



## Intelligence Report

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### Colombia: Samper's Human Rights Resolve Being Tested

*President Ernesto Samper has broken with previous administrations by publicly admitting that Colombia has a serious human rights problem and by taking some modest steps toward reform.*

- Over the objection of the military, Samper has dismissed numerous state security officials implicated in abuses, reopened several major human rights cases, and last December signed Protocol II of the Geneva Convention, which requires all sides of the guerrilla war to protect noncombatants.
- Samper has also appointed a human rights adviser to the Defense Minister and created at least 50 "human rights sensitivity training units" in the military and police at the battalion level.

Despite this auspicious start, the President continues to bow to pressure from the services to maintain the military's jurisdiction over abuses perpetrated by uniformed personnel and to uphold the principle of due obedience to orders, which virtually guarantee impunity for offenses.

*Samper is approaching several milestones that will further measure his seriousness about reducing rights abuses.*

- The administration plans to submit a bill to Congress in June to reform the military penal code.
- The reopening of several human rights investigations gives the administration an opportunity to prosecute and make an example of some security officials and paramilitary leaders strongly implicated in abuses.

*If Samper fails these tests, the international human rights community will almost certainly go back on the offensive.*

- *Not only will US support for Colombian military and counternarcotics programs come under renewed fire, but Colombia may be disadvantaged in negotiations for accession to NAFTA or a future free trade area of the Americas.*

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Since coming to office last August, President Samper has earned international applause by abandoning past administrations' characterization of the country's human rights record as an "image problem" brought on by distorted "facts" from biased nongovernmental organizations (NGOs). In February, for example, Samper held a widely publicized ceremony to accept the final report of the Trujillo Commission, which he had convened last fall to investigate murders and disappearances in the Valle del Cauca Department in 1989 and 1990.<sup>1</sup> During the ceremony, Samper declared that he accepted that the government was responsible for the massacre and negligent in failing to prosecute those involved in the case and that he planned to indemnify the victims' families. [redacted]

Samper has moved beyond a rhetorical embrace of a human rights agenda by instituting several reforms:

- The administration has created "human rights sensitivity training units," led by specially trained officers, throughout the military and police at the battalion level.<sup>2</sup> Roughly 50 of these units have been established, though [redacted] their effectiveness varies from service to service.<sup>3</sup>
- The Attorney General's Office has reopened several human rights cases, including the widely publicized Trujillo and Caloto cases, which international NGOs have repeatedly cited as blatant instances of military-sponsored terror and impunity.
- Human rights offenders—including Lt. Col. Felipe Becerra, most recently linked to the Rio Frio Case, and Lt. Col. Alirio Uruena, implicated in the Trujillo murders—have been removed from the security forces, and over 40 police officers in Cali and elsewhere were dismissed for accepting bribes from drug traffickers and participating in rights abuses, according to press reports.

<sup>1</sup> See the appendix for information on the status of major pending human rights cases. [redacted]

<sup>2</sup> The National Police falls administratively under the Ministry of Defense and military courts have jurisdiction over rights cases involving uniformed police personnel. [redacted]

<sup>3</sup> [redacted] Army human rights units are being staffed by young service lawyers who command little respect from line officers. On the other hand, the Antinarcotics Police's human rights office is headed by a 20-year police veteran who has developed an operationally oriented training program to give police hands-on experience with potential human rights situations. [redacted]

This report was prepared by [redacted] Office of African and Latin American Analysis. Comments and queries are welcome and may be directed to the Chief, South America Division, ALA on [redacted]

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- Samper has invited Colombia's greatest international human rights critic --Amnesty International--to establish a permanent office in Bogota.
- In December 1994, Samper signed, without reservations, Protocol II of the Geneva Convention--which creates norms for internal conflicts that include a requirement for "maximum protection" of the civilian noncombatant population--over the objections of the military and hardliners in Congress.

#### Human Rights and the Peace Process

President Samper has made peace talks with Colombia's insurgents the centerpiece of his national security policy and has called for the "humanization" of the conflict as a precondition for a dialogue. For their part, the country's guerrillas have historically demanded that the government crack down on human rights abusers in the military and in right-wing self-defense groups before they would consider serious negotiations.

- Rebel leaders hailed Bogota's passage of Protocol II of the Geneva Convention without the revisions demanded by the military as a sign of the administration's good faith and have agreed to abide by its provisions.

Security officials remain skeptical of the guerrillas' sincerity, however, and fear that they will bear the brunt of the government's enforcement of human rights reforms.

