continued to kill, threaten and displace the civilian population.

- The UNHCHR “recorded in 2007 a large number of massacres, most of which were attributed to members of FARC-EP. On 18 June, 11 assemblymen from Valle del Cauca, kidnapped by FARC-EP in 2002 were murdered. In Turbo, on 16 May, members of FARC-EP were allegedly responsible for opening fire against a vehicle, which caused the deaths of four people including a girl aged 3. In Cumbal, Nariño, on 5 June, FARC-EP were allegedly responsible for the death of eight members of the indigenous Awá and Pasto communities. There was also the killing of three peasant farmers allegedly perpetrated by members of the ELN, on 12 March in Mercaderes, Cauca.” (UNHCHR 2007 report, Annex, point 21)
- “There were also reports of selective murders. On 15 January, members of FARC-EP murdered two teachers in Ricaurte, Nariño, and on 23 January, they murdered the president of the Community Action Board in Samaná, Caldas. Members of ELN were allegedly responsible for the murder of a community leader in Tame, Arauca on 28 July. On 11 June, on the Totumeando-Manjuari road, members of FARC-EP reportedly used an electric saw to kill a truck driver.” (UNHCHR 2007 report, Annex, point 22)

10. Violence against trade unionists continues at extremely high levels; the vast majority of trade union assassinations remain unsolved.

- Preliminary figures show that at least 12 trade unionists were killed in the first two and a half months of 2008.
- Thirty-eight trade unionists were killed in the first 11 months of 2007, a decline from 72 in 2006, according to the Escuela Nacional Sindical, the main nongovernmental organization documenting violence against trade unionists.
- However, some other indicators of violence increased. Eleven union members were disappeared in the first eleven months of 2007, doubling the 2006 figure. Ninety-five trade unionists were forcibly displaced in the first eleven months of 2007, up from seven in 2006. 201 threats against trade unionists were made in the first eleven months of 2007. (all figures are from the Escuela Nacional Sindical)
- According to the Escuela Nacional Sindical, between 2003 and 2006, “there was a strategic change in the forms of violence against unionized workers, which can be principally characterized by a decrease in homicides, the accelerated increase in detentions, the increase in violations of the human rights of women unionists, the powerful restrictions to union freedoms, a significant increase in death threats, the increase in crimes committed by State actors, and the use of a variety of strategies to invisibilize the magnitude of the violence.” (“That Sinister Ease to Forget: 21 Years of Systematic and Selective Assassinations (1986-2006),” 2007, p. 54)
- A sub-unit of the Attorney General’s office was established in 2006 to accelerate resolutions of assassinations of trade unionists. Despite more resources for these cases, convictions continue to lag behind murders, leaving the impunity rate at 98 percent. Of the 2,283 murders between 1991-2007, only 50 convictions have been issued. (from data from the Colombian government’s Ministry of Social Protection, in US Labor Education in the Americas Project, “Colombia Fact Sheet: Murders of Trade Unionists and Impunity,” February 2008)

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