

July 8, 2003

Colombia: Human Rights Certification Under Public Law 108-7

The United States currently sends \$755 million in assistance to Colombia, the bulk of which is allocated to Colombia's military. That includes over \$100 million in emergency funds authorized this year as part of the war on terror.

Twenty-five percent of the security assistance administered by the State Department—approximately \$64 million—is subject to five human rights conditions. The U.S. Congress established these conditions to encourage the Colombian government to make clear and convincing progress in protecting human rights; in breaking ties between Colombia's military and paramilitary groups; and in carrying out effective prosecutions of those responsible for serious human rights violations.

The certification released on July 8 released half of that amount, or \$32 million. Another certification decision for the remainder is due before the end of the fiscal year.

Despite important pressure from the United States, Colombia has so far failed to meet any of the conditions contained in Public Law 108-7, which authorizes foreign assistance for fiscal year 2003. In spite of this failure, the State Department chose to certify Colombia's compliance. This is the fifth time in three years that the State Department has certified Colombia's compliance with statutory human rights conditions. Each time, in Human Rights Watch's view, certification has been granted in disregard of compelling evidence of Colombia's non-compliance.

Human Rights Watch believes that faulty certifications constitute a missed opportunity to improve human rights conditions in Colombia. The negative effect of the current certification is compounded by the U.S. decision on July 1 to suspend \$5 million of the \$32 million in military aid to Colombia for failing to exempt all American citizens from prosecution before the International Criminal Court. At the very least, the U.S. is sending a deeply contradictory message to Colombians that accountability can be sacrificed to political expediency. At worst, it is a perverse signal that countries like Colombia will be punished for resisting the granting of immunity to American citizens for possible crimes against humanity.

This is especially striking this year due to the changes in U.S. law, which allows 75 percent of the aid—over \$300 million—to be disbursed without human rights conditions. In other words, human rights can no longer be blamed for holding up a major portion of the aid used to serve other policy goals, among them the fight against illegal narcotics.

In addition to human rights conditions, PUBLIC LAW 108-7 allows the State Department to use funds to train and equip Colombian military units to fight terrorism if it can certify that the Colombian Armed Forces are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations. According to Human Rights Watch, Colombia has failed to meet this additional condition.

This certification comes at an important moment for Colombia. Even as Human Rights Watch acknowledges that the Colombian armed forces are arresting more paramilitaries than

in years past, this has yet to translate into effective action that includes the arrest of top leaders and the breaking of ties between the military and paramilitary groups. In short, the links between the military and paramilitary groups remain as strong as ever.

Disturbingly, high-ranking military officers continue to verbally attack human rights defenders who report on allegations of abuses, a practice reminiscent of the security forces past tendency to treat the defense of human rights as a criminal act. For example, while in Washington recently, Brigadier General Camelo accused human rights NGOs of waging a “legal war” against the military. Further, he claimed that human rights groups were “friends of subversives” and that they formed part of a larger strategy coordinated by the guerrillas.¹

COMPLIANCE WITH Sec. 564. (a)

2 (A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

There is no evidence to show that the Commander General of the Colombian Armed Forces is regularly exercising the power held by this office to suspend officers implicated in human rights abuses. To the contrary, our evidence shows that officers credibly alleged to have committed abuses remain on active duty and in command of troops.²

This state of affairs is widely recognized by both Colombian and U.S. State Department officials. Indeed, Colombian military officers have publicly and emphatically rejected the proposal that they suspend members of the military based on credible evidence of human rights crimes, arguing that such an action would amount to “pre-judging” the guilt of the officer involved.³

In its 2003 human rights report, the State Department noted that Colombia’s Defense Ministry reported that members of the military and police charged by civilian prosecutors were suspended from their duties. However, it is important to point out that these suspensions are carried out only *after* civilian prosecutors issue a formal arrest warrant, not when credible allegations are made, as U.S. law requires. Normally, an arrest warrant takes years to issue, if it is issued at all. Waiting that long for action defeats the purpose of the suspension requirement, which is meant to foster timely action once credible allegations are made, often within hours or days of an incident.⁴

For example, in a case involving the detention, torture, and subsequent execution of Uberney Giraldo Castro and José Evelio Gallo, two members of the dissident guerrilla group known as

¹ Presentation by Brigadier José Arturo Camelo, Executive Director of the Defense Ministry’s Judge Advocate General’s office, at a conference in Washington on April 10, 2003.