- The Colombian Senate and military high command opposed Protocol II during debate in late 1994 primarily because it accords the guerrillas the status of "belligerent party to the conflict," although their efforts to gut the treaty were subsequently defeated.
- Military leaders are also concerned that Samper's offer of amnesty for insurgents who surrender and provide information could lead to false accusations of rights abuses against security personnel.

The President has underscored his commitment by endorsing the appointment of a rights advocate to a senior post in the Defense Ministry. Defense Minister Fernando Botero created a human rights commission and appointed Dr. Pilar Gaitan to lead it as his Human Rights Adviser. Gaitan, a former university professor, is well respected within the human rights community because she has

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experienced human rights abuses firsthand: as an activist student in the 1970s, she was secretly arrested and tortured by the Colombian military. [redacted]

In addition, Samper has retained several of former President Gaviria's more promising appointments to human rights offices. Hernando Valencia Villa, appointed Director of the Attorney General's Human Rights Office under Gaviria, has jump-started many high-profile human rights cases that were stalled during the last year of the Gaviria administration. He continues to attack impunity within the military rank and file by pressing for the dismissal of soldiers tainted by human rights violations. Similarly, Jaime Cordoba Trivino--National Human Rights Ombudsman since the Office of the Defender of the People was created by the Gaviria administration in 1991--continues to press for the education and training of military and police officials in the defense of human rights. [redacted] Both Valencia and Cordoba strongly demonstrated their independence from political influence when they publicly attacked Gaviria's decision to veto the Forced Disappearances Bill, which would have transferred jurisdiction over forced disappearance cases perpetrated by armed forces personnel from military to civilian courts. [redacted]

#### **...But Still Treating the Military With Kid Gloves**

Despite public declarations of his intent to challenge military impunity, Samper has repeatedly bowed to pressure from the services to maintain the military's jurisdiction over uniformed personnel involved in human rights cases and to uphold the principle of due obedience to orders, which remain the greatest obstacles to an improved human rights record. [redacted]

[redacted] pushing the armed forces hard on human rights would jeopardize his security agenda. Endorsing the military's position, [redacted] the administration supported the Senate's vote last October to strike down key provisions of the Forced Disappearances Bill that would have increased sentences for secret arrests, given civilian courts jurisdiction over the cases, and allowed subordinates to disobey an order from a superior officer to abduct an individual.

[redacted]

The administration also appears reluctant to challenge the military's promotion system, which continues to reward line officers for counterinsurgency success, often at the expense of human rights. Under Samper, promotions in the Army still go to those line officers whose guerrilla body counts are the highest. [redacted]

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Defense Minister Botero has emphasized [redacted] that human rights will weigh heavily in determining promotions, a number of NGOs have cited Samper's promotion of Maj. Gen. Harold Bedoya to Army Commander in November 1994 as evidence to the contrary. [redacted]

[redacted] Several rights groups have also criticized the record of Samper's new Armed Forces Commander, Gen. Hernando Camilo Zuniga. [redacted]

Samper has yet to demonstrate resolve in addressing abuses by paramilitary groups that operate with the tacit approval of the military. Since Samper took office in August, paramilitary groups have stepped up their attacks against leftist politicians, guerrilla sympathizers, and demobilized insurgents in an effort to scuttle the administration's peace initiative of dialogue with the guerrillas. Despite this increase in violence, last September the President announced, as part of his human rights policy, an amnesty plan for paramilitary and self-defense groups, laying the blame for rural violence on narcotics traffickers and insurgents. Moreover, in December Samper endorsed Botero's proposal to create rural security cooperatives. Although he watered down the Defense Minister's original plan to arm and finance private defense units by insisting that the cooperatives perform only an intelligence-gathering role, the proposal drew fire from human rights groups, who claimed that the initiative gave tacit government sanction for rightwing paramilitary groups. The administration has also failed to arrest and prosecute paramilitary leader Fidel Castano, who has been implicated in a number of rural massacres since the late 1980s.<sup>4</sup> In February, at least 13 "leftists" were murdered by paramilitary groups linked to Castano. [redacted]

[redacted] renewing calls from rights groups for the administration to take action against self-defense groups funded and armed by wealthy landholders. [redacted]

#### Benchmarks for the Coming Year

Samper is approaching several milestones that will further measure his human rights resolve.

