

July 10, 2001

Commander Manuel Marulanda
General Secretariat
Revolutionary Armed Forces of Colombia-People's Army
Los Pozos, Caquetá
Colombia

Commander Marulanda:

I am writing on behalf of Human Rights Watch to express our deep concern about continuing violations of international humanitarian law committed by the Revolutionary Armed Forces of Colombia-People's Army (*Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo*, FARC-EP), under your command.

I urge you to issue clear and strict instructions to all FARC-EP forces to cease immediately all activities that violate international humanitarian law. At the same time, I also urge you to adopt effective measures that allow the supervision of a policy of respect for international humanitarian law in order to prevent these serious abuses from continuing.

The recent release of police and soldiers, some suffering serious illness, is a positive step that Human Rights Watch recognizes. At the same time, the FARC-EP continues to violate key provisions of international humanitarian law meant to protect civilians and combatants *hors de combat*.

Human Rights Watch welcomes current efforts to achieve peace in Colombia, and we hope that the negotiations taking place between the Colombian government and the FARC-EP will soon bring the conflict to an end. The civilian population of Colombia suffers enormously because of the conflict, with thousands killed, "disappeared," kidnaped, tortured, mutilated, and detained arbitrarily. Many hundreds of thousands have been internally displaced or forced by violence to flee the country. Particularly repugnant is that parties to the conflict, including the FARC-EP, have drawn children into the conflict as combatants, hostages, and spies.

As I will detail below, the FARC-EP has committed serious violations of international humanitarian law. We have found, specifically, that the FARC-EP is responsible for the killings and abductions of civilians, hostage-taking, the use of child soldiers, grossly unfair trials, cruel and inhuman treatment of captured combatants, and forced displacement of civilians. Further, FARC-EP forces continue to use prohibited weapons, including gas cylinder bombs that wreak indiscriminate havoc and cause appalling injuries, and to attack medical workers and facilities in blatant disregard of international law and the most basic standards of respect for human life.

Human Rights Watch's findings are based upon first-hand research in Colombia, including a visit in May-June 2000 to the zone established for peace talks by the Colombian government and the FARC-EP (hereinafter Zone). During that visit, we held meetings with several FARC-EP commanders, and have since received additional information from a wide range of public and private sources.

Since that mission, Human Rights Watch has continued to collect information linking the FARC-EP to serious violations of international humanitarian law. Among the most egregious recent violations is the killing of Congressman Diego Turbay Cote and six others outside Florencia, Caquetá on December 29, 2000. The massacre took place as Turbay, chair of the Peace Commission in Colombia's House of Representatives, and his companions were headed toward a meeting with the FARC-EP leadership in Los Pozos. According to reports, after puncturing the tires of the vehicles and ordering the passengers to lie face down on the road, gunmen shot each person in the head.

The FARC-EP denied committing this massacre, but the Attorney General's office has opened a formal investigation of alleged guerrillas based on testimonies of captured gunmen and other evidence. In press interviews, prosecutors have characterized the evidence linking the FARC-EP and specifically the Teófilo Forero column to the killings as "decisive."¹

Human Rights Watch bases its assessment of the FARC-EP's conduct on the requirements of international humanitarian law, notably article 3 common to the four Geneva Conventions of 1949 and the 1977 Protocol II Additional to the Geneva Conventions. None of these international humanitarian law requirements are open to negotiation. Instead, they impose binding legal obligations on the FARC-EP as a party to the conflict in Colombia.

Commander Marulanda, these instruments should be embraced fully and without condition by you and your organization, and we urge you to make a public commitment to this effect. You should instruct FARC-EP forces to respect these standards scrupulously both within the Zone and elsewhere in Colombia.

In particular, we urge you to issue orders and take effective steps to ensure that FARC-EP forces:

- C cease all extrajudicial killings of civilians;
- C release immediately and unconditionally all hostages held by FARC-EP forces, with guarantees of their safe return to their families;
- C cease using child soldiers, establish mechanisms for the immediate demobilization of child soldiers, and instruct all FARC-EP forces that child soldiers should not be recruited or deployed as combatants in the future;
- C cease holding so-called trials, which lack minimal due process guarantees;
- C ensure that all captured combatants, including police, soldiers, and members of paramilitary groups, are afforded humane treatment, including appropriate medical care, and are permitted regular access to and visits from the International Committee of the Red Cross (ICRC), whose mandate is to promote compliance with and the interpretation of the Geneva Conventions;
- C cease all use of indiscriminate weapons, such as gas cylinder bombs;
- C cease all attacks or threats against medical workers and facilities, including ambulances, hospitals, and clinics.

Human Rights Watch also believes that mechanisms should be put in place without delay to protect the rights of persons residing in the Zone. The estimated 90,000 inhabitants of the five municipalities comprising the Meta and Caquetá departments that make up the Zone were not consulted prior to its establishment in November 1998, and no special mechanisms were put in place to protect their rights following the withdrawal of Colombian police and military forces.

While the offices of the People's Advocate (*Defensoría*) continues to receive complaints of abuses in the Zone, it has neither the power nor resources necessary to intervene to prevent such abuses. The Attorney General's Office,

¹"Las explosivas revelaciones de 'Pantera', comandante del Teófilo Forero," *El Tiempo*, March 2, 2001; "Fiscalía vincula a las Farc en asesinato de Turbay Cote," *El Colombiano*, February 23, 2001; and "Tras Plan contra Gurisatti, *El Tiempo*, February 23, 2001.

which has a legal responsibility to investigate and prosecute abuses, is not able to operate in the Zone, its staff having been forced to leave by order and under threat from the FARC-EP.²

In light of President Andrés Pastrana's February 2001 decision to extend the Zone for eight months, Human Rights Watch believes that it is imperative that effective measures be taken to ensure the protection of the rights of all residents of the Zone. We therefore urge the FARC-EP to make a public commitment to permit immediately a system of independent national and international monitoring within the Zone.

Applicable International Legal Standards

Human Rights Watch's assessment of the actions of the FARC-EP is primarily guided by two sets of international legal standards: article 3 common to the four Geneva Conventions of 1949 and the 1977 Protocol II Additional to the Geneva Conventions.³ These standards extend no political recognition, status, or approval to any armed group. Their object is simply to minimize human suffering and establish respect for basic humanitarian rules, which apply even in the midst of hostilities.⁴

Common article 3 covers armed conflicts "not of an international character," and includes the internal armed conflict in Colombia. Common article 3 automatically applies when a situation of armed conflict exists. It covers all parties to the conflict. Protocol II applies when opposing forces in an internal armed conflict are under a responsible command, exercise enough control over territory to mount sustained and coordinated military operations, and have the capacity to implement Protocol II. The situation in Colombia clearly satisfies these criteria.