² The U.S. Congress has stipulated that “suspending” means “removal from active duty and assignment to administrative duties only.”

³ A recent defense of this position was given by Brigadier José Arturo Camelo, Executive Director of the Defense Ministry’s Judge Advocate General’s office, at a conference in Washington on April 10, 2003. The conference was sponsored by the U.S. Army’s Southern Command.

⁴ U.S. State Department, Country Reports on Human Rights Practices for 2002, Colombia chapter, March 31, 2003 [online], <http://www.state.gov/g/drl/rls/hrrpt/18325.htm> (retrieved on May 20, 2003).

the Current of Socialist Renovation (Corriente de Renovación Socialista, CRS), in 2000, the Colombian military failed to suspend Capt. Carlos Alirio Buitrago Bedoya and Col. Miguel Angel Sierra Santos even after the two had been formally charged as suspects by the Procuraduría, which oversees the conduct of government officials and can issue administrative sanctions. Along with several subordinates, the men were also formally named as suspects in an ongoing criminal investigation by the Attorney General's Human Rights Unit.⁵ However, both remain on active duty.⁶

Another, better known case involves the Santo Domingo bombing of civilian homes. On December 13, 1998, a Colombian Air Force helicopter launched rockets during a prolonged clash with units of the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP) near the village of Santo Domingo, Arauca. According to residents, several rockets hit civilian homes. Eighteen civilians died, among them seven children.⁷

Despite credible evidence linking an Air Force helicopter to the launch of the rockets, the crew involved—Captain César Romero Pradilla, Lt. Johan Jiménez, and Technician Mario Hernández—were never suspended and remain on active duty.⁸

This lack of rigor in response to alleged human rights violations is in stark contrast to how Colombia's military deals with other types of infractions. The Colombian military regularly suspends soldiers when they have been implicated in violations of military regulations or procedure. For example, after soldiers failed to take necessary precautions and mistakenly fired on a group of elementary school students in August 2000, near Pueblo Rico, Antioquia, killing six of them, the soldiers were suspended within twenty-four hours. In this case, the soldiers and the unit commander were placed in preventative detention pending the ruling by a military tribunal.⁹ More recently, soldiers implicated in the theft of millions of dollars seized from guerrillas were suspended immediately pending an investigation.¹⁰

2 (B) The Colombian Government is prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or

⁵ U.S. State Department, Country Reports on Human Rights Practices for 2002, Colombia chapter, March 31, 2003, [online], <http://www.state.gov/documents/organization/19598.doc> (retrieved on May 20, 2003).

⁶ Email communication with the Comisión Colombiana de Juristas, July 8, 2003; and "Comentarios de las organizaciones de derechos humanos de Colombia frente al cumplimiento de los condicionamientos de la asistencia military estadounidense," Asamblea Permanente de la Sociedad Civil por la Paz, MINGA, Bando de Datos, Comisión Colombiana de Juristas, CODHES, Corporación Colectivo de Abogados "José Alvear Restrepo," Fundación Comité de Solidaridad con los Presos Políticos, May 2003.

⁷ Human Rights Watch, *The "Sixth Division": Military-paramilitary Ties and U.S. Policy in Colombia* (New York: Human Rights Watch, 2001) [online], <http://www.hrw.org/reports/2001/colombia/4.htm> (retrieved on July 8, 2003).

⁸ "Comentarios de las organizaciones de derechos humanos de Colombia frente al cumplimiento de los condicionamientos de la asistencia military estadounidense," Asamblea Permanente de la Sociedad Civil por la Paz, MINGA, Bando de Datos, Comisión Colombiana de Juristas, CODHES, Corporación Colectivo de Abogados "José Alvear Restrepo," Fundación Comité de Solidaridad con los Presos Políticos, May 2003.