- *Military Judicial Reform Bill.* [redacted] the administration plans to submit a bill to Congress that will remove military judges from their command structure, classify rights abuses as crimes punishable by severe penalties, and allow the Attorney General's Office to monitor military courts

<sup>4</sup> See the appendix on the La Honduras and La Negra Massacres. Castano's paramilitary activities have garnered him high-level support in the military. For example, during late 1992 and early 1993, Castano led the paramilitary group Los PEPES, which murdered supporters of then fugitive drug lord Pablo Escobar [redacted]

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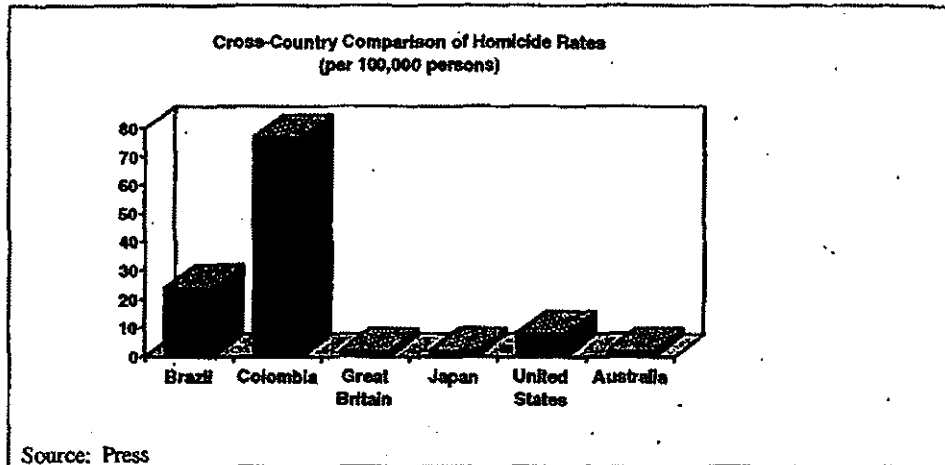
marital. Officials hope to submit the bill by June 1995. In preparation, [redacted] Samper in March inaugurated a revamped interagency commission charged with preparing the legislation. The commission now includes several administration rights advisers and the head of a Colombian NGO, who administration officials hope will balance out the uniformed members who stymied reform last year.

- *Forced Disappearances Bill.* Following the Senate's removal of key provisions that would have increased sentences for secret arrests, given civilian courts jurisdiction over the cases, and allowed subordinates to disobey an order from a superior officer to abduct an individual, the bill was sent to the House. Samper continues to oppose the measure, [redacted] and, as a result, is unlikely to intervene on its behalf with the House, which is likely to support the Senate's action.
- *Prosecution of accused military officials and paramilitary leaders.* The recent reopening of several human rights cases will give the administration an opportunity to prosecute and to make an example of some security officials and paramilitary leaders strongly implicated in abuses. Although in the past some military officers have been dismissed from the service because of involvement in human rights abuses, few have been formally prosecuted. Signs to watch for include the arrest of those implicated by the Trujillo Commission--including Uruena--and a formal investigation of charges against Becerra and Castano.
- *Implementation of Protocol II of the Geneva Convention.* Samper has invited both the United Nations and Amnesty International to send permanent observers to monitor Colombia's compliance with Protocol II. Both have so far declined, adopting a wait-and-see attitude regarding Bogota's human rights commitment. Subsequent acceptance of Samper's offer would signal their recognition of progress on human rights. [redacted]

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Samper's challenges in meeting these objectives are compounded by Colombia's persistently high levels of political and criminal violence, which have compelled previous administrations to adopt hard line policies that often foster state-sponsored abuses.



- According to a recent poll, Colombians rated crime as their number-one concern, and public frustration with the failure of the police and the judiciary to curb urban crime is fueling a rise in vigilantism and "social cleansing" killings. [redacted]
- Moreover, Samper's call for peace negotiations with Colombia's insurgents has failed to reduce the level of rural violence. Kidnappings of both Colombians and foreigners are at an all-time high. [redacted] and insurgent attacks on oil facilities continue to cause expensive disruptions to this important revenue source.
- Finally, rightwing groups have vowed to target leftist politicians and labor leaders as long as guerrillas continue to assassinate paramilitary members, [redacted]

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### Outlook and Implications

If Samper meets these benchmark tests, his credibility as a human rights advocate would be significantly strengthened, reducing this issue as an irritant in relations with the United States, the European Union, and the United Nations Human Rights Commission, which have been particularly critical of Colombia's rights record. Nevertheless, rights groups, while praising the President for his administration's progress, are likely to raise the ante, demanding to see further results in the form of convictions of rights abusers, enforcement of stiff penalties, and a decline in politically-motivated killings. [redacted]