Among the key standards in these documents relevant to Colombia are prohibitions on the killing of civilians and of combatants who are *hors de combat*, hostage-taking, the use of child soldiers, forced displacement of civilians, and indiscriminate attacks.⁵

1. The definition of civilian population

In accordance with current international practice, we define civilians as persons who do not actively participate in hostilities and are not parties to the conflict. The distinction between civilians and combatants is a key one, and one that did not appear to be understood or accepted by the FARC-EP commanders whom Human Rights Watch met in May-June 2000. Under international humanitarian rules, simply feeding a combatant, disseminating propaganda, or

² Commander Raúl Reyes told Human Rights Watch that the FARC-EP could not accept the presence of judges or prosecutors in the Zone because of their "repressive" character. To date, the FARC-EP has not allowed independent judicial authorities into the Zone according to the Attorney General's office. Human Rights Watch interview, Los Pozos, Caquetá, June 3, 2000. See also "Fue saqueada la Fiscalía de Mesetas (Meta): Asalto en la zona de despeje," *El Tiempo*, July 2, 1999.

³ Colombia adopted Protocol II without reservation and it came into effect on February 15, 1996. República de Colombia, "Actividades del Gobierno de Colombia relativas a la aplicación del Derecho Internacional Humanitario," Santafé de Bogotá, December 1, 1995.

⁴ For more information on FARC-EP violations of international humanitarian law, see *War Without Quarter: Colombia and International Humanitarian Law* (New York: Human Rights Watch, 1998), pp. 131-160, 193-197.

⁵ Section 1 of common article 3 requires that "[p]ersons taking no active part in the hostilities . . . shall in all circumstances be treated humanely." Among other things, it specifically bars the parties to an armed conflict from killing or physically abusing non-combatants. Article 4(3)(c) of Protocol II bars the parties to a conflict from recruiting children under the age of fifteen or allowing them to take part in hostilities. Article 17 of Protocol II prohibits forced displacement.

engaging in political activities in support of an armed group does not convert a civilian into a combatant. Instead, direct participation in hostilities must be present in order for a civilian to lose his or her protected status.⁶

The issue of intelligence gathering is particularly relevant to Colombia. Residents of territories where combatants are present necessarily come across information that could be of assistance to the parties to the conflict and they may, knowingly or unknowingly, transmit it, as occurs in Colombia. Yet the transmission of information does not in itself make such persons combatants. Among the pursuits that would not convert a civilian into a combatant are transmitting information that is gathered in the course of normal activities or transmitting information that is not of direct use in launching an attack.⁷

2. Fair and impartial trials

International humanitarian law also obligates the parties to a conflict to respect fully the fair and impartial trial guarantees contained in article 6 of Protocol II whenever they investigate and punish enemy combatants or their own fighters accused of abuses. The FARC-EP has failed utterly to respect these obligations. Though it has periodically announced trials, including some resulting in executions, they have been marked by gross violations of the guarantees set out in Protocol II.

The FARC-EP rarely informs accused persons of the charges against them or the procedure it intends to follow, and the accused are not permitted adequate means for their defense. Often, the accused are presumed guilty from the outset and they may not even be permitted to be present during the procedure. Finally, the FARC-EP offers no legal remedies to a decision, even in cases resulting in sentences of death. Such trials and executions constitute serious violations of the laws of war.

In a few cases, international pressure has led the FARC-EP to acknowledge its own responsibility for certain gross violations and to announce publicly that it will sanction the perpetrators. For example, during their May-June 2000 visit to the Zone, FARC-EP commanders told Human Rights Watch's representatives that the two FARC-EP combatants who killed American civilians Terence Freitas, Lahe'ena'e Gay, and Ingrid Washinawatok on March 5, 1999 had been found "guilty."⁸ The FARC-EP sentenced the two killers to dig fifty-five yards of trench and clear land, a grossly inappropriate punishment for so grave a crime.

3. The FARC-EP response

During Human Rights Watch's May-June 2000 visit to the Zone, we discussed these international humanitarian law standards with several FARC-EP commanders. They asserted that the standards were not applicable to the armed conflict in Colombia and, in particular, to the conduct of the FARC-EP. In these commanders' view, the standards did not apply because the FARC-EP had not expressly agreed to them, they represented "elite interests," and they were not appropriate to the Colombian context.⁹ Commander Raúl Reyes, a member of the General Secretariat, did claim, however, that the FARC-EP complies with "a good part of Protocol II."

⁶ Michael Bothe, Karl Josef Partsch, and Waldemar A. Solf, *New Rules for Victims of Armed Conflicts: Commentary on the Two 1977 Protocols Additional to the Geneva Conventions of 1949* (The Hague/Boston/London: Martinus Nijhoff Publishers, 1982) (hereinafter "Bothe, *New Rules*"), pp. 292-296.

⁷ *Ibid.*, pp. 263-267.

⁸ Human Rights Watch interview, Los Pozos, Caquetá, June 3, 2000.

⁹ Human Rights Watch interviews, Los Pozos, Caquetá, June 2 and 3, 2000.

Human Rights Watch objects to the suggestion that international humanitarian law principles are segregable, a sort of menu from which parties to the conflict can pick and choose. Such a view has no basis in international law. To the contrary, these principles are an integrated set that have at their heart the protection of the civilian population and of combatants who are *hors de combat*.

While the FARC-EP has at times paid lip service in the past to some requirements of international humanitarian law, it has shown little interest in compliance. Our research shows that even when commanders announce that troops under their authority have been ordered to abide by certain rules, in practice, the FARC-EP continues to violate them. Far from improving, the FARC-EP's record in this regard is worsening.