⁹ It should be noted that military tribunals almost always conclude their inquiries by closing cases without filing charges or by declaring suspects innocent even when there is abundant evidence against them, as they did in this case. Presentation by Brigadier José Arturo Camelo, Executive Director of the Defense Ministry's Judge Advocate General's office, at a conference in Washington on April 10, 2003.

¹⁰ "Soldados implicados en robo de dinero de las Farc hicieron un pacto de silencio," *El Tiempo*, May 21, 2003 [online], http://eltiempo.terra.com.co/coar/noticias/ARTICULO-WEB-NOTA_INTERIOR-1097636.html

abetted paramilitary organizations, and is punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations.

According to the State Department's 2003 human rights report, "Despite some prosecutions and convictions, the [Colombian] authorities rarely brought high-ranking officers of the security forces charged with human rights offenses to trial." In addition, the report noted: "Impunity for military personnel who collaborated with members of paramilitary groups remained common."¹¹

In case after case, the armed forces ignore credible evidence gathered against officers, taking advantage of the country's slow, partial and often impotent judicial system to evade accountability. This tactic is particularly effective now, as Attorney General Luis Camilo Osorio has slowed down or blocked critical investigations into military support for and tolerance of paramilitary activity. In many regions, prosecutors are simply too afraid to aggressively investigate, fearing both the military and lack of support for their investigations from the Attorney General. The result has been that many cases languish in "preliminary investigations."¹²

Within days of taking office on July 31, 2001, Attorney General Osorio forced the resignations of the director and former director of the specialized Human Rights Unit. Over the following months, he continued purging the office of officials who had worked on sensitive human rights cases and sent a clear message to those who remained that efforts to prosecute human rights violations committed by army officers would not be welcome. Over a dozen current and former justice officials described Osorio as having damaged morale among prosecutors and investigators and undermined the prospects of achieving justice in key cases.¹³

As a result, major human rights investigations that had gathered momentum during his predecessor's term have been severely undermined under Osorio's watch. The attorney general's handling of these cases is likely to encourage the common perception among military and paramilitary forces that human rights abuses are an acceptable form of warfare.¹⁴

To counter these charges, the Attorney General's office has released statistics purported to demonstrate progress on investigating and prosecuting human rights cases. Between August 1 2001 and March 2003, prosecutors issued 279 arrest warrants (*medidas de aseguramiento*) that affected 598 people, among them 194 paramilitaries and 323 guerrillas.¹⁵

However, in only a minority of these cases are the accused even in custody. As seriously, the majority are low-level fighters or individuals whose guilt or innocence is unknown. As we note later in this document, Colombian institutions that oversee the judicial system have raised serious questions about reported arrests by the security forces of suspected guerrillas

¹¹ U.S. State Department, Country Reports on Human Rights Practices for 2002, Colombia chapter, March 31, 2003 [online], <http://www.state.gov/g/drl/rls/hrrpt/18325.htm> (retrieved on May 1, 2003).

¹² Human Rights Watch: *A Wrong Turn: A Record of the Colombia Attorney General's Office*, Vol. 14, No. 2 (B), November 2002 [online], <http://hrw.org/reports/2002/colombia/> retrieved on May 20, 2003).

¹³ Ibid.

¹⁴ Ibid.