Further process will depend not only on Samper's continued commitment, but also on the security services' ability to enforce rights norms against a backdrop of ongoing insurgent and right-wing violence. Growing public concern about urban crime and the persistence of rural violence, will continue to complicate Colombia's efforts to improve its human rights record. [redacted]

- Public pressure to deal with the crime problem probably will encourage extralegal actions despite police reforms intended to reduce rights violations.
- Despite government efforts to move the peace process forward, groups targeted by guerrillas--such as cattle ranchers, oil companies, and businessmen--have already increased calls for a government crackdown on the insurgents.
- Samper is likely to increase counterinsurgent operations in the coca and opium growing areas, where guerrilla actions have threatened Bogota's aerial eradication program, critical to the administration's publicly-stated goal of eliminating illicit coca and opium poppy cultivation in two years.
- Finally, paramilitary groups claim they will only demobilize when they are certain the armed forces can maintain order. [redacted]

Continued violence will force the President into the difficult position of trying to conduct successful counterinsurgent and law enforcement campaigns while abiding by the international rights norms to which he has committed his administration. At a minimum, continued security challenges will exacerbate civil-military tensions over human rights policy and provide opportunities for additional abuses, slowing the pace at which reforms show results. At the extreme, violence could push the President to follow the lead of his predecessors and adopt a hard line to restore public confidence in the government's ability to deal with these problems--which could sideline his human rights agenda. [redacted]

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If Samper fails the benchmark tests in the coming year, the international human rights community will almost certainly go back on the offensive. Samper's relations with the NGOs have already begun to fray due to the administration's lobbying against the Forced Disappearances Bill, its support for the rural security cooperatives, and recent murders of leftists that have highlighted paramilitary impunity.

- Without measurable reductions in abuses and increased prosecution of offenders, US support for Colombian counternarcotics programs will come under renewed fire from rights groups claiming that they foster rights violations and sanction official impunity.
- Moreover, a continued poor rights record may undermine Colombia's petitions for consideration for accession to NAFTA, or a future free trade area of the Americas, as described at the Miami Summit.

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## Appendix

### Pending Human Rights Cases

#### La Honduras and La Negra Massacres

On 4 March, 1988, 31 peasants and labor union members were killed at the La Honduras and La Negra farms in Turbo, Antioquia Department. The Worker-Student Revolutionary Movement--a self-styled neo-Nazi paramilitary group led by Fidel Castano--claimed responsibility for the incident. [redacted] an investigation undertaken by the Department of Administrative Security (DAS) found evidence that Colombian Army intelligence officers had identified people belonging to guerrilla-supported labor unions and passed the information on to Castano's paramilitaries. [redacted] Castano, financed by drug traffickers and supplied with intelligence from government agents, was also deeply involved in the 1988 La Mejor Esquina Massacre in which 38 "leftists" were killed. Castano and 13 others were tried in absentia, convicted in August 1991, and issued lengthy prison terms, but Castano remains a fugitive. We have no information about the status of the four Army intelligence officers involved in the case.

[redacted]

#### Trujillo Murders

The Colombian Attorney General's Office uncovered strong evidence implicating Army and National Police elements in some 45 murders and disappearances that occurred in the town of Trujillo, Valle del Cauca Department, in 1989 and 1990, [redacted] Specifically, then Army Maj. Alirio Antonio Uruena and three members of the National Police allegedly conspired with a local narco-sponsored paramilitary group to kill peasants who were apparently suspected of supporting an earlier ambush by elements of the National Liberation Army guerrilla organization that resulted in the deaths of seven Colombian soldiers. Most of the Attorney General's case was based upon the eyewitness account of Daniel Arcila Cardona--a civilian Army informant who participated in the peasants deaths but then supposedly had a change of heart. Arcila, after being pronounced "insane" by a military psychologist, "disappeared" in 1992 before the case could be brought to a close. The security forces were subsequently absolved of any wrongdoing. As a result of the outrage and subsequent pressure by international and local human rights groups, however, Bogota reopened the case in September 1994 and created an investigative commission composed of governmental and NGO members to review all evidence and issue a report. Samper last February accepted the commission's findings of state complicity and negligence, in the case, agreed to indemnify the victims families, and cashiered now Lt. Col. Uruena. [redacted] [redacted] the high command is angry at the administration for dismissing Uruena.