Abductions and Extrajudicial Executions

In the Zone and areas in dispute with other parties to the conflict, the FARC-EP has established a pattern of abducting civilians suspected of supporting paramilitary groups, many of whom are later killed. Unlike abductions carried out for financial reasons, these abductions are often kept hidden. The FARC-EP generally does not disclose the victims' fate or even acknowledge custody. Relatives of those who are seized by the FARC-EP in these circumstances frequently are unable to obtain any information from the FARC-EP about the fate or whereabouts of their loved ones, causing enormous suffering. The victims of these abductions have no protection under the law, let alone legal remedy against false accusations and abuse, nor can their relatives invoke legal remedies on their behalf.

These violations would qualify as forced disappearances under international human rights law if carried out by government officials or organized groups and private individuals acting on behalf of or with the support of a government. The fact that these actions do not qualify at the moment as a violation of specific human rights treaties should not, however, lead to any confusion about their nature. Abductions are serious human rights abuses independent of legal or linguistic niceties. They also constitute blatant violations of the FARC-EP's obligations under international humanitarian law and in particular key provisions of article 4 of Protocol II, which protects against violence to the life, physical, and mental well-being of persons, torture, and ill-treatment.

Human Rights Watch directly investigated three cases of abductions followed by suspected extrajudicial executions during our stay in the Zone, and received information regarding over twenty more suspected executions. For the year 2000, human rights groups reported that the FARC-EP killed 496 civilians nationwide, many accused of being paramilitary or government sympathizers.¹⁰

1. Juan de Jesús Ossa Giraldo

Human Rights Watch investigated the abduction of Juan de Jesús Ossa Giraldo, which took place just prior to the formal establishment of the Zone. Ossa, then age twenty-two or twenty-three, lived in the town of San Vicente de Caguán and worked in the small Miniteca bistro on the town's main square.

According to friends of the young man, he went on a three-day drinking spree at the end of October 1999 after breaking up with his girlfriend. While drunk, he apparently bragged in public that he worked for the Colombian government.¹¹

¹⁰ This information was compiled by the Center for Research and Popular Education (Centro de Investigación y Educación Popular, CINEP) and released in a press conference on February 14, 2001.

¹¹ Human Rights Watch interview, San Vicente del Caguán, Caquetá, June 6, 2000.

Ossa returned to work on November 2. The following night, three men dressed in civilian clothes abducted him. According to an eyewitness interviewed by Human Rights Watch, the three men entered the Miniteca bistro at around 8 p.m. and sat down at a table with another man. This man, whom the witness believes was a FARC-EP sympathizer, then pointed at Ossa. At that moment, “the three grabbed him, one by his collar, one by his pants, and one by his belt. He tried to resist them and they pulled out their pistols. They had nine millimeter pistols.”¹²

The three armed men took Ossa outside, forced him into the back seat of a waiting yellow taxi with covered license plates, and drove off. His family and friends have not seen him since that time, nor have they been able to obtain firm information about his fate. One of his friends informed Human Rights Watch that a person connected to the FARC-EP later told him that Ossa had been killed.¹³

A FARC-EP commander apparently confirmed this at a meeting with representatives of the office of the People’s Advocate on May 28, 1999, stating that the FARC-EP had executed Ossa because they had “proof that he belonged to the [Colombian military] special forces and was conducting intelligence actions.”¹⁴ However, to our knowledge, the FARC-EP did not provide any evidence to support this allegation, nor has it informed Ossa’s family of his fate.

2. *The Gnostic killings*

At the same meeting on May 28, 1999, a FARC-EP commander identified as Joaquín told the representatives of the People’s Advocate that the FARC-EP had also killed Arnulfo Cala Mejía, Alvaro Garrido, and Richard Rubio. All three were members of a Gnostic Christian group that had been arranging to purchase land near Puerto Rico, just outside the Zone. Between May 9 and 15, 1999, the FARC-EP’s Teófilo Forero column detained approximately eighteen members of this group on suspicion of paramilitary links. Commander Joaquín stated that FARC-EP forces had executed the three named above, detained others for further investigation, and released four minors.¹⁵

The Attorney General’s Human Rights Unit later reported that the FARC-EP had killed ten other members of the group, all adults, and released one.¹⁶

On June 14, 1999, a FARC-EP commander identified as Laurentino was reported to have attempted to justify this to the press by saying that he had ordered the killings of the members of the group because he was not prepared to allow paramilitaries to enter the Zone and derail the peace process. Commander Laurentino provided no evidence to support these accusations.¹⁷ Commander Laurentino was then reputedly the Teófilo Forero column’s head of finances.¹⁸

¹² Ibid.

¹³ Ibid.

¹⁴ Ministerio Público, Defensoría del Pueblo, “Consolidado Personas Retenidas en Zona de Despeje” (undated) (“ajusticiado por las FARC por comprobar que pertenecía a las fuerzas especiales y realizaba acciones de inteligencia”), p. 1 (hereinafter “People’s Advocate List”). This document states that Ossa Giraldo was detained on November 5, 1998, but Human Rights Watch’s three interviewees said the correct date was November 3, 1998. The Zone formally entered into force on November 7.

¹⁵ Ibid.

¹⁶ Human Rights Unit, Attorney General, Report 527 (undated); see also People’s Advocate, Press Release No. 420, June 16, 1999 (naming eleven killed in the incident). The Human Rights Unit report also states that the FARC-EP recruited a sixteen-year-old in the group.

¹⁷ “Una masacre silenciosa,” *Semana*, June 23, 1999.

¹⁸ “Las explosivas revelaciones de ‘Pantera,’ comandante del Teófilo Forero,” *El Tiempo*, March 2, 2001.

3. *Guillermo Lombana Lizcano and William Vargas Silva*

The cases of Guillermo Lombana Lizcano and William Vargas Silva, both reportedly suspected by the FARC-EP of having paramilitary links, were also investigated by Human Rights Watch. Both residents of the town of San Vicente, the two were abducted by the FARC-EP forces on April 16 and April 17, 1999, respectively.¹⁹

Guillermo Lombana, then sixteen years old, had been a high school student but was not currently enrolled in school. He was seized in front of his home on the evening of April 16. His father, Guillermo Lombana Sr., told Human Rights Watch:

He was in the living room here, sitting in a chair. It was about 9:30 p.m. I was here. There were about fifteen of us, the whole family. The FARC arrived, all men, and all armed and in uniform. My son went out to talk to a friend and they were waiting for him. Two of them grabbed him while one stood aside. They put him in a taxi. We ran outside because friends had yelled, "Look, they're taking your boy!" We hadn't had any threats from the FARC, we never had any kind of problem with them. It was a surprise.²⁰

Early the next morning, Guillermo Lombana Sr. began to search for his son:

At 5 a.m. the next morning I went to the checkpoint. I heard he was at the guerrilla camp. They kept sending me to different commanders, who kept saying they knew nothing about the case. They never say they have him. They never say if he's alive. They don't tell me anything.