¹⁵ "Fiscalía se defiende con estadísticas," *El Tiempo*, April 30, 2003.

and paramilitaries, pointing out that it is often impossible to determine the individuals' names or even what charges would ever be made against them.¹⁶

The following are representative examples of cases in which the Colombian government has failed to prosecute military officers implicated in gross human rights violations, in assisting paramilitary groups, or in tolerating paramilitary abuses:

General Carlos Ospina Ovalle: Prosecutors have documented extensive ties between the Fourth Brigade and paramilitary groups between 1997 and 1999, while General Ospina was in command. Among the cases is the October 1997 El Aro massacre, allegedly perpetrated by Fourth Brigade units in cooperation with paramilitaries. Government investigators documented through eyewitness testimony and other evidence that a joint army-paramilitary force surrounded the village and maintained a perimeter while paramilitaries entered the town, rounded up residents, and executed four people. One of the key investigators on this case, human rights lawyer Jesús Valle, was murdered in 1998 by gunmen. Ospina was never properly investigated even though he was the commanding officer of at least three battalion commanders later convicted for their ties to paramilitary groups.¹⁷ He is currently commander of Colombia's Army.

General Carlos Ávila Beltrán: As a colonel, Ávila was the commander of the "Joaquín París" Battalion in San José del Guaviare at the time of the 1997 Mampiripán massacre of over thirty people. Subsequently, the Procuraduría found that he had failed to take appropriate action to defend civilians from attack and called for a letter of reprimand to be placed in his file. A judge investigating the case also called on the Attorney General to open a formal investigation of Ávila's role.¹⁸ Nevertheless, Ávila has been promoted regularly and is currently Colombia's military attaché in South Korea.¹⁹

2 (C) The Colombian Armed Forces are cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

The armed forces have improved cooperation with judicial authorities in some areas. Yet serious problems remain, and this improvement has not resulted in the level of cooperation required to meet this condition.

¹⁶ Procuraduría General de la Nación, "La zona de rehabilitación y consolidación de Arauca: Informe Especial," May 19, 2003 [online], http://www.procuraduria.gov.co/noticias/2003/may/19/B_160_Mayo_19_2003_Informe_Arauca.html (retrieved on May 20, 2003).

¹⁷ Human Rights Watch, *The Ties that Bind: Military-Paramilitary Links* (New York: Human Rights Watch, 2000) [online], <http://www.hrw.org/reports/2000/colombia/> (retrieved on July 3, 2003).

¹⁸ "Juez solicitó proceso contra coronel del Ejército," RCN broadcast, August 27, 2001 [online], <http://www.procesodepaz.com/notas/Agosto272001/A627N3.html> (retrieved on May 20, 2003).

¹⁹ "Comentarios de las organizaciones de derechos humanos de Colombia frente al cumplimiento de los condicionamientos de la asistencia military estadounidense," Asamblea Permanente de la Sociedad Civil por la Paz, MINGA, Bando de Datos, Comisión Colombiana de Juristas, CODHES, Corporación Colectivo de Abogados "José Alvear Restrepo," Fundación Comité de Solidaridad con los Presos Políticos, May 2003.

One glaring example is the Santo Domingo case, mentioned above. Instead of carrying out an impartial investigation, the military engaged in a cover up, blaming the incident on a guerrilla car bomb. However, government investigators later determined that the shrapnel responsible for the civilian deaths came from a U.S.-made rocket launched from a helicopter assigned to the First Air Combat Command, based at Palanquero. The helicopter pilots told investigators that they received targeting coordinates from AirScan, a U.S. contractor working for the air force. To date, the investigation has not progressed in a satisfactory manner, leading the United States to suspend military aid to the First Air Combat Command by invoking the section of U.S. law that prohibits military aid from being sent to units of a foreign military that engage in abuses unless effective judicial measures are taken.²⁰

Another example involves the La Cabuya massacre, which took place in Arauca in November 1998. Government investigators believe that army officers under the command of Lt. Col. Orlando Pulido Rojas coordinated with paramilitaries to massacre five people, including a pregnant woman.²¹ Although required to by law, Lt. Col. Pulido refused to testify to civilian authorities for six months. Another suspect, Lt. Sandro Quintero Muñoz, left the military base where he was reportedly confined, and was later reported “missing” by the military, before civilian investigators could record his testimony.²²

In the CRS case, also mentioned above, court documents show that the military initially reported the CRS representatives as guerrillas killed in action, which prosecutors later refuted based on their conclusions that the men had been seized by soldiers, tortured, then killed. After the military requested and received the men’s clothing, they burned it, preventing further inquiry. According to the Attorney General’s Forensic Laboratory, the military also refused to release to civilian prosecutors weapons required for a ballistic test, part of a pattern of obstruction that characterized this case.²³

2 (D) The Colombian Armed Forces are severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations.