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Nevertheless [redacted] the Attorney General's Office is continuing with the investigation and may issue indictments against Uruena and others. [redacted]

#### Los Uvos Massacre

The April 1991 deaths of 17 peasants in the Los Uvos sector of Cauca Department resulted in a lengthy government investigation that found several members of the Army guilty of atrocities. According to press reports, a rancher requested assistance from local security forces in dealing with an alleged guerrilla group that was charging him a "war tax" of 10 head of cattle. The soldiers responded by ambushing a rural bus on which they believed some of the rebels were traveling. According to the Attorney General's report, all of the passengers on board were executed, so as not to leave witnesses, and guerrilla propaganda was placed at the site to throw investigators off the track. In August 1994, the Attorney General's Office stated its intention to seek the dismissal of three Army officers and three enlisted men for their role in the attack --once dismissed, the six soldiers could be charged in civil courts. The present status of the case is unclear. [redacted]

#### Caloto Massacre

On 16 December 1991, 20 Paez Indians were murdered on the El Nilo Ranch in Caloto, Cauca Department, in what appeared to be a land dispute between local narcotraffickers--supported by elements of the National Police--and the indigenous community. According to press reports, several Indian families moved from the surrounding mountains of Caloto to settle on the El Nilo Ranch in 1987, living peacefully on the land until it was sold to known Medellin drug traffickers Orlando Villa Zapata and Jose Alberto Bernal Seijaz, who subsequently began a campaign to evict the Indians. Witnesses have alleged that local National Police forces had cooperative relations with Villa and Bernal, had prior knowledge of the attack, and participated in it. Following an investigation by the Attorney General's Office, Villa and several others were arrested and sentenced to jail, although the criminal investigations of two police officers--a police major and the commander of the local police antinarcotics unit--were closed because of "a lack of evidence of criminal responsibility." This case was reopened in early 1994, and several police officers were charged with having prior knowledge of the murders, though not with having been "materially involved." More recent information on this case is not available. [redacted]

#### Río Frio Massacre

On 5 October 1993, 13 peasant farmers were killed in the Río Frio Municipality of Valle Department. The Colombian Army initially described the incident as a clash with guerrilla forces, although a subsequent investigation turned up clear signs of torture and a careless coverup. According to the Attorney General's findings, eyewitnesses

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[redacted]

claim the predawn massacre by hooded men was followed by the arrival of the Army's 3rd Brigade "Palace Battalion"--led by Lt. Col. Felipe Becerra--which did not pursue the attackers but staged the scene to appear as a rebel ambush, dressing the dead in guerrilla uniforms. Strongly supporting these eyewitness accounts, the tortured and bullet-riddled bodies were indeed found in rebel dress, yet the clothing did not have bullet holes. On the basis of the preliminary results of the Attorney General's investigation, the government charged seven soldiers with the coverup--including Becerra, who had also been implicated in the 1988 La Honduras and La Negra massacres, although later acquitted--and plans to try them in civilian proceedings. In October 1994, Defense Minister Botero [redacted] that an arrest warrant for Becerra had been issued and that he had been formally dismissed from the Army, paving the way for a civil indictment. [redacted]

### La Chinita Murders

On 23 January 1994, 35 banana workers--almost all of whom were former guerrillas of a faction of the Popular Liberation Army (EPL) that had surrendered to the government--were killed in the La Chinita neighborhood of Apartado, Antioquia Department. According to press reports of the initial investigations, approximately 20 Revolutionary Armed Forces of Colombia (FARC) rebels dressed in Army and National Police uniforms were responsible for the murders, and these findings were also supported by EPL spokesman Anibal Palacio Tamayo, who also implicated Apartado's mayor, Nelson Campo--a member of the Communist Party. Campo and two other Communist Party leaders were subsequently arrested and charged with having ordered the massacre because the former guerrillas' peace agreement with Bogota was viewed as an impediment to Communist Party recruitment and support. [redacted] In the wake of the subsequent arrests of over 30 left-wing leaders, the FARC, among others, accused Bogota of framing the leftists in an attempt to influence the March congressional elections. However, an exhaustive "followup" investigation by several human rights groups has supported the government's conclusion that the attack was indeed perpetrated by members of the FARC. As of November 1994, a special investigative unit from the prosecutor's office continued to pursue the case. [redacted]


### Sogamoso Killings

On 5 February 1994, Paulino Velandia--Municipal Counselor in Sogamoso, Boyaca Department--was detained by members of the Army's Tarqui Battalion for unknown reasons and released; later the same day he was allegedly attacked by soldiers while he was at the home of two associates, according to press reports. Although Velandia escaped, his friends were killed and two of their children were injured. [redacted] neither the human rights community nor the Colombian press has suggested a motive for the killings. While the Attorney General's Office has moved

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relatively swiftly to complete the preliminary investigation, international human rights groups continue to point to the case as one of the more blatant examples of how the Colombian armed forces operate with virtual impunity. 

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