According to several people interviewed by Human Rights Watch, a few days after his abduction Guillermo Lombana was shown on national television confessing that he worked for the paramilitaries. A woman who saw the program remembered: "He said he took an instructional course in Puerto Rico on how to be a paramilitary, how to get information on the guerrillas. But he wasn't convincing. There were lots of questions to him, but they didn't show the questioner. He kept looking off to the side. He seemed very afraid."²¹

Lombana's father continued:

We were watching television and suddenly saw him on the news. He was on RCN [a television channel] and Caracol [a television channel], lots of different stations. He was upset. They didn't say where he was, just that it was a FARC camp. He kept glancing to the side. He was scared . . . The TV show was the last time I saw him.

Lombana's father has persisted in his quest to find his son, writing letters to FARC-EP commanders and speaking to those who agree to see him. He told Human Rights Watch, "I just want to know if my son is dead or alive. If he's alive, I'd like to see him."

On April 17, 1999, the day after Guillermo Lombana's abduction, William Vargas Silva was also reportedly abducted by the FARC-EP. Vargas, then age twenty-seven, was a metal worker who lived with his parents and three sisters in central San Vicente. His family does not believe he had any connections with paramilitaries. They say he left the house on the afternoon of April 17 and did not return. They were informed by a witness to the event, however,

¹⁹ The People's Advocate list says that Lombana Lizcano was abducted on March 16, 1999, but an eyewitness told Human Rights Watch that the correct date was April 16, 1999.

²⁰ Human Rights Watch interview, San Vicente del Caguán, Caquetá, June 9, 2000.

²¹ Ibid.

that he was abducted by FARC-EP forces and bundled into a yellow taxi, together with his bicycle, at 9 p.m. that night in the center of San Vicente.²²

Members of the family told Human Rights Watch that they searched for him but have been unable to obtain any firm information from the FARC-EP about his whereabouts or fate. His mother said, “We’ve spoken to all of the commanders. They never say whether they have him. They say to wait. They say they’re investigating.”²³

At a meeting on May 28, 1999, a FARC-EP commander informed the representatives of the People’s Advocate that the FARC-EP had detained and was prosecuting both Lombana and Vargas for allegedly conducting paramilitary activities in the Zone. At that time, the office of the People’s Advocate was investigating a total of twenty alleged abductions reportedly carried out within the Zone, some by FARC-EP forces and others by armed men of unknown affiliation.²⁴

As stated above, under international humanitarian law, the FARC-EP has an obligation to ensure that any real or alleged enemy combatants or members of their own forces who are accused of offences receive fair and impartial trials. While acknowledging that a number of those named above have been killed or executed by FARC-EP forces for alleged links to opposing paramilitary forces, the FARC-EP has provided no information to indicate that they received fair and impartial trials. Indeed, Human Rights Watch has found no evidence to indicate that the FARC-EP has made any effort to hold fair and impartial trials. On the contrary, the evidence indicates clearly that persons abducted by FARC-EP forces within the Zone have been summarily executed in gross breach of the laws of war.

4. People’s Advocate investigations

At the May 28, 1999 meeting with representatives of the People’s Advocate’s office, Commander Joaquín stated that the FARC-EP had killed seven other people in the Zone: Hernando León Perdomo, of San Vicente, detained December 27, 1998; José Libardo Cabrera Toro, of San Vicente, detained February 14, 1999; Luis Ernesto Granados, of San Vicente, detained March 15, 1999; Antonio Muñeton, Wilmer Muñeton, and Freddy Valencia, of San Vicente, detained May 18, 1999; and the son of Leonel Enrique Granados Monroy, of Los Pozos, San Vicente, detained in May 1999 and whose name was not included in People’s Advocate report on the meeting.²⁵

The People’s Advocate reported nine other executions by the FARC-EP within the Zone, including Ramiro Herrera Triana, of Vista Hermosa, in September 1999; José Joaquín Reyes López, of Vista Hermosa, in October 1999; and Celiano Taruche Martínez, of Vista Hermosa, in February 2000.²⁶ This figure also includes six people from Guayabal, San Vicente del Caguán, who were reportedly killed by the FARC-EP in late December 1999 or early January 2000.²⁷

²² Ibid.

²³ Ibid.

²⁴ People’s Advocate List.

²⁵ Ibid.

²⁶ People’s Advocate letter, September 14, 1998; People’s Advocate letter, October 28, 1999; People’s Advocate letter, March 8, 2000.

²⁷ People’s Advocate letter, May 22, 2000. The letter names three of the six as Alexander Padilla, Jeiner Amado Gómez, and Enrique N.

In August 2000, the People's Advocate announced that his staff had confirmed a total of twenty-two abductions and twenty-three killings in the Zone since its establishment, although not all were explicitly attributed to the FARC-EP.²⁸

Inhumane Treatment of Captured Combatants

International humanitarian law requires that all parties to a conflict treat captured combatants humanely. This means that the FARC-EP is obligated to extend humane treatment to all members of opposing forces who are in its custody, including the over 450 members of the Colombian police and military currently held.²⁹

In discussions with Human Rights Watch in June 2000, FARC-EP commanders acknowledged the importance of this principle. When asked to specify what rules of international humanitarian law the FARC-EP complies with, commanders uniformly singled out the humane treatment of captured combatants.³⁰

Yet Human Rights Watch is concerned that the FARC-EP has not complied with even these norms. We have received testimony indicating that several captured combatants have been denied medical attention, among them Colombian National Police (CNP) Col. Álvaro León Acosta, captured on April 5, 2000, near Tuluá, Valle, after his helicopter crashed. According to Acosta's family and the CNP, during his fourteen-month captivity he suffered from serious ailments stemming from a back injury sustained in the crash that went untreated.³¹

On June 5, 2001, the Colombian government and FARC-EP finalized an agreement that led to the release that same day of Acosta and the three police agents who were seized with him after the crash.³² In a subsequent interview with the news weekly *Semana* from his hospital bed, Acosta recounted how his untreated injuries caused him excruciating pain and drove him to the brink of suicide three times. His primary care came from his fellow captives and a FARC-EP guerrilla he identified as a nurse who supplied him with sedatives that had virtually no effect.³³

Subsequently, the FARC-EP released over 300 additional police and soldiers held after capture, some also seriously ill.³⁴ In exchange, the government released from prison eleven FARC-EP members also reportedly ill.³⁵

However, reports indicated that not all captives who were seriously ill were among those first to be released. The FARC-EP selected prisoners to be released and did not allow independent organizations, like the ICRC, to examine those who remained.³⁶ According to an association of family members that was allowed to visit 261 detainees in

²⁸ J.J. Pinilla, "El Estado responde por los perjuicios en zona de despeje," *El Tiempo*, August 25, 2000.