There continue to be numerous and credible reports of joint military-paramilitary operations and military tolerance for paramilitary activity throughout Colombia.

²⁰ The section of law is commonly referred to as the Leahy Amendment, after its main sponsor, Senator Patrick Leahy (D-VT). “Colombia: Aid Suspension Decision Welcomed,” Human Rights Watch, November 21, 2002 [online], <http://www.hrw.org/press/2002/11/colombia112102.htm> (retrieved on July 2, 2003).

²¹ “Ordenan la detención preventiva de un Tte Cnel acusado de homicidio,” *Boletín de Prensa No. 087 de la Fiscalía*, March 6, 2003 [online], <http://www.derechos.org/nizkor/colombia/doc/cnelpulido.html> (retrieved on May 20, 2003).

²² In the past, Human Rights Watch has reported that soldiers confined to military installations because of arrest warrants have eluded detention with relative ease, a phenomenon that continues. Email communication with the Colombian Commission of Jurists, May 20, 2003; and “ASEGURADOS SOLDADOS VOLUNTARIOS POR HOMICIDIO AGRAVADO,” *Boletín 290, Fiscalía General de la Nación*, September 6, 2002 [online], <http://www.fiscalia.gov.co/pag/divulga/Bol2002/septiem/bol290.htm> (retrieved on May 20, 2003).

²³ “Comentarios de las organizaciones de derechos humanos de Colombia frente al cumplimiento de los condicionamientos de la asistencia military estadounidense,” Asamblea Permanente de la Sociedad Civil por la Paz, MINGA, Bando de Datos, Comisión Colombiana de Juristas, CODHES, Corporación Colectivo de Abogados “José Alvear Restrepo,” Fundación Comité de Solidaridad con los Presos Políticos, May 2003.

According to the State Department's 2003 human rights report, "credible allegations of cooperation with paramilitary groups, including instances of both passive support and direct collaboration by members of the public security forces, particularly the army, continued. Evidence suggested that there were tacit arrangements between local military commanders and paramilitary groups in some regions, since paramilitary forces operated freely in some areas despite a significant military presence. Some members of the security forces actively collaborated with members of paramilitary groups--passing them through roadblocks, sharing intelligence, providing them with ammunition, and allegedly even joining their ranks while off duty."²⁴

Human Rights Watch has received credible reports of collaboration from throughout Colombia. In many parts of the country, paramilitaries continue to move uniformed and heavily armed troops unhindered past military installations. Although the Colombian government describes these ties as the result of the acts of "individual members of the security forces," and not a matter of policy or even tolerance, it is abundantly clear that the range of acts depend on the approval, collusion, and tolerance of high-ranking officers.

For instance, in the department of Chocó, the community of Jiguamandó has frequently reported that residents have seen soldiers from the Seventeenth Brigade patrolling with paramilitary units.²⁵ Although the Magdalena River north of the city of Barrancabermeja is heavily militarized, international and national aid workers are routinely stopped, searched and questioned by paramilitaries operating within minutes of military checkpoints administered by the Fifth Brigade.²⁶

Mayors, municipal officials, governors, human rights groups, the Public Advocate's office and even some police detachments regularly inform the appropriate authorities about credible threats by paramilitaries or even planned massacres. Yet only rarely do military forces take effective action.

2 (E) The Colombian Armed Forces are executing orders for capture of leaders of paramilitary organizations that continue armed conflict.