²⁹ Human Rights Watch interview with Gen. Luis Gilibert, commander, CNP, Santafé de Bogotá, January 10, 2001. For the requirement that detained persons be treated humanely, see article 5, Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

³⁰ Human Rights Watch interviews, Los Pozos, Caquetá, June 2 and 3, 2000.

³¹ Human Rights Watch electronic mail communication with Marleny Orjuela Manjarres, President, Asociación Colombiana de Familiares de Miembros de la Fuerza Pública Retenidos por Grupos Guerrilleros (ASFAMIPAZ), March 31, 2001; and "'Si no lo entregan, muere: Gilibert'," *El Tiempo*, December 24, 2000.

³² The agents were John Alexander Ruiz Marín, Harold González, and José Murillo Balcázar. "Agreement between the government and FARC-EP," June 5, 2001, signed by Camilo Gómez Alzate, High Commissioner for Peace, and Jorge Briceño and Joaquín Gómez, FARC-EP; and "Terminó el drama del coronel Álvaro Acosta," *El Colombiano*, June 6, 2001.

³³ "'Conocí el infierno'," *Semana*, June 11, 2001.

³⁴ Comunicado del Estado Mayor Central de las FARC Ejército del Pueblo, Jorge Briceño and Joaquín Gómez, June 16, 2001.

³⁵ "Últimas horas de los subversivos en prisión," *El Tiempo*, June 17, 2001.

³⁶ "'Farc los examinaron', Gómez," *El Tiempo*, June 19, 2001.

February 2001, one police agent, Manuel Alejandro Martínez, suffered serious burns prior to his capture and requires surgery. Others reportedly have a variety of jungle diseases that have gone untreated, including malaria, fungi, constant diarrhea because of contaminated water, and leishmaniasis, which can be fatal if untreated. Many reportedly suffer severe trauma and psychological ailments from prolonged captivity under harsh conditions.³⁷

The FARC-EP has never allowed the ICRC or any other independent group to visit any of the captured security force members remaining after the June 2001 releases and collect their own information. According to the reports of family members who visited them in February 2001, the detainees are kept in rudimentary shelters that lack proper drainage, sanitation, and clean water.³⁸

Indiscriminate Weapons

Increasingly, the FARC-EP is using weapons that cause significant and avoidable civilian casualties, in violation of international humanitarian rules. Among them are gas cylinder bombs, which are impossible to aim consistently and often strike civilian homes and shops as well as churches, health centers, and municipal offices, causing avoidable civilian casualties.

Gas cylinder bombs are made with a tank normally used to supply a household stove. The tank is loaded with fuel and shrapnel, then placed in a tube packed with dynamite. Typically, the tube is placed on the bed of a pickup truck positioned near the area that guerrillas intend to attack. The tank is launched when operators light a fuse linked to the dynamite charge. The tubes cannot be aimed accurately and are considered indiscriminate weapons.

The use of indiscriminate weapons is a violation of one of the most fundamental principles of the laws of war, which requires that combatants be distinguished from noncombatants and that military objectives be distinguished from protected property or protected places. Parties to a conflict must direct their operations only against military objectives.

Under Protocol I, article 51(4), indiscriminate attacks are prohibited. Indiscriminate attacks are attacks that are not directed solely against a military objective; that employ a method or means of combat that cannot be directed at a specific military objective; or employ a method or means of combat whose effects cannot be limited as required by the Protocol; and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.

Although this protocol applies only to situations of international armed conflict, the provisions prohibiting indiscriminate warfare are part of customary international law and are binding on all parties to both internal and international conflicts.

In Vigía del Fuerte, Antioquia, a FARC-EP attack with gas cylinder bombs on March 25, 2000 resulted in the deaths of six civilians as the gas cylinders exploded on their homes. Among the dead were Nuria del Caicedo, her four-year-old son Jair, and her three-year-old daughter Leydy. The town's center was left a ruin, with the parish building, the mayor's offices, the power company, and ten civilian dwellings destroyed.³⁹

³⁷ Human Rights Watch electronic mail communication with Marleny Orjuela Manjarres, ASFAMIPAZ, March 31, 2001.

³⁸ Ibid.

³⁹ In the attack, the FARC-EP also allegedly violated the prohibition on killing combatants *hors de combat*. Twenty-three police agents died in the attack, and police reported that several had been executed and mutilated after surrendering. "Quemaron a alcalde de Vigía del Fuerte y mataron a dos niños," *El Tiempo*, March 28, 2000; "Vicepresidente exige a actores

There have also been reports that the FARC-EP may be adding substances to these weapons to increase their destructive power. In San Antonio de los Micos, Tolima, for instance, the CNP reported that they had found signs that guerrillas had added ammonium nitrate to the gas cylinder bombs used in the February 25, 2001 attack on the town. Guerrillas destroyed the residence of the local priest and several civilian homes.⁴⁰

The FARC-EP itself has recognized that these devices cause avoidable civilian casualties. In an interview with the newspaper *Voz*, Commander Jorge Briceño, known as “Mono Jojoy” and a member of the General Secretariat, said “What we have acknowledged is that mistakes have been committed with the use of [gas cylinders], the civilian population has been affected and this is not our intention.”⁴¹

Nevertheless, the FARC-EP continues to use gas cylinder bombs. In the first four months of 2001, the FARC-EP used gas cylinder bombs in at least two attacks on Colombian towns.⁴²

Hostage-taking

Hostage-taking violates international humanitarian law, in particular article 1(b) of Common article 3 of the Geneva Conventions, and article 4(2)(c) of Protocol II. Hostages are defined by the ICRC as persons who “find themselves, willingly or unwillingly, in the power of the enemy and who answer with their freedom or their life for compliance with [the enemy’s] orders.”⁴³ In Colombia, acts that qualify as hostage-taking under international humanitarian law are commonly known as “kidnaping.”