There is no evidence that the Colombian Armed Forces have arrested top paramilitary leaders. Arrest statistics provided by the military are overwhelmingly skewed toward low-ranking members of paramilitary groups or individuals whose participation in these groups is alleged, not proven.²⁷

Compared to past years, the government reported more clashes between its troops and illegal armed groups and more arrests in 2003. According to Defense Ministry statistics, the authorities captured 2,358 suspected guerrillas and 1,162 suspected paramilitaries in the first

²⁴ U.S. State Department, Country Reports on Human Rights Practices for 2002, Colombia chapter, March 31, 2003 [online], <http://www.state.gov/g/drl/rls/hrrpt/18325.htm> (retrieved on May 1, 2003).

²⁵ Informe Ejecutivo 20, Consejo Comunitario del Jiguamiando y Curbaradó, "RETENIDA COMISIÓN HUMANITARIA. CONTINUA AVANZADA MILITAR ENCUBIERTA," March 15, 2003.

²⁶ Email from aid organization to Human Rights Watch, June 10, 2003.

²⁷ Embassy of Colombia, "Background and context of election of Álvaro Uribe," May 2003.

six months of 2003.²⁸ Yet a review of unresolved cases—El Salado, Chengue, Barrancabermeja, Alto Naya, among others—demonstrates that despite these numbers, the vast majority of the paramilitary leaders who planned and ordered these atrocities remain unpunished and at large.

In PUBLIC LAW 108-7, the U.S. Congress allocated not less than \$5,000,000 to support a Colombian Armed Forces unit dedicated to apprehending the leaders of paramilitary organizations, believing that “the capture of these individuals, for which there are numerous outstanding arrest warrants, could contribute significantly to reducing atrocities against civilians by these terrorist organizations as well as enhancing public confidence in the Colombian Government's ability to protect public safety.”

However, this unit has yet to produce results. None of the cases that we forwarded as benchmarks for previous certifications in 2000 or 2001 have resulted in the arrests of the paramilitary leaders who planned, coordinated, and paid for the murders of human rights defenders, government prosecutors, or large numbers of Colombian civilians. Only a few of the actual gunmen and women have been arrested or convicted, while abundant evidence points to others as having ordered these attacks.

(3) The balance of such funds may be obligated after July 31, 2003, if the Secretary of State certifies and reports to the appropriate congressional committees, after such date, that the Colombian Armed Forces are continuing to meet the conditions contained in paragraph (2) and are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

Actions taken by Colombia's government have yet to restore authority to any part of Colombia under the effective control of illegal groups. While operations may involve many troops and vehicles, they have not resulted in effective action to arrest the leaders or financial backers of illegal groups.

The government has claimed as success the decrease in massacres registered in 2002. While the decrease is genuine, it is far from clear that this is due to effective government action. To the contrary, the decrease appears to have reflected a change in paramilitary tactics rather than a decrease in overall violence. Witnesses, church officials, and municipal observers, among others, have described to Human Rights Watch how paramilitaries seized large groups of people, and then killed individuals separately, to avoid the publicity that results when incidents are recorded as massacres.

As the Bogotá office of the United Nations High Commissioner for Human Rights noted in March 2003, “Although these [tactics] had less drastic effects than the massacres, [paramilitaries] committed numerous individual executions. The Office was informed of cases in which the paramilitaries, after choosing their victims from a large group of people they had abducted, killed them individually or in small groups, leaving the bodies scattered in different locations.”²⁹

²⁸ Clara Isabel Vélez Rincón, “Aumentó eficiencia en acciones contra ilegales,” *El Colombiano*, July 2, 2003 [online], <http://www.elcolombiano.terra.com.co/hoy/ndh001.htm> (retrieved July 2, 2003).

²⁹ Informe Anual del Alto Comisionado sobre Derechos Humanos en Colombia, February 24, 2003, E/CN.4/2003/13 [online].