One of the cases documented by Human Rights Watch is that of Henry A. Grosch-Garces, who was seized by the FARC-EP at his residence at La Bocana, on Buenaventura’s harbor, on May 28, 1999. Subsequently, his family received several telephone calls demanding a ransom from a man who identified himself as a representative of the FARC-EP’s Thirtieth Front. The family was also sent letters apparently written by Henry Grosch-Garces that pleaded for money. In one of the last calls, the caller told the family that Grosch-Garces was seriously ill.⁴⁴

A former hostage who claimed that he had been held briefly with Henry Grosch-Garces told Grosch-Garces’ family that Grosch-Garces was being held hostage by members of the FARC-EP. The former hostage said he had seen Henry Grosch-Garces in October 1999 and that he had then appeared close to death. The family has received no further information about him.⁴⁵

In the past, the FARC-EP has promised to stop taking hostages.⁴⁶ Nevertheless, the FARC-EP recently issued what it termed “Law 002,” which states that anyone in Colombia with assets of U.S. \$1 million or more must pay “taxes” to the FARC-EP or risk being taken hostage.⁴⁷ Although the numbers of persons currently held hostage by

armados respeto al D.I.H.,” *El Tiempo*, March 28, 2001.

⁴⁰ “Guerra química,” *Cambio*, March 5, 2001.

⁴¹ “Lo de los cilindros nos preocupa,” *VOZ: La verdad del pueblo*, Edition 2086, March 21-27, 2001.

⁴² “Pueblo del Cauca cumple años entre las ruinas,” *El Tiempo*, April 3, 2001; and “Policía tomó el control: 30 guerrilleros muertos en Ataco (Tolima),” *El Tiempo*, April 6, 2001.

⁴³ Yves Sandoz and others, *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949*, p. 874.

⁴⁴ Human Rights Watch interviews with the Grosch-Garces family, July 18, 2000.

⁴⁵ Human Rights Watch interviews with the Grosch-Garces family, July 18, 2000.

⁴⁶ Acuerdo entre la Comisión de Paz y las FARC-EP, Mesetas, Meta, March 28, 1984.

⁴⁷ “‘Intimidación de FARC no se puede admitir,’” *El Espectador*, April 27, 2000.

the FARC-EP are not known, País Libre, an independent nongovernmental organization that studies kidnaping, attributed 701 hostage-takings to the FARC-EP in 2000.⁴⁸

Human Rights Watch was not able to investigate the use of the Zone as a location for the detention of hostages seized elsewhere, a problem that has been credibly reported by others, including the U.N. High Commissioner for Human Rights (UNHCHR).⁴⁹ According to that office, among those held in 2000 were Andrés Felipe Navas Suárez, three years old, and Clara Olivia Pantoja, five years old, both seized in Bogotá and taken to the Zone until their families paid a ransom for their release. In its annual report, the UNHCHR singled out the Navas and Pantoja kidnappings as particularly abhorrent, converting children into “object[s] of cruel commerce.”⁵⁰

Attacks on Medical Workers and Health Facilities

Human Rights Watch is deeply concerned about the FARC-EP’s continuing attacks on medical workers and health facilities, including ambulances. The laws of war clearly prohibit attacks on medical personnel or the wounded in their care, including combatants, or on medical facilities, including ambulances, hospitals and clinics.⁵¹ Indeed, the prohibition extends not only to such formal facilities, but to any structure or vehicle that is marked with the red cross symbol and is being used exclusively at the time to convey or treat the wounded.

In a much publicized incident, paramilitaries killed a seventeen-year-old FARC-EP combatant who was being transported by an ICRC medical team near Apartadó, Antioquia, on October 2, 2000. Ten days later, the FARC-EP committed a similar grave violation when its forces killed a wounded paramilitary who was then under ICRC protection. In both cases, the killings were reportedly sanctioned by the commanders of the units concerned. The ICRC condemned both killings as “grave breach[es] of international humanitarian law” and suspended its medical rescue operations for three months.⁵²

FARC-EP guerrillas reportedly conducted a further attack on an ambulance on January 8, 2001 near Anorí, Antioquia. In this case, the ambulance was carrying a pregnant woman in urgent need of medical care. Nevertheless, it was stopped by FARC-EP guerrillas who forced the pregnant woman and her nurse to get out, and then burnt the vehicle. In doing so, they put at risk the lives of both the pregnant woman and her child. Authorities at Anorí’s San Juan de Dios Hospital also reported that the FARC-EP had threatened to bomb the hospital, supposedly to protest the fact that medical professionals there treat individuals who may be paramilitaries.⁵³

⁴⁸ País Libre statistical summary for 2000, available at <http://www.paislibre.org.co>.

⁴⁹ “Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia,” E/CN.4/2001/15, February 8, 2001; and “País Libre hace llamado a actores armados: Secuestro, prioritario en negociaciones de paz,” *El Colombiano*, February 27, 2001.

⁵⁰ “Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia,” E/CN.4/2001/15, February 8, 2001.

⁵¹ Articles 9, 10 and 11, Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

⁵² ICRC press release, October 3, 2000; “Red Cross suspends combat work in Colombia,” *Reuters*, October 3, 2000. Human Rights Watch condemns both killings equally.

⁵³ “Parto en retén guerrillero en Antioquia,” *El Tiempo*, January 11, 2001.

Child Soldiers

Another issue of great concern to Human Rights Watch is the FARC-EP's use of child soldiers. Article 4(3)(c) of Protocol II prohibits parties to an armed conflict from recruiting children under the age of fifteen or allowing them to take part in hostilities.⁵⁴

It should also be noted that Colombia has signed, but not yet ratified, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. The Optional Protocol raises the age of recruitment and participation in armed conflict from fifteen to eighteen. Article 4 of the Optional Protocol calls on "armed groups distinct from the armed forces of a State"—in other words, groups such as the FARC-EP—to cease recruiting or deploying persons under age eighteen. Although the Optional Protocol has not yet entered into force, it reflects a clear international trend in favor of the adoption of age eighteen as a minimum age for participation in armed conflict. Human Rights Watch strongly supports this principle, believing that the use of minors as soldiers is seriously detrimental to their health, welfare, and social development.