Although the government claimed to have retaken control of neighborhoods in Medellín and Barrancabermeja, human rights groups report that in fact, control has been delegated to paramilitaries, who now determine who may live in certain neighborhoods, how they must behave, how they must dress, and what happens to them should they break rules established by paramilitary commanders.³⁰ Currently in Medellín's Comuna 13, for example, control appears to be in dispute not between guerrillas and paramilitaries, but between rival paramilitary groups, one with close ties to drug trafficking and organized crime.³¹

According to Colombia's national planning department, illegal armed groups increased in number again in 2002. In addition to paramilitaries, there were over twenty-one thousand guerrillas, most belonging to the Revolutionary Armed Forces of Colombia-People's Army, FARC-EP).³²

In May, the Public Advocate and Procuraduría released a joint report that concluded that the two "rehabilitation zones" established by the Uribe Administration to regain state control have not only failed to achieve the promised results, but have resulted in a worsening of the situation for the Colombians who live within their boundaries. In a study that reviewed the eight months that the departments of Arauca and Bolívar have been administered by the military, the report concluded "threats against local mayors continued, violent deaths due to the conflict increased and the number of complaints of human rights violations by the State increased."³³

So far, special measures taken in Arauca have clearly benefited the security forces, but have not provided security to locals. In 2002, there was a notable drop in security force casualties as a result of the declaration of a special zone, from thirty-one wounded in the five months prior to the establishment of the zone to four wounded subsequently. However, attacks on civilians dramatically increased. The authorities registered twenty-three wounded prior to the zone and sixty-three wounded after its declaration. In particular, killing by suspected paramilitary groups have sharply increased along with attacks by guerrillas.³⁴

Especially dramatic were the report's conclusions on reported arrests by the security forces of suspected guerrillas. The Procuraduría investigated the March 16 captures of fifty-six alleged members of the FARC-EP, fifty-four alleged members of the Camilist Union-National Liberation Army (Unión Camilista-Ejército de Liberación Nacional, UC-ELN), and nine of alleged paramilitaries. As of May, the institution noted, there was no information available about the charges against these individuals. It was also impossible to verify whether

<http://www.hchr.org.co/documentoseinformes/informes/altocomisionado/informe2002.html> (retrieved on May 19, 2003).

³⁰ Human Rights Watch interviews, Medellín, Antioquia, June 2002.

³¹ "Comuna 13 serie," *El Colombiano*, October 17-24, 2002 [online],

http://www.elcolombiano.com.co/proyectos/serieselcolombiano/textos/conflicto_urbano/home_conflicto.htm (retrieved May 21, 2003).

³² Departamento Nacional de Planeación, Cifras de Violencia, March 2003 [online],

http://www.dnp.gov.co/01_cont/indicado/VIOLENCIA.HTM#top (retrieved on May 20, 2003).

³³ Procuraduría General de la Nación, "La zona de rehabilitación y consolidación de Arauca: Informe Especial," May 19, 2003 [online],

http://www.procuraduria.gov.co/noticias/2003/may/19/B_160_Mayo_19_2003_Informe_Arauca.html (retrieved on May 20, 2003).

³⁴ Ibid.

or not these arrests had been carried out with or without a warrant or who, in fact, these individuals were and what they were accused of.³⁵

Most of the arrests took place as part of “Operación Heróica” in Saravena. Although the Colombian Army claimed to have been accompanied by members of the Attorney General’s office during these arrests, prosecutors denied that they had taken part. The Procuraduría noted that many of those detained or searched were community leaders and trade unionists; offices searched included unions and local NGOs, with no reported evidence found of any illicit activity.³⁶

The insecurity affecting human rights defenders is especially dramatic. In 2002, seventeen defenders were reported killed, the worst year since 1997. In many areas, human rights groups were disbanded. Dozens of human rights defenders have either suspended their activities or left Colombia as refugees. A two-year government effort to resolve outstanding cases, including the murders of human rights defenders, through a special interministerial committee had yet to deliver results. Indeed, the individuals responsible for over a decade’s worth of previous attacks remained largely unpunished.³⁷

³⁵ Ibid.

³⁶ Ibid.

³⁷ Human Rights Watch, World Report 2003 (New York: Human Rights Watch 2003) [online], <http://www.hrw.org/wr2k3/americas4.html> (retrieved on May 21, 2003)