In its 1999 annual report, the Inter-American Commission on Human Rights explained why keeping minors away from armed conflict is so important:

The use of children and adolescents in armed conflicts places their lives, well-being, and education at great risk. They are forced to use high-caliber weapons. They are required to lay explosives, to kill other children who are considered "traitors" or change their minds, and to participate in kidnappings, surveillance, and bomb intelligence work. In some cases, children as young as eight are used for these perilous tasks. These illegal, perverse practices subject boys, girls, and youths to the inherent risks of combat, to sexual abuse, and to other forms of abusive, brutal, and humiliating treatment. They are drawn into a culture of violence, and their rights to education and to ordinary participation in society are curtailed.⁵⁵

Human Rights Watch's research suggests that the FARC-EP continues to recruit children, including minors under fifteen. Children living in the Zone are particularly vulnerable. During its visit to San Vicente del Caguán, Human Rights Watch interviewed several former child soldiers and relatives of child soldiers. A representative of a group that advocates for the return of minors to their families told Human Rights Watch that she knew the names of over one hundred minors from the San Vicente municipality who belong to the FARC-EP. Many, she said, were under fifteen years old.⁵⁶

A list compiled by the People's Advocate's office, based on family members' complaints about children recruited by the FARC-EP within the Zone in 1999, contained fourteen names, among them the name of an eleven-year-old girl.⁵⁷ Human Rights Watch visited several of the families on the list. We were able to confirm that four of those listed had joined the FARC-EP; a fifth had joined but since left, and a sixth, according to family members, had not joined the FARC-EP at all.⁵⁸

⁵⁴ Colombia has also ratified the Convention on the Rights of the Child, which fixes the minimum recruitment age at fifteen. Article 38, Convention on the Rights of the Child.

⁵⁵ Inter-American Commission on Human Rights, *Annual Report of the Inter-American Commission of Human Rights 1999*, April 13, 2000, Chapter VI (available at <http://www.cidh.oas.org/annualrep/99eng/Chapter6a.htm>).

⁵⁶ Human Rights Watch interview, San Vicente del Caguán, June 3, 2000.

⁵⁷ Letter from Alix Duarte Lizcano, People's Advocate's office, to Victor G. Ricardo, Alto Comisionado para la Paz, March 16, 2000.

⁵⁸ Human Rights Watch interviews, San Vicente del Caguán, Caquetá, June 6-7, 2000.

None of those interviewed by Human Rights Watch said their children had been forced to join the FARC-EP. Rather, they said that the children had been enticed by promises of a better life. Most were children from impoverished background, with few prospects. Some were from broken homes; one was an orphan. The desperate circumstances these children face spoke volumes about their willingness to enlist with an armed insurgent group.

While children living in the Zone may not be forcibly recruited into the FARC-EP, once integrated into the ranks many are unable to leave. Human Rights Watch was told by relatives of such recruits that minors have to get “permission” from their commanders before they are allowed to leave the FARC-EP, and that this is often difficult to obtain. According to a member of the People’s Advocate’s staff, who has worked with children previously enlisted in the FARC-EP: “The guerrillas offer adventure, but when the novelty wears off, [the under age recruits] are prevented from returning home.”⁵⁹

Human Rights Watch interviewed one thirteen-year-old girl, “Carmen,” who had been living in her cousin’s house when two FARC-EP members recruited her. They told her that life would be good if she joined the FARC-EP. Carmen had an unstable family life and a poor relationship with her mother, and agreed to join.

Carmen told Human Rights Watch that out of approximately 130 members of her unit, around fourteen were under fifteen and at least half were younger than eighteen. None, as far as she knew, had been forcibly recruited.

She complained that a FARC-EP commander, age thirty, had pressured her to have sexual relations with him. They had sex several times over a ten-day period. She was given an injection, she said, as a form of birth control. A female FARC-EP member told Carmen that she did not have to have sex with the commander, and Carmen refused his next advance.

Carmen had left the FARC-EP in mid-May 2000, when her mother visited the guerrilla camp and requested her release. Carmen said that she was not anxious to leave the FARC-EP, but that her fear of dying in combat helped her to decide to go home with her mother.⁶⁰

Human Rights Watch also interviewed the mother of a fourteen-year-old girl who had spent three months with the FARC-EP in early 2000. During this period, the mother went persistently from commander to commander trying to obtain information about her daughter’s whereabouts and to arrange her return. She wrote numerous letters informing both FARC-EP and Colombian government authorities of the situation.

Finally, in May 2000, the daughter came home. According to the mother, when her daughter returned from the FARC-EP, she was sick and anemic, with an eye infection and huge blisters on her feet. Her daughter also reportedly told her that she had sexual relations with another member of the FARC-EP, and had contracted a venereal “problem.”⁶¹

Another family told Human Rights Watch that their female relative had joined the FARC-EP in May 1999 at age sixteen. She entered the FARC-EP a month after she had started work as a domestic servant. Her family thought she had wanted to escape from her job. Since she had joined, they had spoken to her by phone a few times and had visited her twice. About four months after joining she became disillusioned with her life as a FARC-EP guerrilla, and

⁵⁹ Human Rights Watch interview, People’s Advocate’s office, Santafé de Bogotá, January 10, 2001.

⁶⁰ Human Rights Watch interview, San Vicente del Caguán, June 2, 2000.

⁶¹ Human Rights Watch interview, San Vicente del Caguán, Caquetá, June 3, 2000.

wanted desperately to leave. But the FARC-EP refused to let her go, telling her that it would be dangerous for her if she were to return to her family. “She cries when she speaks to us,” said her sister. “She wants to come home.”⁶²

A family living in a rural area in the San Vicente municipality told Human Rights Watch that their son, “Jorge,” had joined the FARC-EP in April 1999 at age fifteen. Jorge hated the army because army soldiers had killed his father when he was five. He had dropped out of school by the time he was recruited by the FARC-EP. According to his family, the FARC had told Jorge that he could spend two months with them to be trained. But after two months he did not return.

Between April and December 1999, his mother told Human Rights Watch, she had seen Jorge three times. “The last time I saw him was in December,” said his mother, who cried when describing the visit. “He was sick with malaria.”⁶³

At that time, he told her that he was ready to leave the FARC-EP, but that he needed permission to do so. She spoke with one commander to try to obtain such permission. When Human Rights Watch saw her in 2000 she was trying to speak to another commander in the hope that he could arrange the necessary permission.

Gaining this permission to leave the FARC-EP is critical even for children, who risk that group’s most severe punishment if they desert. As the UNHCHR pointed out in its report for the year 2000, the FARC-EP applied the same punishment to child deserters as adults. “The punishment for ‘deserters’ is the firing squad and this is applied regardless of the age of the deserter.”⁶⁴

FARC-EP commanders have repeatedly stated that they will abide by a minimum recruitment age of fifteen. When Olara Otunnu, the U.N. Secretary-General’s special representative for children and armed conflict, met with FARC-EP Commander Raúl Reyes in 1999, Reyes reportedly promised that the FARC-EP would no longer accept or recruit persons under age fifteen.⁶⁵

In June 2000, Commander Carlos Antonio Lozada told Human Rights Watch that the FARC-EP had set fifteen as its minimum recruitment age in 1996. He admitted, however, that “until recently, this norm was not enforced.” But, as of April 2000, after Commander Jorge Briceño’s firm statements on the matter, it had become “a norm of obligatory force” and would, in the future, be followed.⁶⁶

Commander Briceño reportedly gave a speech at San Vicente del Caguán in April 2000 in which he acknowledged that the FARC-EP had committed “errors,” including the use of child soldiers under age fifteen. According to residents who heard the speech, Briceño promised that the FARC-EP would take steps to remedy matters, such as returning under-age guerrillas to their families.⁶⁷

After this speech, San Vicente residents reported that a number of FARC-EP child combatants were returned to their families, including one girl of twelve. In February 2001, the FARC-EP handed over sixty-two children that they

⁶² Human Rights Watch interview, San Vicente del Caguán, Caquetá, June 6, 2000.

⁶³ Human Rights Watch interview, San Vicente del Caguán, Caquetá, June 7, 2000.

⁶⁴ “Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia,” E/CN.4/2001/15, February 8, 2001.

⁶⁵ United Nations press release, “Special Representative of the Secretary-General for Children and Armed Conflict Calls on the FARC-EP of Colombia to Honour Commitments on Recruitment of Children,” HR/OO/9, January 31, 2000.

⁶⁶ Human Rights Watch interview, Los Pozos, Caquetá, June 2, 2000.

⁶⁷ Human Rights Watch interviews, San Vicente del Caguán, Caquetá, June 2-3, 2000.

claimed had been combatants to the United Nations Children's Fund. At the same time, the FARC-EP pledged to demobilize 500 more under-age combatants in the months ahead.⁶⁸ According to the office of the People's Advocate, however, an estimated 60 percent of FARC-EP fighters are believed to be under fifteen.⁶⁹

Evidence in support of this claim emerged in late 2000 after combat between the FARC-EP and the Colombian Army, in a maneuver that the army labeled "Operation Berlin." Independent observers reported to Human Rights Watch that dozens of children were among the guerrillas registered as killed or captured after government troops intercepted the FARC-EP's "Arturo Ruiz" column outside the Zone near Tibú, Norte de Santander. The Colombian Army announced that thirty-two of those captured were aged seventeen or under, including several younger than fourteen, and a third were females. Of those killed, twenty were said by the army to be children.⁷⁰

Forced Displacement

Forced displacement of civilians is prohibited under article 17 of Protocol II. Unless civilians are required to be moved for purposes of their own safety or due to a clear military imperative, any displacement for reasons related to the conflict is prohibited. It should be noted that forced displacement often occurs as the result of other violations, including killings and threats.

As far as Human Rights Watch is aware, there are no accurate figures on the level of forced displacement from the Zone. It is clear, however, that the FARC-EP's control of the Zone has generated some forced displacement. According to the Consultancy for Human Rights and Forced Displacement (*Consultoría para los Derechos Humanos y el Desplazamiento*, CODHES), an independent human rights group based in Bogotá, at least 3,700 people left the Zone in 1999.⁷¹

Some fled because they were specifically threatened. Others fled out of fear that their children would be recruited by the FARC-EP or that they would be attacked because the FARC-EP accused them of links with paramilitaries.⁷² An informed source based in the town of San Vicente estimated that some 300 persons had fled the San Vicente area because of threats or fear since the Zone's establishment.⁷³ The People's Advocate has documented several cases of displacement, including that of Bogdan Bujalski, a priest who was based in La Julia, Uribe, and who was forced to flee on September 12, 1999 on the FARC-EP's orders.⁷⁴

Conclusion

Commander Marulanda, as we noted in the introduction to this letter, Human Rights Watch welcomes peace negotiations aimed at ending political violence and international humanitarian law violations in Colombia. But we also believe that immediate action is required by all parties to the conflict to cease the abuses that are described in this letter. Without the necessary attention to upholding the rules of war, it will be all the more difficult to build the confidence and trust necessary between the parties to bring Colombia's long and bloody conflict to an end.

⁶⁸ Andrés Cala, "Trading in rifles for schoolbooks," *The Gazette* [Montreal], March 8, 2001.

⁶⁹ Human Rights Watch interview, People's Advocate's office, Santafé de Bogotá, January 10, 2001.

⁷⁰ Human Rights Watch interview, People's Advocate's office, Santafé de Bogotá, January 10, 2001; Juan Forero, "Colombian Army Goes High Up to Fight Rebels," *New York Times*, December 19, 2000.

⁷¹ Human Rights Watch interview, Santafé de Bogotá, May 29, 2000.

⁷² Human Rights Watch interviews, Florencia, Caquetá, May 31, 2000, and San Vicente del Caguán, Caquetá, June 1, 2000.

⁷³ Human Rights Watch interview, San Vicente del Caguán, Caquetá, June 1, 2000.

⁷⁴ Letter from the office of the People's Advocate, September 13, 1999.

The protections that we have repeatedly referred to should not be subject to negotiation, but are the obligation of the FARC-EP as well as the Colombian government forces and paramilitaries.

Commander Marulanda, as the maximum commander of the FARC-EP, it is your responsibility to ensure that these fundamental principles of international humanitarian law designed to protect civilians and combatants *hors de combat* are adopted and enforced by the commanders of FARC-EP Blocks (*Bloques*) and Fronts (*Frentes*) under your command in Colombia.

Sincerely yours,

José Miguel Vivanco
Executive Director